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

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 26–03]

RIN 1685–AA40

Extension of Import Restrictions on Archaeological Material of Costa Rica

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological material from the Republic of Costa Rica, which were originally imposed by CBP Decision 21–06. The CBP regulations are being amended to reflect this extension through January 15, 2031.

DATES: Effective on January 15, 2026.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, otrrculturalproperty@cbp.dhs.gov. For operational aspects, Queena Fan, Director, Interagency Collaboration Division, Trade Programs Directorate, Office of Trade, (202) 945–7064, 1USGBranch@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823

U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On January 15, 2021, the United States and the Government of the Republic of Costa Rica (Costa Rica) entered into a Memorandum of Understanding entitled “Memorandum of Understanding between the Government of the United States and the Government of the Republic of Costa Rica Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Costa Rica” (the MOU). The MOU entered into force upon signature on January 15, 2021, and reflects an agreement to impose import restrictions on certain categories of archaeological material representing Costa Rica’s cultural heritage ranging in date from approximately 12,000 B.C. to A.D. 1550. On April 1, 2021, CBP published a final rule (CBP Dec. 21–06) in the **Federal Register** (86 FR 17055), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions, including a list designating the types of archaeological material covered by the restrictions.

On April 22, 2025, the United States Department of State proposed in the **Federal Register** (90 FR 16912) to extend the MOU. On August 7, 2025, after considering the views and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the MOU for an additional five years. Pursuant to an exchange of diplomatic

notes, the United States and Costa Rica have agreed to extend the MOU for an additional five-year period, through January 15, 2031.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of archaeological material from Costa Rica will continue in effect through January 15, 2031. Importation of such material from Costa Rica continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List of restricted material from Costa Rica covered by these import restrictions is set forth in CBP Dec. 21–06. The Designated List and additional information may also be found at the following website address: <https://www.state.gov/current-agreements-and-import-restrictions> by selecting the materials for “Costa Rica.”

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small

businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the

authority to prescribe and approve regulations related to cultural property import restrictions.

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director of the Regulations and Disclosure Law Division of CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *
Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;
* * * * *

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for “Costa Rica” to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Costa Rica	Archaeological material representing Costa Rica’s cultural heritage from approximately 12,000 B.C. to A.D. 1550.	CBP Dec. 21–06, extended by CBP Dec. 26–03.
* * * * *	* * * * *	* * * * *

* * * * *

Robert F. Altneu,
Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2026–00585 Filed 1–13–26; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 26–02]

RIN 1685–AA39

Extension of Import Restrictions on Categories of Archaeological and Ethnological Material From Morocco

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological and ethnological material from the Kingdom of Morocco (Morocco), which were

originally imposed by CBP Decision 21–02. The CBP regulations are being amended to reflect this extension through January 14, 2031.

DATES: Effective on January 14, 2026.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, or *ot-trrculturalproperty@cbp.dhs.gov*. For operational aspects, Queena Fan, Director, Interagency Collaboration Division, Trade Programs Directorate, Office of Trade, (202) 945–7064, or *1USGBBranch@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological

material. The Secretary of the Treasury, or the Secretary’s delegate, is authorized to, by regulation, promulgate and, when appropriate, revise the list of designated archaeological and/or ethnological materials covered by an agreement between State Parties to the Convention (19 U.S.C. 2604). Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years, beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On January 14, 2021, the United States and the Kingdom of Morocco (Morocco) entered into a Memorandum of Understanding entitled, “Memorandum of Understanding between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Morocco” (the

MOU). The MOU entered into force upon signature on January 14, 2021, and reflects an agreement to impose import restrictions on certain categories of archaeological material ranging in date from approximately 1 million B.C. to A.D. 1750, as well as certain categories of ethnological material from the Saadian and Alaouite dynasties ranging in date from approximately A.D. 1549 to 1912. On January 22, 2021, CBP published a final rule (CBP Dec. 21–02) in the **Federal Register** (86 FR 6561), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of archaeological and ethnological material covered by the restrictions.

On December 30, 2024, the United States Department of State proposed in the **Federal Register** (89 FR 106724) to extend the MOU. On August 7, 2025, after considering the views and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the MOU for an additional five years. Pursuant to an exchange of diplomatic notes, the United States and Morocco have agreed to extend the MOU for an additional five-year period, through January 14, 2031.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The designated list is also being revised to clarify that one of the subcategories of ethnological material that comes under “Wood” includes all writing materials. The restrictions on the importation of categories of archaeological and ethnological material from Morocco will continue in effect through January 14, 2031. Importation of such material from Morocco continues to be restricted until that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

Amended Designated List

The Designated List, covering archaeological material from approximately 1 million B.C. to A.D. 1750, and ethnological material from approximately A.D. 1549 to 1912, that are protected pursuant to the existing 2021 agreement, has been revised. One category of ethnological material under the subheading “Wood” is being revised to “writing materials,” rather than only “writing implements,” as it was previously phrased. For clarity, the category is also being revised to include additional specific reference to

inscribed wooden tablets in its description.

The Designated List of restricted material and additional information may also be found at the following website address: <https://www.state.gov/current-agreements-and-import-restrictions> by selecting the material for “Morocco.” For ease of reference, the Designated List that was published in CBP Dec. 21–02, including the revisions mentioned above, is reproduced below:

Amended Designated List of Archaeological and Ethnological Material of Morocco Categories of Material

The Agreement between the United States and Morocco includes the categories of objects described in the Designated List set forth below. Importation of material on this list is restricted unless the material is accompanied by documentation certifying that the material left Morocco legally and not in violation of the export laws of Morocco.

The Designated List includes certain archaeological and ethnological material from the Kingdom of Morocco. The archaeological material in the Designated List includes, but is not limited to, objects made of stone, ceramic, metal, bone, ivory, shell, glass, faience, semi-precious stone, painting, plaster, and textiles ranging in date from approximately 1 million B.C. to A.D. 1750. The ethnological material included in the Designated List contains architectural elements, manuscripts, and ceremonial and ritual objects of the Islamic culture from the Saadian and Alaouite dynasties ranging in date from approximately A.D. 1549 to 1912. This would exclude Jewish ceremonial or ritual objects.

I. Archaeological

- A. Stone
- B. Ceramic
- C. Metal
- D. Bone, Ivory, Shell, and Other Organic Materials
- E. Glass, Faience, and Semi-Precious Stone
- F. Painting and Plaster
- G. Textiles, Basketry, and Rope

II. Ethnological

- A. Stone
- B. Metal
- C. Ceramic and Clay
- D. Wood
- E. Bone, Ivory, and Shell
- F. Glass and Semi-Precious Stone
- G. Leather, Parchment, and Paper

I. Archaeological Material

Archaeological material covered by the Agreement includes categories of objects from the Paleolithic, Neolithic,

Phoenician, Greek, Mauritanian, Roman, Byzantine, and Islamic (Idrisid, Almoravid, Almohad, Marinid, Saadian, and Alaouite) periods and cultures ranging in date from approximately 1 million B.C. to A.D. 1750.

Approximate chronology of well-known archaeological periods and sites:

- a. *Paleolithic period* (c. 1 million–6500 B.C.): Thomas Quarry, Sidi Abderrahmane, Jebel Irhoud, Dar Soltane 2, Taforalt Cave
- b. *Neolithic period* (c. 6500–300 B.C.): Kaf Taht El Ghar, Rouazi Skhirat, Tumulus of Mzoura
- c. *Phoenician period* (c. 600–300 B.C.): Lixus, Mogador, Tangiers, Thamusida
- d. *Mauretanian period* (c. 300–49 B.C.): Lixus, Tangiers, Thamusida, Volubilis, Rirha
- e. *Roman period* (c. 40 B.C.–A.D. 600): Banasa, Cotta, Dchar Jdid, Kouass, Lixus, Mogador, Rirha, Sala, Tamuda, Thamusida, Volubilis
- f. *Islamic period* (c. A.D. 600–present):¹ Aghmat, Al-Mahdiya, Belyounech, Chichaoua, Essaouira, Fez, Figuig, Ighliz, Moulay Idris, Qsar es-Seghir, Marrakesh, Meknes, Rabat, Sala, Sijilmasa, Tetouan, Tinnal, Volubilis (Walila)

A. Stone

1. Architectural Elements—This category includes doors, door frames, window fittings, columns, capitals, bases, lintels, jambs, archways, friezes, pilasters, engaged columns, altars, prayer niches (*mihirabs*), screens, fountains, inlays, and blocks from walls, floors, and ceilings of buildings. Architectural elements may be plain, molded, or carved and are often decorated with motifs and inscriptions. Marble, limestone, sandstone, and gypsum are most commonly used, in addition to porphyry and granite.

2. Mosaics—Floor mosaics are made from stone cut into small bits (tesserae) and laid into a plaster matrix. Wall and ceiling mosaics are made with a similar technique, but may include tesserae of both stone and glass. Subjects can include landscapes; scenes of deities, humans, or animals; religious imagery; and activities, such as hunting or fishing. There may also be vegetative, floral, or geometric motifs and imitations of stone.

3. Architectural and Non-Architectural Relief Sculptures—Types include carved slabs with figural, vegetative, floral, geometric, or other decorative motifs, carved relief vases,

¹ Import restrictions concerning archaeological material from the Islamic period apply only to those objects dating from c. A.D. 600–1750.

steles, palettes, and plaques. All types can sometimes be inscribed in various languages. Sculptures may be used for architectural decoration, including in religious, funerary (*e.g.*, grave markers), votive, or commemorative monuments. Marble, limestone, and sandstone are most commonly used.

4. Monuments—Types include votive statues, funerary or votive stelae, and bases and base revetments made of marble, limestone, and other kinds of stone. These may be painted, carved with relief sculpture, decorated with moldings, and/or carry dedicatory or funerary inscriptions in various languages.

5. Statuary—Types include large-scale representations of deities, humans, animals, or hybrid figures made of marble, limestone, or sandstone. The most common type of statuary are freestanding life-sized portrait or funerary busts (head and shoulders of an individual) measuring approximately 1 m to 2.5 m (approximately 3 ft to 8 ft) in height. Statuary figures may be painted.

6. Figurines—Figurines are small-scale representations of deities, humans, or animals made of limestone, calcite, marble, or sandstone.

7. Sepulchers—Types of burial containers include sarcophagi, caskets, reliquaries, and chest urns made of marble, limestone, or other kinds of stone. Sepulchers may be plain or have figural, geometric, or floral motifs painted on them. They may be carved in relief, and/or have decorative moldings.

8. Vessels and Containers—These include bowls, cups, jars, jugs, lamps, flasks, and smaller funerary urns. Funerary urns can be egg-shaped vases with button-topped covers. Vessels and containers can be made of marble, limestone, calcite, or other stone.

9. Furniture—Types include thrones, tables, and beds, from funerary or domestic contexts. Furniture may be made from marble or other stone.

10. Tools and Weapons—Chipped stone types include blades, borers, scrapers, sickles, burins, notches, retouched flakes, cores, arrowheads, cleavers, knives, chisels, and microliths (small stone tools). Ground stone types include grinders (*e.g.*, mortars, pestles, millstones, whetstones, querns), choppers, spherical-shaped hand axes, hammers, mace heads, and weights. The most commonly used stones are flint, chert, obsidian, and other hard stones.

11. Jewelry—Types include seals, beads, finger rings, and other personal adornment made of marble, limestone, or various semi-precious stones, including rock crystal, amethyst, jasper, agate, steatite, and carnelian.

12. Seals and Stamps—These are small devices with at least one side engraved (in intaglio and relief) with a design for stamping or sealing. Stamps and seals can be in the shape of squares, disks, cones, cylinders, or animals.

13. Rock Art—Rock art can be painted and/or incised drawings on natural rock surfaces. Tazina-style art is common from southern Morocco. Common motifs include humans, animals, such as horses, and geometric and/or floral elements.

B. Ceramic

1. Architectural Elements—These are baked clay (terracotta) elements used to decorate buildings. Examples include acroteria, antefixes, painted and relief plaques, revetments, carved and molded bricks, knobs, plain or glazed roof tiles, and glazed tile wall ornaments and panels.

2. Figurines—These include clay (terracotta) statues and statuettes in the shape of deities, humans, and animals ranging in height from approximately 5 cm to 20 cm (2 in to 8 in). Ceramic figurines may be undecorated or decorated with paint, appliques, or inscribed lines.

3. Vessels and Containers—Types, forms, and decoration vary among archaeological styles and over time. Shapes include jars, jugs, bowls, pitchers, basins, cups, storage and shipping amphorae, cooking pots (such as Roman *mortaria*), and large water jugs (*zirs*). Examples may be painted or unpainted, handmade or wheel-made, and may be decorated with burnishes, glazes, or carvings. Roman terra sigillata and other red gloss wares are particularly characteristic. Ceramic vessels can depict imagery of humans, deities, animals, floral decorations, or inscriptions.

4. Lamps—Lamps can be handmade or molded, glazed or unglazed, and may have “saucer,” “slipper,” or other forms; they typically will have rounded bodies with a hole on the top and in the nozzle, handles or lugs, and may be decorated with motifs, such as beading, human faces, and rosettes or other floral elements. Inscriptions may also be found on the body. Later period examples may have straight or round, bulbous bodies with a flared top and several branches.

5. Objects of Daily Use—These include game pieces, loom weights, toys, tobacco pipes, and andirons.

C. Metal

1. Statuary—These are large- and small-scale, including deities, human, and animal figures in bronze, iron, silver, or gold. Common types are large-

scale, freestanding statuary ranging in height from approximately 1 m to 2.5 m (approximately 3 ft to 8 ft) and life-size busts (head and shoulders of an individual).

2. Reliefs—These include plaques, appliques, steles, and masks, often in bronze. Reliefs may include inscriptions in various languages.

3. Inscribed or Decorated Sheet Metal—These are engraved inscriptions and thin metal sheets with engraved or impressed designs often used as attachments to furniture or figures. They are primarily made of copper alloy, bronze, or lead.

4. Vessels and Containers—Forms include bowls, cups, plates, jars, jugs, strainers, cauldrons, and boxes, as well as vessels in the shape of an animal or part of an animal. This category also includes scroll and manuscript containers, reliquaries, and incense burners. These vessels and containers are made of bronze, silver, or gold, and may portray deities, humans, or animals, as well as floral motifs in relief. They may include an inscription.

5. Jewelry—Jewelry includes necklaces, chokers, pectorals, finger rings, beads, pendants, bells, belts, buckles, earrings, diadems, straight pins and fibulae, bracelets, anklets, girdles, wreaths and crowns, cosmetic accessories and tools, metal strigils (scrapers), crosses, and lamp holders. Jewelry may be made of iron, bronze, silver, or gold. Metal can be inlaid with items, such as colored stones and glass.

6. Seals and Sealings—Seals are small devices with at least one side engraved with a design for stamping or sealing. Types include finger rings, amulets, and seals with a shank. Seals can be made of lead, tin, copper, bronze, silver, and/or gold. Sealings are lead strips, stamped in Arabic, used for closing bags of coins.

7. Tools—Types include hooks, weights, axes, scrapers, hammerheads, trowels, locks, keys, nails, hinges, tweezers, ingots, mirrors, thimbles, and fibulae (for pinning clothing). Tools may be made of copper, bronze, or iron.

8. Weapons and Armor—This includes body armor, such as helmets, cuirasses, bracers, shin guards, and shields, and horse armor, often decorated with elaborate designs that are engraved, embossed, or perforated. This also includes both launching weapons (*e.g.*, spears, javelins, arrowheads) and hand-to-hand combat weapons (*e.g.*, swords, daggers, *etc.*) in copper, bronze, and iron.

9. Lamps—Lamps can be open saucer-type or closed, rounded bodies with a hole on the top and in the nozzle, handles, or lugs. They can include

decorative designs, such as beading, human faces, animals or animal parts, and rosettes or other floral elements. This category includes handheld lamps, candelabras, braziers, sconces, chandeliers, and lamp stands.

10. Coins—This category includes coins of Numidian, Mauretanian, Greek/Punic, Roman, Byzantine, Islamic, and Medieval Spanish types that circulated primarily in Morocco, ranging in date from the fifth century B.C. to A.D. 1750. Coins were made in copper, bronze, silver, and gold. Examples may be square or round, have writing, and show imagery of animals, buildings, symbols, or royal figures.

D. Bone, Ivory, Shell, and Other Organic Materials

1. Small Statuary and Figurines—These include representations of deities, humans, or animals in bone or ivory. These range from approximately 10 cm to 1 m (4 in to 40 in) in height.

2. Reliefs, Plaques, Steles, and Inlays—These are carved and sculpted and may have figurative, floral, and/or geometric motifs.

3. Jewelry—Types include amulets, pendants, combs, pins, spoons, bracelets, buckles, beads, and pectorals. Jewelry can be made of bone, ivory, and spondylus shell.

4. Seals and Stamps—These are small devices with at least one side engraved with a design for stamping or sealing. Seals and stamps can be in the shape of squares, disks, cones, cylinders, or animals.

5. Vessels and Luxury Objects—Ivory, bone, and shell were used either alone or as inlays in luxury objects, including furniture, chests and boxes, writing and painting equipment, musical instruments, games, cosmetic containers, and combs. Objects can include decorated vessels made of ostrich eggshell.

6. Tools—Tools include bone points and awls, burnishers, needles, spatulae, and fish hooks.

7. Manuscripts—Manuscripts can be written or painted on specially prepared animal skins (e.g., cattle, sheep, goat, camel skins) known as parchment. They may be single leaves, bound as a book or codex, or rolled into a scroll.

8. Human Remains—This includes skeletal remains from the human body, preserved in burials or other contexts.

E. Glass, Faience, and Semi-Precious Stone

1. Architectural Elements—These include glass inlay and tesserae pieces from floor and wall mosaics, mirrors, and windowpanes.

2. Vessels and Containers—These can take various shapes, such as jars, bottles, bowls, beakers, goblets, candle holders, perfume jars (*unguentaria*), and flasks. Vessels and containers may have cut, incised, raised, enameled, molded, or painted decoration. Ancient examples may be engraved and/or light blue, blue-green, green, or colorless, while those from later periods may include animal, floral, and/or geometric motifs.

3. Jewelry—Jewelry includes bracelets and rings (often twisted with colored glass), pendants, and beads in various shapes (e.g., circular, globular), some with relief decoration, including multi-colored “eye” beads.

4. Lamps—Lamps may have a straight or round, bulbous body, some in the form of a goblet, with flared top, and engraved or molded decorations and may have several branches.

F. Painting and Plaster

1. Wall Painting—Wall painting can include figurative (i.e., deities, humans, animals), floral, and/or geometric motifs, as well as funerary scenes. These are painted on stone, mud plaster, and lime plaster (wet—*buon fresco*—and dry—*secco fresco*), sometimes to imitate marble.

2. Stucco—This is a fine plaster used for coating wall surfaces, or molding and carving into architectural decorations, such as reliefs, plaques, steles, and inlays.

G. Textiles, Basketry, and Rope

1. Textiles—These include linen, hemp, and silk cloth used for burial wrapping, shrouds, garments, banners, and sails. These also include linen and wool used for garments and hangings.

2. Basketry—Plant fibers were used to make baskets and containers in a variety of shapes and sizes, as well as sandals and mats.

3. Rope—Rope and string were used for a great variety of purposes, including binding, lifting water for irrigation, fishing nets, measuring, lamp wicks, and stringing beads for jewelry and garments.

II. Ethnological Material

Ethnological material covered by the Agreement includes architectural elements, manuscripts, and ceremonial and ritual objects of the Islamic culture from the Saadian and Alaouite dynasties ranging in date from approximately A.D. 1549 to 1912. This would exclude Jewish ceremonial or ritual objects.

A. Stone

1. Architectural Elements—This category includes doors, door frames, window fittings, columns, capitals,

plinths, bases, lintels, jambs, archways, friezes, pilasters, engaged columns, altars, prayer niches (*mihrrabs*), screens, fountains, inlays, and blocks from walls, floors, and ceilings of buildings.

Architectural elements may be plain, molded, or carved and are often decorated with motifs and inscriptions. Marble, limestone, and sandstone are most commonly used.

2. Architectural and Non-Architectural Relief Sculpture—This category includes slabs, plaques, steles, capitals, and plinths carved with religious, figural, floral, or geometric motifs or inscriptions in Arabic. Examples occur primarily in marble, limestone, and sandstone.

3. Memorial Stones and Tombstones—This category includes tombstones, grave markers, and cenotaphs. Examples occur primarily in marble and are engraved with Arabic script.

4. Vessels and Containers—This category includes stone lamps and containers, such as those used in religious services, as well as smaller funerary urns.

B. Metal

1. Architectural Elements—This category includes doors, door fixtures, such as knockers, bolts, and hinges, chandeliers, screens, taps, spigots, fountains, and sheets. Copper, brass, lead, and alloys are most commonly used.

2. Architectural and Non-Architectural Relief Sculpture—This category includes appliques, plaques, and steles, primarily made of bronze and brass. Examples often include religious, figural, floral, or geometric motifs. They may also have inscriptions in Arabic.

3. Lamps—This category includes handheld lamps, candelabras, braziers, sconces, chandeliers, and lamp stands.

4. Vessels and Containers—This category includes containers used for religious services, such as Koran (*Qur'an*) cases and incense burners. Brass, copper, silver, and gold are most commonly used. Containers may be plain, engraved, hammered, or otherwise decorated.

5. Musical Instruments—This category includes instruments used in Islamic/Sufi religious ceremonies or rituals, such as cymbals and trumpets.

C. Ceramic and Clay

This category consists of architectural elements, which include carved and molded brick, and engraved and/or painted and glazed tile wall ornaments and panels, sometimes with Arabic script.

D. Wood

1. Architectural Elements—This category includes doors, door frames and fixtures, windows, window frames, panels, beams, balconies, stages, screens, prayer niches (*mihhrabs*), portable *mihhrabs* (*anazas*), minbars, and ceilings. Examples may be decorated with religious, geometric, or floral motifs or inscriptions, and may be either carved or painted.

2. Architectural and Non-Architectural Relief Sculpture—This category includes panels, roofs, beams, balconies, stages, panels, ceilings, and doors. Examples are carved, inlaid, or painted with decorations of religious, floral, or geometric motifs or Arabic inscriptions.

3. Furniture—This category includes furniture, such as minbars, professorial chairs, divans, stools, and tables from Islamic ceremonial or ritual contexts. Examples can be carved, inlaid, or painted, and are made from various types of wood.

4. Vessels and Containers—This category includes containers used for religious purposes, such as Koran (*Qur'an*) cases. Examples may be carved, inlaid, or painted with decorations in religious, floral, or geometric motifs, or Arabic script.

5. Writing Materials—This category includes printing blocks, writing tablets, and Islamic study tablets inscribed in Arabic and used for teaching the Koran (*Qur'an*). Includes wooden tablets used for record-keeping and contracts in Amazigh or Berber tradition, sometimes called *alwah* or *arraten*; these are inscribed in ink in Arabic, and range in size from approximately 10 to 50 cm in length.

6. Musical Instruments—This category includes instruments used in Islamic/Sufi religious ceremonies or rituals, such as frame drums (*banadir*).

7. Beads—This category includes Islamic prayer beads (*mas'baha*). Examples may be plain or decorated with carved designs.

E. Bone, Ivory, and Shell

1. Architectural Elements—This category includes inlays for religious decorative and architectural elements.

2. Ceremonial Paraphernalia—This category includes boxes, reliquaries (and their contents), plaques, pendants, candelabra, and stamp and seal rings.

F. Glass and Semi-Precious Stone

1. Architectural Elements—This category includes windowpanes, mosaic elements, inlays, and stained glass.

2. Vessels and Containers—This category includes glass and enamel mosque lamps and ritual vessels.

3. Beads—This category includes Islamic prayer beads (*mas'baha*) in glass or semi-precious stones.

G. Leather, Parchment, and Paper

1. Books and Manuscripts—Manuscripts can be written or painted on specially prepared animal skins (e.g., cattle, sheep, goat, camel skins) known as parchment or paper. They occur as single leaves, bound with leather or wood as a book or codex, or rolled into a scroll. Types include the Koran (*Qur'an*) and other Islamic books and manuscripts, often written in black or brown ink, and sometimes embellished with painted colorful floral or geometric motifs.

2. Vessels and Containers—This category includes containers used for Islamic religious services, such as leather Koran (*Qur'an*) cases or pouches.

3. Musical Instruments—This category includes instruments used in Islamic/Sufi religious ceremonies or rituals, such as leather drums (*banadir*).

References

- Architecture of the Islamic West: North Africa and the Iberian Peninsula, 700–1800*, 2020, Jonathan M. Bloom, Yale University Press, New Haven.
- Corpus nummorum Numidiae Mauretaniaeque*, 1955, Jean Mazard, et al., Arts et métiers graphiques, Paris.
- Etude sur la numismatique et l'histoire monétaire du Maroc i: Corpus des dirhams idrissites et contemporains*, 1971, Daniel Eustache, Banque du Maroc, Rabat.
- Etude sur la numismatique et l'histoire monétaire du Maroc ii: Corpus des Monnaies Alaouites*, 1984, Daniel Eustache, Banque du Maroc, Rabat.
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- Les Bronzes Antiques du Maroc*, Etudes et travaux d'archéologie marocaine, 1969–1994, Christiane Boube-Piccot, Editions marocaines et internationales, Tangier.
- The Roman Provincial Coinage*, Multiple Volumes, 1992–, Andrew Burnett, et al., The British Museum Press, London.

Inapplicability of Notice and Delayed Effective Date

This document involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select

regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

Rodney S. Scott, the Commissioner of CBP, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director of the Regulations and Disclosure Law Division of CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Morocco to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Morocco	Archaeological material from Morocco ranging in date from approximately 1 million B.C. to A.D. 1750, and ethnological material from Morocco ranging in date from approximately A.D. 1549 to 1912.	CBP Dec. 26–02.
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Robert F. Altneu,

Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2026–00582 Filed 1–13–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****19 CFR Part 12**

[CBP Dec. 26–01]

RIN 1685–AA37

Extension of Import Restrictions Imposed on Categories of Archaeological Material of Italy

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological material of the Italian Republic (Italy), which were originally imposed in Treasury Decision 01–06. The CBP regulations are being amended to reflect this extension through January 12, 2031.

DATES: Effective on January 14, 2026.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, *ot-otrrculturalproperty@cbp.dhs.gov*. For operational aspects, Queena Fan, Director, Interagency Collaboration Division, Trade Programs Directorate,

Office of Trade, (202) 945–7064, *1USGBranch@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:**I. Background**

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On January 19, 2001, the United States and the Italian Republic (Italy) entered into a Memorandum of Understanding entitled, “Memorandum of Understanding Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods in Italy” (the 2001 MOU). The 2001 MOU entered into force upon signature on January 19, 2001, and reflects an

agreement to impose import restrictions on certain categories of archaeological material representing the Pre-Classical, Classical, and Imperial Roman Periods. On January 23, 2001, CBP published a final rule (Treasury Decision 01–06) in the **Federal Register** (66 FR 7399), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions, including a list designating the types of archaeological material covered by the restrictions.

The import restrictions have been extended three times pursuant to exchanges of diplomatic notes, as reflected in subsequent final rules. First, on January 19, 2006, CBP published CBP Decision (CBP Dec.) 06–01 in the **Federal Register** (71 FR 3000), which amended 19 CFR 12.104g(a) to reflect the extension for an additional period of five years. Second, on January 19, 2011, CBP published CBP Dec. 11–03 in the **Federal Register** (76 FR 3012), to extend the import restrictions for an additional five-year period. CBP Dec. 11–03 also reflects an amendment to the Designated List to include the subcategory “Coins of Italian Types” as part of the category entitled “Metal,” pursuant to 19 U.S.C. 2604. Third, on January 15, 2016, CBP published CBP Dec. 16–02 in the **Federal Register** (81 FR 2086), to further extend the import restrictions.

On January 12, 2021, CBP published CBP Dec. 21–01 in the **Federal Register** (86 FR 2255), to further extend the import restrictions, pursuant to the signing of a superseding agreement. CBP Dec. 21–01 also reflects a new Memorandum of Understanding between the United States and Italy, “Memorandum of Understanding between the Government of the United States of America and the Government of the Italian Republic Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Italy” (the 2021 MOU), which

superseded and replaced the 2001 MOU. The 2021 MOU entered into force on January 12, 2021; thus, the extension of the import restrictions was implemented for an additional five-year period ending on January 12, 2026. *See* 19 CFR 12.104g(a); 86 FR 2255.

On December 30, 2024, the United States Department of State proposed in the **Federal Register** (89 FR 106723) to extend the 2021 MOU. On August 7, 2025, after considering the views and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the MOU for an additional five years. Subsequently, the United States entered into a bilateral agreement with Italy to extend the 2021 MOU in a document titled, “Agreement Between the Government of the United States of America and the Government of the Italian Republic To Extend the Memorandum of Understanding Between the Government of the United States of America And the Government of the Italian Republic Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Italy.” The agreement extends the import restrictions for five years from entry into force on January 12, 2026.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of categories of archaeological material of Italy will continue in effect until January 12, 2031. Importation of such material from Italy continues to be restricted until that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List of pre-Classical, Classical and Imperial Roman period archaeological material from Italy covered by these import restrictions is set forth in CBP Dec. 11–03. The Designated List and additional information may also be found at the following website address: <https://www.state.gov/current-agreements-and->

import-restrictions by selecting the materials for “Italy.”

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related

to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director of the Regulations and Disclosure Law Division of CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Italy to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
Italy	Archaeological material of pre-Classical, Classical, and Imperial Roman periods ranging approximately from the 9th century B.C. to the 4th century A.D.	CBP Dec. 11–03 extended by CBP Dec. 26–01.

* * * * *

Robert F. Altneu,*Director, Regulations and Disclosure Law
Division, Regulations and Rulings, Office of
Trade, U.S. Customs and Border Protection.*

[FR Doc. 2026–00538 Filed 1–12–26; 11:15 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation
and Enforcement****30 CFR Part 943****[SATS No. TX–072–FOR; Docket ID: OSM–
2020–0006; S1D1S SS08011000 SX064A000
256S180110; S2D2S SS08011000
SX064A000 25XS501520]****Texas Regulatory Program****AGENCY:** Office of Surface Mining
Reclamation and Enforcement, Interior.**ACTION:** Final rule; approval of
amendment.**SUMMARY:** We, the Office of Surface
Mining Reclamation and Enforcement
(OSMRE), are approving an amendment
to the Texas regulatory program under
the Surface Mining Control and
Reclamation Act of 1977 (SMCRA or the
Act). Texas proposes administrative
revisions to its regulations to update,
correct, and clarify existing rules. These
proposals include changing language to
gender neutral, updating terms and
definitions for consistency with existing
Federal and State regulations, and
correcting and updating references.**DATES:** The effective date is February 13,
2026.**FOR FURTHER INFORMATION CONTACT:**Joseph R. Maki, Director, Tulsa Field
Office, Office of Surface Mining
Reclamation and Enforcement, 1645
South 101st East Avenue, Suite 145,
Tulsa, Oklahoma 74128–4629.**SUPPLEMENTARY INFORMATION:**

- I. Background on the Texas Program
- II. Submission of the Amendment
- III. OSMRE's Findings
- IV. Summary and Disposition of Comments
- V. OSMRE's Decision
- VI. Statutory and Executive Order Reviews

I. Background on the Texas Program

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

with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program amendments at 30 CFR 943.10, 943.15 and 943.16.

II. Submission of the Amendment

By letter dated August 28, 2020 (Administrative Record No. TX–708), Texas sent us a proposed amendment to its program at its own initiative to update, clarify, and correct existing rules. These changes included the use of gender-neutral language, updates to terms for consistency with the relevant Texas licensing boards, and changes that ensure consistency with decision timelines as required by the Texas Administrative Procedure Act (Texas Government Code chapter 2001).

We announced receipt of the proposed amendment in the April 22, 2021, **Federal Register** (86 FR 21246). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because none were requested. The public comment period ended May 24, 2021.

III. OSMRE's Findings

We made the following findings concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below.

The submittal added the wording “or herself” to 16 Texas Administrative Code section (sec.) 12.3 *Definitions* (89) and (122) in order to make the regulation language gender neutral. In 16 Texas Administrative Code sec. 12.679 *Suspension or Revocation of Permits* (a)(1) *Pattern of violations* “him” was replaced with “the permittee”, “his” was replaced with “the” and “he” was replaced with “the Director” also to make the language used gender neutral. These non-substantive changes are in accordance with SMCRA and consistent with the Federal regulations.

Throughout the regulations, the term “registered professional engineer” has been replaced with “professional engineer” and “professional

geoscientist” and corresponding definitions for consistency with the relevant Texas licensing boards. These 27 changes can be found at 16 Texas Administrative Code sec. 12.3(132), 12.3(133), 12.137(b), 12.142(3), 12.148(a)(2)(A), 12.148(a)(3)(A), 12.198(b), 12.341(b)(4), 12.344(b)(3), 12.347(a)(11), 12.347(a) and (c)(2), 12.363(b), 2.363(j), 12.363(k), 12.368(c), 12.369(a), 12.369(a)(2)(4), 12.373, 12.401(1), 12.511(b)(4), 12.514(b)(3), 12.517(a)(3), 12.517(a)(11)(B), 12.517(c)(2), 12.535(c), 12.540, and 12.570(1). Although these titles differ from that used in the Federal counterpart regulations, the definition for the “professional engineer” is unchanged, and the corresponding definition of a “professional geoscientist” has been added. Thus, the changes are non-substantive and are no less stringent than SMCRA and no less effective than the corresponding Federal regulations. For example, 30 CFR 780.25 refers to “a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture[.]” The corresponding Texas definition of “professional engineer” states that it is a “person who is duly licensed by the Texas Board of Professional Engineers and Land Surveyors to engage in the practice of engineering in this state.” 16 Texas Administrative Code sec. 12.3(132).

Texas proposed to revise 16 Texas Administrative Code sec. 12.4 *Petitions to Initiate Rulemaking* to delete most of the existing language, which mirrors the Federal regulation on petitions to the Director of OSMRE at 30 CFR 700.12 and replace the language with a statement that any petition must be submitted in accordance with 16 Texas Administrative Code sec. 1.301 and the Texas Administrative Procedure Act. The State's proposal is in accordance with SMCRA and consistent with the Federal regulations.

The Texas submittal also added a requirement to notify the commission of the intent to permanently cease and abandon mining operations in 16 Texas Administrative Code sec. 12.100 *Responsibilities*, sec. 12.398 *Cessation of Operations: Permanent* and sec. 12.567 *Cessation of Operations: Permanent*. This requirement is in accordance with SMCRA and consistent with Federal regulations. In sec. 12.106(b)(2), the deadline for the receipt of renewal of a permit has been changed

from 180 days to 120 days, aligning it with the Federal counterpart.

The existing language in 16 Texas Administrative Code sec. 12.108(b) *Permit Fees* sets an annual fee for each acre of land covered by a reclamation bond on December 31 of that year. Texas proposes to revise sec. 12.108(b)(1) to state that the fee is based on the number of acres identified in the permit and approved by the Railroad Commission of Texas, the State regulatory authority. This is consistent with the relevant Federal regulations, which allow a regulatory authority to develop procedures to allow permit fees to be paid over the term of the permit. The Texas amendment adds in 16 Texas Administrative Code sec. 12.121(4) and 12.161(4) the requirement for an applicant to provide the permit expiration date of all other licenses and permits. The requirement for this additional information is in accordance with SMCRA and consistent with Federal regulations.

In 16 Texas Administrative Code sec. 12.126(d) and 12.172(d), Texas updated the reference for the American Public Health Association's *Standard Methods for the Examination of Water and Wastewater* from the 15th edition to the current 23rd edition. This is in accordance with SMCRA and consistent with Federal regulations.

Within the submittal, at 16 Texas Administrative Code sec. 12.146(a) and (d) and 122.188(a), the original text was broken down into separate subparagraphs in order to assist the State staff in their review. This formatting change had no substantial impact on the content contained in the regulation and remains consistent with Federal regulation.

Texas proposed to add 16 Texas Administrative Code sec. 12.146(d)(6) to its regulations. This amendment to the Probable Hydrologic Consequences (PHC) determination is nearly a direct copy of the counterpart Federal regulation at 30 CFR 780.21(b)(3). It is therefore in accordance with SMCRA and consistent with the Federal regulations.

In 16 Texas Administrative Code sec. 12.225(g)(1)(D) the language “and does not continue to be responsible for” has been removed and replaced later in the section with “and the permittee is no longer responsible for the violation, penalty, or fee.” Texas deemed this change necessary to clarify the status of liability due to a transfer of permit. This clarification is in accordance with SMCRA and consistent with the Federal regulations.

Changes in terminology and citations in 16 Texas Administrative Code sec.

12.344(c)(2), 12.347(a), 12.376(d), 12.514(c)(2), 12.517(a), and 12.543(d), to include the replacement of the term “auxiliary” with “emergency”, are due to the revisions of U.S. Department of Agriculture (USDA), Natural Resources Conservation Service Technical Release No. 60 (210–VI–TR60), July 2005. These necessary alterations were required to update the regulation to reflect changes in the cited USDA Technical Release and are in accordance with SMCRA and consistent with the Federal regulations.

As a part of the proposed amendment, Texas submitted several administrative changes to its regulations. Changes in 16 Texas Administrative Code sec. 12.211(c), 12.382, and 12.549 were submitted in order to correct or update references to applicable Texas Administrative Code or statute. In sec. 12.146(e) an acronym was corrected. Sections 12.207(a)(3) and 12.215(g) and (j) were edited to correct internal references within the regulation, and sec. 12.676(c)(1)(a) corrected a grammatical error. The revised language remains in accordance with SMCRA and consistent with the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment, but none were received.

Federal Agency Comments

On April 27, 2021, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Texas program (Administrative Record No. TX–708). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Texas proposed to make in this amendment pertain to air or water quality standards. However, on April 27, 2021, under 30 CFR 732.17(h)(11)(i), we requested comments from the EPA on the amendment (Administrative Record No. TX–708). The EPA did not respond to our request.

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

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On April 27, 2021, we requested comments on the Texas amendment (Administrative Record No. TX–708). We did not receive comments from the SHPO or ACHP.

V. OSMRE's Decision

Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards. Based on the above findings, we are approving Texas' submittal sent to us on August 28, 2020 (Administrative Record No. TX–708) because the proposed regulations are in accordance with SMCRA and consistent with the Federal regulations and do not affect the State's ability to carry out the provisions of the Act and meet its purposes. To implement this decision, we are amending the Federal regulations, at 30 CFR part 943, that codify decisions concerning the Texas program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Statutory and Executive Order Reviews

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

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

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

Executive Order 12866, provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993 (OMB Memo M–94–3), the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

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

Executive Order 13132—Federalism

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Government

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to Tribal self-governance and sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal Government and Tribes. The basis for this determination is that our decision on the Texas program does not

include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

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

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

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was

prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied on the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

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

Unfunded Mandates Reform Act

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

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

William L. Joseph,

Regional Director, Interior Regions 3, 4 and 6.

For the reasons set out in the preamble, 30 CFR part 943 is amended as set forth below:

PART 943—TEXAS

■ 1. The authority citation for part 943 continues to read as follows:

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

■ 2. Section 943.15 is amended in the table by adding an entry in chronological order by “Date of final publication” to read as follows:

§ 943.15 Approval of Texas regulatory program amendment.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
August 28, 2020	January 14, 2026	16 TAC Texas Administrative Code Sections: 12.3(89); 12.3(122); 12.3(132); 12.3(133); 12.4(a) through (d); 12.100(a) through (d); 12.106(a) and (b); 12.108(a) through (c); 12.121(4); 12.126(d); 12.137(b); 12.142(3); 12.146(a)(d) and (e); 12.148(a); 12.161(4); 12.172(d); 12.188(a) through (f); 12.198(b); 12.207(a)(3); 12.211(c); 12.215(g) and (j); 12.225(g); 12.341(b); 12.344(b) and (c); 12.347(a) through (c); 12.363(b)(j) and (k); 12.368(c); 12.369(a); 12.373; 12.376(d); 12.382; 12.398; 12.401(1); 12.511(b); 12.514(b) and (c); 12.517(a) and (c); 12.535(c); 12.540; 12.543(d); 12.549; 12.570; 12.567; 12.676(c); 12.679(a) and (b).

[FR Doc. 2026–00577 Filed 1–13–26; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0239; FRL–13069–01–OCSPP]

Pyriofenone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyriofenone in or on apple; apple, wet pomace; berry, low growing, subgroup 13–07G (except cranberry); and cherry subgroup 12–12A. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective January 14, 2026. Objections and requests for hearings must be received on or before March 16, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0239, is available at <http://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: RDfRNNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. 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:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA’s authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” FFDCA section 408(b)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical

residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .”

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2024–0239 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before March 16, 2026.

The EPA’s Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See “Revised Order Urging Electronic Filing and Service,” dated June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf>. Although the EPA’s regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial.

When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-For Tolerance

In the **Federal Register** of March 11, 2025, (90 FR 11688) (FRL-11682-12-OCSP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PP 4F9115 and 4F9119) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, Ohio 44077.

The petition 4F9115 requested to establish a tolerance in 40 CFR 180.660 for residues of the fungicide pyriofenone (5-chloro-2-methoxy-4-methyl-3-pyridinyl)(2,3,4-trimethoxy-6-methylphenyl)methanone, including its metabolites and degradates in or on apple at 0.30 parts per million (ppm); apple, wet pomace at 0.69 ppm; and cherry subgroup 12-12A at 1.50 ppm.

The petition 4F9119 requested to modify the existing tolerance in 40 CFR 180.660 for residues of pyriofenone, including its metabolites and degradates, in or on berry, low growing, subgroup 13-07G (except cranberry) at 2.0 ppm.

The March 11, 2025, **Federal Register** notice, (90 FR 11688) (FRL-11682-12-OCSP), referenced a summary of the petitions submitted by ISK Biosciences Corporation, the registrant of all currently registered pyriofenone pesticide products, which is available in docket EPA-HQ-OPP-2024-0239 at <https://www.regulations.gov>.

Eight comments were received in response to the March 11, 2025, notice of filing. The Northwest Horticultural Council and a student from Utah State University (USU) commented in support of the registration of additional uses on

and establishment of tolerances for apple and cherry. Northwest Horticultural Council acknowledged the effect fungal diseases have on apple and cherry and expressed the need for management. They acknowledged that registering pyriofenone on apples and cherries will help prevent fungicide resistance amongst fungicides with differing Fungicide Resistance Action Committee (FRAC) groups. The student from USU commented that pyriofenone, as regulated by the Agency, will be a boon rather than a threat.

Other comments from the general public expressed concern over the excessive use of pesticides on crops, persistence of the chemical in the environment, the long-term health effects to vulnerable populations, and the impact on non-target species. Several commenters requested that EPA conduct more-detailed environmental risk assessments and other research before setting the requested tolerances.

Although the Agency recognizes that some individuals believe pesticides should be banned on agricultural crops, the existing legal framework provided by Section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data, as well as other factors required by the FFDCA, EPA has determined that these pyriofenone tolerances are safe. The commenters provided no information demonstrating that pyriofenone tolerances are not safe at the levels set by EPA, nor did the commenters provide any basis for concluding that the tolerances would have a disproportionate effect on any population.

Based upon review of the data supporting the petition, EPA is establishing certain requested tolerances at different levels than what were proposed. The reasons for these changes are explained in Unit IV.D.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

1. *EPA's Safety Determination.* Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyriofenone including exposure resulting from the tolerances established by this action.

EPA's assessment of exposures and risks associated with pyriofenone follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for pyriofenone in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to pyriofenone and established tolerances for residues of that chemical (84 FR 24983) (FRL-9993-11). EPA is incorporating previously published sections from these rulemakings as described further in this rulemaking, as they remain unchanged.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. For a discussion of the Toxicological Profile of pyriofenone, see Unit III.A. of the May 30, 2019, rulemaking (84 FR 24983) (FRL-9993-11).

C. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as

a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-risk-pesticides>.

For a discussion of the Toxicological PODs/Levels of Concern for pyriofenone, see Unit III.B. of the May 30, 2019, rulemaking. A summary of the toxicological endpoints for pyriofenone used for human risk assessment of the instant petitions can be found at <http://www.regulations.gov> in the document “Pyriofenone. Human Health Risk Assessment for the Petition of New Uses on Cherry Crop Subgroup 12–12A and Apple; and Petition to Amend Tolerance on Berry, Low Growing, Subgroup 13–07G, Except Cranberry” on pages 19–20 in Docket ID number EPA–HQ–OPP–2024–0239. The PODs and LOCs for pyriofenone remain unchanged since the May 30, 2019, rulemaking.

D. Exposure Assessment

EPA’s dietary exposure assessments have been updated to include the additional exposure from the new uses of pyriofenone on apple and cherry subgroup 12–12A and berry, low growing, subgroup 13–07G (except cranberry). An acute dietary exposure assessment was not performed as there are no appropriate toxicological effects attributable to a single exposure (dose). A conservative chronic dietary exposure assessment was performed for pyriofenone, assuming 100 percent crop treated (PCT), tolerance-level residues, and default processing factors or empirical processing factors, where available. The chronic dietary exposure assessment was conducted using the updated Dietary Exposure Evaluation Model that incorporates the What We Eat in America consumption data from 2005–2010. The chronic estimated drinking water concentration (EDWC) of 3.9 parts per billion (ppb) is unchanged from Unit III.C.2. of the May 30, 2019, rulemaking (84 FR 24983) (FRL–9993–11) and was directly incorporated into the chronic assessment. A cancer dietary assessment was not conducted because pyriofenone is classified as “not likely to be carcinogenic to humans.” Because there are no existing or proposed residential uses associated

with pyriofenone, there is not expected to be any residential handler exposure or post-application exposures.

Cumulative effects from substances with a common mechanism of toxicity for pyriofenone is outlined in Unit III.C.4. of the May 30, 2019, rulemaking (84 FR 24983) (FRL–9993–11). There have been no other changes.

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

E. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Conclusion.* EPA continues to conclude that there are reliable data to support the reduction of the FQPA safety factor from 10X to 1X. See Unit III.D. of the May 30, 2019, rulemaking (84 FR 24983) (FRL–9993–11) for a discussion of the Agency’s rationale for that determination.

F. Aggregate Risks and Determination of Safety

For a discussion of the aggregate risks and determination of safety of pyriofenone, see Unit III.E. of the May 30, 2019, rulemaking (84 FR 24983) (FRL–9993–11). There have been no additional changes for this final rule.

1. *Acute risk.* No adverse effect resulting from a single oral exposure was identified, and no acute dietary endpoint was selected. Therefore, pyriofenone is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in Unit III.E. of the May 30, 2019, final rule for chronic exposure (84 FR 24983) (FRL–9993–11), updated with the new uses assessed for the instant petitions, EPA has

concluded that chronic exposure to pyriofenone from food and water will utilize 9.2% of the cPAD for children 1–2 years old, the population group with the highest exposure. Chronic aggregate risk is equivalent to chronic dietary risk, which is not of concern.

3. *Short- and intermediate- term risk.* There are no residential uses for pyriofenone; therefore, short- and intermediate-term residential exposure is not expected.

4. *Aggregate cancer risk for U.S. population.* Pyriofenone is classified as “Not Likely to Be Carcinogenic to Humans;” therefore, EPA does not expect pyriofenone exposures to pose an aggregate cancer risk.

5. *Determination of safety.* Therefore, based on these risk assessments and information described above, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to pyriofenone residues. More information on this action can be found in the document titled “Pyriofenone. Human Health Risk Assessment for the Petition of New Uses on Cherry Crop Subgroup 12–12A and Apple; and Petition to Amend Tolerance on Berry, Low Growing, Subgroup 13–07G, Except Cranberry” in Docket ID number EPA–HQ–OPP–2024–0239.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the May 30, 2019, rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for pyriofenone on apple or cherry,

subgroup 12–12A. However, the Codex has established MRLs for pyriofenone in or on berry, low growing, subgroup 13–07G at 1.5 ppm for bush berries and 0.5 ppm for low growing berries. These MRLs are different than the tolerances proposed for pyriofenone in the United States by the petition. The petitioner requested the change in tolerance to align with the Japanese MRL. This requested change was prompted by the Japanese Ministry of Agriculture, Forestry and Fisheries to assist Japanese growers in their efforts to export strawberries into the United States.

C. Revisions to Petitioned-for Tolerances

The Agency is removing the trailing zeros for the cherry subgroup 12–12A and apple proposed tolerances to be consistent with OECD rounding classes and agency standards, as well as making a non-substantive change to remove the parentheses from Berry, Low Growing, Subgroup 13–07G, except cranberry. Based on the apple highest average field trial residue in combination with the empirical processing factor for wet apple pomace, EPA is establishing a lower-than-requested tolerance of 0.5 ppm for wet apple pomace.

D. Effective and Expiration Date(s)

In general, a tolerance action is effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA will set an expiration date for the existing tolerance of six months after the date of publication of the final rule in the **Federal Register**, in order to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

V. Conclusion

Therefore, tolerances are established for residues of pyriofenone, (5-chloro-2-methoxy-4-methyl-3-pyridinyl)(2,3,4-trimethoxy-6-methylphenyl)methanone, including its metabolites and degradates, in or on apple at 0.3 ppm; apple, wet pomace at 0.5 ppm; modifying the tolerance for berry, low growing, subgroup 13–07G (except cranberry) at 2 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review 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)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on 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), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive

Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .” (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or 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 Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

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 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 18, 2025.

Charles Smith,

Director, Registration Division, Office of
Pesticide Programs.

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

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180
continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.660, amend Table 1 to
paragraph (a) by:

- a. Adding alphabetically the
commodities “Apple” and “Apple, wet
pomace”;
- b. Revising the commodity “Berry,
low growing, subgroup 13–07G (except
cranberry)”;
- c. Adding in alphabetical order the
commodity “Cherry subgroup 12–12A”.

The additions and revision read as
follows:

§ 180.660 Pyriofenone; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Apple	0.3
Apple, wet pomace	0.5
Berry, low growing, subgroup 13–07G, except cranberry	2
* * * * *	*
Cherry subgroup 12–12A	1.5
* * * * *	*

[FR Doc. 2026–00628 Filed 1–13–26; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0201; FRL–13107–01–
OCSPP]

Permethrin; Pesticide Tolerances

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a
tolerance for residues of permethrin in
or on the food and feed commodities of
dragon fruit (pitaya) as well as crop
group expansions to field corn subgroup
15–22C and sweet corn subgroup 15–

22D, and crop group conversions to
leafy greens subgroup 4–16A, including
tolerances for arugula, garden cress, and
upland cress. The Interregional
Research Project No. 4 (IR–4), requested
this tolerance under the Federal Food,
Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective
January 14, 2026. Objections and
requests for hearings must be received
on or before March 16, 2026 and must
be filed in accordance with the
instructions provided in 40 CFR part
178 (see also Unit I.C. of the
SUPPLEMENTARY INFORMATION).

ADDRESSES: The docket for this action,
identified by docket identification (ID)
number EPA–HQ–OPP–2024–0201, is
available at <http://www.regulations.gov>.
Additional information about dockets
generally, along with instructions for
visiting the docket in person, is
available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Charles Smith, Director, Registration
Division (7505T), Office of Pesticide
Programs, Environmental Protection
Agency, 1200 Pennsylvania Ave. NW,
Washington, DC 20460–0001; main
telephone number: (202) 566–1030;
email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by
this action if you are an agricultural
producer, food manufacturer, or
pesticide manufacturer. 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:

- Crop production (NAICS code 111).
- Animal production (NAICS code
112).
- Food manufacturing (NAICS code
311).
- Pesticide manufacturing (NAICS
code 32532).

If you have any questions regarding
the applicability of this proposed action
to a particular entity, consult the person
listed under **FOR FURTHER INFORMATION
CONTACT**.

B. What is EPA’s authority for taking this action?

EPA is issuing this rulemaking under
section 408 of the Federal Food, Drug,
and Cosmetic Act (FFDCA), 21 U.S.C.
346a. FFDCA section 408(b)(2)(A)(i)
allows EPA to establish a tolerance (the

legal limit for a pesticide chemical
residue in or on a food) only if EPA
determines that the tolerance is “safe.”
FFDCA section 408(b)(2)(A)(ii) defines
“safe” to mean that “there is a
reasonable certainty that no harm will
result from aggregate exposure to the
pesticide chemical residue, including
all anticipated dietary exposures and all
other exposures for which there is
reliable information.” This includes
exposure through drinking water and in
residential settings but does not include
occupational exposure. FFDCA section
408(b)(2)(C) requires EPA to give special
consideration to exposure of infants and
children to the pesticide chemical
residue in establishing a tolerance and
to “ensure that there is a reasonable
certainty that no harm will result to
infants and children from aggregate
exposure to the pesticide chemical
residue . . .”

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21
U.S.C. 346a, any person may file an
objection to any aspect of this regulation
and may also request a hearing on those
objections. You must file your objection
or request a hearing on this regulation
in accordance with the instructions
provided in 40 CFR part 178. To ensure
proper receipt by EPA, you must
identify docket ID number EPA–HQ–
OPP–2024–0201 in the subject line on
the first page of your submission. All
objections and requests for a hearing
must be in writing and must be received
by the Hearing Clerk on or before March
16, 2026.

The EPA’s Office of Administrative
Law Judges (OALJ), in which the
Hearing Clerk is housed, urges parties to
file and serve documents by electronic
means only, notwithstanding any other
particular requirements set forth in
other procedural rules governing those
proceedings. See “Revised Order Urging
Electronic Filing and Service,” dated
June 22, 2023, which can be found at
[https://www.epa.gov/system/files/
documents/2023-06/2023-06-22%20-
%20revised%20order%20
urging%20electronic%20
filing%20and%20service.pdf](https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf). Although
the EPA’s regulations require
submission via U.S. Mail or hand
delivery, the EPA intends to treat
submissions filed via electronic means
as properly filed submissions; therefore,
the EPA believes the preference for
submission via electronic means will
not be prejudicial. When submitting
documents to the OALJ electronically, a
person should utilize the OALJ e-filing
system at [https://yosemite.epa.gov/oa/
eab/eab_upload.nsf](https://yosemite.epa.gov/oa/eab/eab_upload.nsf).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at <https://www.regulations.gov>. Follow the online instruction for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-For Tolerance

In the **Federal Register** of November 1, 2024 (89 FR 87321 (FRL–11682–08–OCSPP)), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E9106) by the Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requests to amend 40 CFR 180.378 by establishing a tolerance for residues of the insecticide permethrin, *cis*- and *trans*-permethrin isomers [*cis*-(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and [*trans*-(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate], in or on the raw agricultural commodities: arugula at 50 parts per million (ppm); cress, garden at 50 ppm; cress, upland at 50 ppm; dragon fruit (pitaya) at 1.5 ppm; field corn subgroup 15–22C at 0.05 ppm; leafy greens subgroup 4–16A at 50 ppm; and sweet corn subgroup 15–22D at 0.1 ppm). Additionally, the petition requests, upon approval of the above tolerance, to remove the existing tolerances in 40 CFR 180.378 in or on the following agricultural commodities: corn, field, grain at 0.05 ppm; corn, pop, grain at 0.05 ppm; leafy green subgroup 4A at 20 ppm; lettuce, head at 20 ppm; spinach at 20 ppm; and corn, sweet, kernel plus cob with husks removed at 0.10 ppm. That document referenced a summary of the petition prepared by IR–4, the petitioner, which is available in the docket (ID number EPA–HQ–OPP–2024–0201) at <http://www.regulations.gov>. There was one comment received in response to the notice of filing. The comment stated that

the commentor is in support of the guidelines.

In the **Federal Register** of January 13, 2025 (90 FR 2661 (FRL–11682–11–OCSPP)), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E9106) by the Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requests to amend 40 CFR 180.378 by removing established tolerances for residues of the insecticide permethrin, *cis*- and *trans*-permethrin isomers [*cis*-(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and [*trans*-(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate], in or on the raw agricultural commodities: corn, field, grain at 0.05 ppm; corn, pop, grain at 0.05 ppm; corn, sweet, kernel plus cob with husks removed at 0.10 ppm; leafy greens subgroup 4A at 20 ppm; lettuce, head at 20 ppm; and spinach at 20 ppm. There were four comments received in response to the notice of filing. Three of the comments were in support of the rule. The fourth comment stated that “there are options for organic pesticides that have both long term economic[al] and ecological benefits despite upfront costs.” Although the Agency recognizes that some individuals believe that organic pesticides should be used on agricultural crops, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerances are safe. Upon consideration of the validity, completeness, and reliability of the available data, as well as other factors the FFDCA requires EPA to consider, EPA has determined that the permethrin tolerances are safe. The commenter has provided no information indicating that a safety determination cannot be supported.

Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing a tolerance that varies from what was requested. The reason for this change is explained in Unit IV.D.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA

determines that the tolerance is “safe.” Section 408(b)(2)(A)(ii) of FFDCA defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for permethrin including exposure resulting from the tolerances established by this action. EPA’s assessment of exposures and risks associated with permethrin follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination of the new rulemaking.

EPA has previously published a number of tolerance rulemakings for permethrin in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to permethrin and established a tolerance for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

B. Toxicological Profile

For a discussion of the Toxicological Profile of permethrin, see Unit III A. of the July 28, 2020, rulemaking (85 FR 45329) (FRL–10009–45).

C. Toxicological Points of Departure/Levels of Concern

For a summary of the Toxicological Points of Departure/Levels of Concern for permethrin used for human health risk assessment, see Unit III.B. of the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45).

D. Exposure Assessment

Much of the exposure assessment remains the same, although updates have occurred to accommodate exposures from the petitioned-for tolerance. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45).

EPA's dietary exposure assessments have been updated to include the additional exposure from the new use of permethrin on dragon fruit and do not change the prior exposure estimates. This assessment was conducted with Dietary Exposure Evaluation Model software using the Food Commodity Intake Database (DEEM-FCID; Version 4.02), which uses the 2005–2010 food consumption data from the United States Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America. The assessment used the same assumptions as the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45).

1. *Drinking water exposure.* The new use does not result in an increase in the estimated residue levels in drinking water, so EPA used the same estimated drinking water concentrations in the acute and chronic dietary exposure assessments as identified in Unit III.C.2. of the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45). Permethrin is classified as “suggestive evidence of carcinogenic potential” based upon the lung adenomas in female mice. The Agency has determined that quantification of risk using a non-linear approach (*i.e.*, reference dose (RfD)) will adequately account for all toxicity, including carcinogenicity, that could result from exposure to permethrin. Additionally, there is no concern for mutagenicity based on the findings from the genotoxicity battery of studies.

2. *Non-occupational exposure.* The new uses do not impact residential/bystander exposures and thus the residential exposures have not changed since the last assessment described in the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45).

3. *Cumulative exposure.* Section 408(b)(2)(D)(v) of FFDCA requires that,

when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide's residues and “other substances that have a common mechanism of toxicity.” The Agency has determined that the pyrethroids and pyrethrins share a common mechanism of toxicity (<http://www.regulations.gov>; EPA-HQ-OPP-2008-0489-0006). In 2011, after establishing a common mechanism grouping for the pyrethroids and pyrethrins, the Agency conducted a cumulative risk assessment (CRA) which is available at <http://www.regulations.gov>; EPA-HQ-OPP-2011-0746. In that document, the Agency concluded that cumulative exposures to pyrethroids (based on pesticidal uses registered at the time the assessment was conducted) did not present risks of concern. For the proposed new use of permethrin on dragon fruit, crop group expansions to field corn subgroup 15–22C and sweet corn subgroup 15–22D, and crop group conversions to leafy greens subgroup 4–16A, including tolerances for arugula, garden cress, and upland cress. The proposed new use will not impact the results of the 2011 CRA. Therefore, the results of the 2011 CRA are still valid and there are no cumulative risks of concern for the pyrethroids/pyrethrins.

E. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor from 10X to 1X. See Unit III.D. of the July 28, 2020, rulemaking for a discussion of the Agency's rationale for that determination.

F. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are

safe by comparing dietary exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate points of departure (PODs) to ensure that an adequate margin of exposure (MOE) exists.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD. They are 4.3% of the aPAD for children 3 to 5 years old, the population subgroup with the highest exposure estimate. A chronic dietary endpoint has not been selected for permethrin because repeated exposure does not result in a point of departure lower than that resulting from acute exposure. Therefore, the acute dietary risk assessment is protective of chronic dietary risk. However, since there are residential uses of permethrin, a highly refined chronic dietary (food and drinking water) exposure assessment was conducted to calculate chronic dietary exposure estimates to support the permethrin aggregate risk assessment.

The short-term aggregate risk assessment combines exposures to permethrin from the registered residential uses and the dietary (food and drinking water) risk assessment. An aggregate risk index (ARI) approach was used for the short-term aggregate risk assessment since the oral and inhalation endpoints have different level of concerns. ARIs that are greater than or equal to 1 and are not of concern. The short-term aggregate assessment for children 1 to less than 2 years old was conducted using the ARI approach for consistency purposes, even though only oral post-application exposures are anticipated for the selected residential scenario. The short-term aggregate assessment for adults resulted in an ARI of 76 and, for children 1 to less than 2 years old, the result is an ARI of 3.0. Since the ARIs are greater than 1, there are no short-term aggregate risks of concern for permethrin.

Residential exposures are not expected to occur from the newly proposed uses since none are residential use sites. For more details on residential exposure, see III.C.3 of the July 28, 2020, rulemaking (85 FR 45329) (FRL-10009-45).

Permethrin is classified as showing “suggestive evidence of carcinogenic potential” based upon the lung adenomas in female mice. The Agency has determined that quantification of risk using a non-linear approach (*i.e.*, reference dose (RfD)) will adequately

account for all toxicity, including carcinogenicity, that could result from exposure to permethrin. Additionally, there is no concern for mutagenicity based on the findings from the genotoxicity battery of studies.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to permethrin residues. More detailed information about the Agency's analysis can be found at <https://www.regulations.gov> in the document titled "Permethrin. Human Health Risk Assessment for Proposed Usage on Dragon Fruit, Crop Group Expansions to Field Corn Subgroup 15–22C and Sweet Corn Subgroup 15–22D, and Crop Group Conversions to Leafy Greens Subgroup 4–16A, Including Tolerances for Orphan Crops Arugula, Garden Cress, and Upland Cress" in docket ID number EPA–HQ–OPP–2024–0201.

IV. Other Conclusions

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A of the July 28, 2020 rulemaking (85 FR 45329) (FRL–10009–45).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Canadian and Codex MRLs are expressed in terms of total permethrin. The U.S. residue definition is harmonized with Canada and Codex. Mexico adopts U.S. tolerances. When the U.S. tolerance is higher, harmonization is not feasible because the tolerances are based on field trial data that resulted in residues that necessitated the higher limit. For some cases, such as corn grain, EPA establishes a different U.S. tolerance (0.05 ppm) than the Codex tolerance (2 ppm) due to differences in use patterns.

C. Revisions to Petitioned-For Tolerances

A tolerance of 3 ppm is being established for dragon fruit rather than 1.5 ppm as requested. The petitioner reported the proposed tolerance based on the average *cis*- and *trans*-permethrin residue (*cis*- and *trans*-permethrin residues were not combined). EPA is establishing a tolerance for residues of

permethrin *cis*- and *trans*-isomers in/on dragon fruit, based on the per-trial average total *cis*- and *trans*-permethrin residue, derived using the Organization for Economic Cooperation and Development (OECD) MRL calculation procedures. The OECD tolerance calculation when using the per-trial average is 3 ppm for dragon fruit. Also, tolerances are currently established for residues in leafy greens subgroup 4A at 20 ppm. A tolerance of 50 ppm is being established for residues in leafy greens subgroup 4–16A commodities as part of the crop group conversion. The increased tolerance level is due to data that were received in response to the data requests in the permethrin data call-in (GDCL–109701–26467). Additionally, as part of the crop group conversion, arugula, garden cress, and upland cress have moved to crop group 4–16B. EPA is establishing individual tolerances for residues in these commodities at 50 ppm to ensure that previously established tolerances associated with phase four revisions are not inadvertently lost during crop group conversion requests.

V. Conclusion

Therefore, tolerances are established for residues of permethrin in or on arugula at 50 ppm; cress, garden at 50 ppm; cress, upland at 50 ppm; dragon fruit at 3 ppm; field corn subgroup 15–22C at 0.05 ppm; leafy greens subgroup 4–16A at 50 ppm; and sweet corn subgroup 15–22D at 0.1 ppm. In addition, the rule removes the established tolerances for residues of permethrin in or on corn, field, grain at 0.05 ppm; corn, pop, grain at 0.05 ppm; leafy greens subgroup 4A at 20 ppm; lettuce, head at 20 ppm; spinach at 20 ppm; and corn, sweet, kernel plus cob with husks at 0.10 ppm.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/regulations-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review 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)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on 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), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . ." (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or 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 Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

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 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 22, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

- 2. Amend § 180.378 by:
- a. In the table in paragraph (a):
 - i. Adding the table heading, "Table 1 to Paragraph (a)";
 - ii. Adding in alphabetical order the entry "Arugula";
 - iii. Removing the entry for "Corn, field, grain";
 - iv. Removing the entry "Corn, pop, grain";
 - v. Removing the entry "Corn, sweet kernel plus cob with husks removed";
 - vi. Adding in alphabetical order the entry "Cress, garden";
 - vii. Adding in alphabetical order the entry "Cress, upland";
 - viii. Adding in alphabetical order the entry "Dragon fruit";
 - ix. Adding in alphabetical order the entry "Field corn subgroup 15–22C";
 - x. Adding in alphabetical order the entry "Leafy greens subgroup 4–16A";
 - xi. Removing the entry "Leafy greens subgroup 4A";
 - xii. Removing the entry "Lettuce, head";
 - xiii. Removing the entry "Spinach";
 - xiv. Adding in alphabetical order the entry "Sweet corn subgroup 15–22D".

The additions and revisions read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	*
Arugula	50
* * * * *	*
Cress, garden	50
Cress, upland	50
* * * * *	*
Dragon fruit	3
* * * * *	*
Field corn subgroup 15–22C	0.05
* * * * *	*
Leafy greens subgroup 4–16A ...	50
* * * * *	*
Sweet corn subgroup 15–22D	0.1
* * * * *	*

* * * * *
[FR Doc. 2026–00545 Filed 1–13–26; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 4, 9, 11, and 90

[GN Docket No. 25–133; FCC 25–80; FR ID 326222]

Delete, Delete, Delete

AGENCY: Federal Communications Commission.

ACTION: Direct final rule; request for comments.

SUMMARY: The Direct Final Rule would repeal approximately 21 rule provisions and rule parts, totaling 2,927 words and covering approximately 7 pages in the Code of Federal Regulations, that plainly no longer serve the public interest because they have sunset by operation of law; govern an expired event; regulate an obsolete technology; are no longer used in practice by the FCC or licensees; or are otherwise duplicative, outdated, or unnecessary. The Direct Final Rule would find prior notice and comment "unnecessary" under the Administrative Procedure Act (APA) before repealing these rules, but elect to provide an opportunity for input on that assessment, with the identified rules automatically being repealed absent any significant adverse comments in response to this Direct Final Rule.

DATES: Effective March 16, 2026 without further action, unless significant adverse comment is received by February 3, 2026. If adverse comment is received, the Federal Communications Commission will publish a timely withdrawal in the **Federal Register** informing the public of the provisions of the rule[s] for which significant adverse comments were received, and elimination will not take effect.

ADDRESSES: You may submit comments, identified by GN Docket No. 25–133, electronically or on paper. See **SUPPLEMENTARY INFORMATION** for specific information and addresses for electronic or paper filings.

FOR FURTHER INFORMATION CONTACT: James Wiley, Federal Communications Commission, Public Safety and Homeland Security Bureau, James.Wiley@fcc.gov, (202) 418–1678.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Direct Final Rule, GN Docket No. 25–133, FCC 25–80, adopted on November 20, 2025 and released on November 24, 2025.

The full text of this document is available for public inspection and can be downloaded at <https://www.fcc.gov/document/fcc-deletes-outdated-public-safety-rules>. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

Comment Period and Filing

Procedures. Interested parties may file comments on or before the dates provided in the **DATES** section of this document. Comments must be filed in GN Docket No. 25–133. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Procedural Matters

Paperwork Reduction Act of 1995 Analysis: This document does not contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4).

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 rule is “non-major”

under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Direct Final Rule to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

I. Introduction

This *Direct Final Rule* continues our efforts to modernize our regulatory framework by rescinding facially obsolete public safety and homeland security rules and requirements in parts 0, 4, 9, 10, 11, and 90 of our rules. In this proceeding, we have undertaken a sweeping review eventually aimed at eliminating outdated rules, reducing unnecessary regulatory burdens, accelerating infrastructure deployment, promoting network modernization, and spurring innovation. Our objective is to streamline, simplify, and smartly deregulate across multiple fronts simultaneously to better serve the public and support technological progress.

In initiating this proceeding, we generally sought to identify rules that are outdated, obsolete, unlawful, anticompetitive, or otherwise no longer in the public interest. In today's item, we specifically focus on the repeal of certain public safety and homeland security rules in various parts for which prior notice and comment are unnecessary, but for which we elect to provide an opportunity for input on that assessment. Absent any significant adverse comments in response to this *Direct Final Rule*, these rules will be repealed.

II. Discussion

Good Cause to Forgo Notice and Comment. Under the Administrative Procedure Act (APA), when an agency for good cause finds that notice and public comment “are impracticable, unnecessary, or contrary to the public interest,” it need not follow notice and comment procedures before modifying or repealing rules. Prior notice and comment are “unnecessary” when “the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.”

We have identified approximately 21 rule provisions and rule parts, totaling 2,927 words and covering approximately 7 pages in the Code of Federal Regulations, that plainly no longer serve the public interest. One such rule provision, 47 CFR 9.20, has sunset by operation of law and ceased to be effective on September 1, 2025.

We have also found rule provisions that no longer serve the public interest because they govern expired events. Section 4.17(e) sets the compliance deadline for the Mandatory Disaster Response Initiative as May 1, 2024, a date that has passed. Section 9.11(a) regulates fixed VoIP services prior to 2021 and non-fixed VoIP services prior to 2022, dates which have passed and, in any case, specifies regulations that have been superseded by subsection 9.11(b). Section 9.19(d)(1) sets the deadline for initial 911 reliability certifications as October 15, 2014, a date which has passed. Section 10.11 establishes implementation timelines for Wireless Emergency Alerts (WEA) and the change of “Presidential Alert” to “National Alert,” which have passed. Section 10.230 establishes election procedures related to an initial compliance deadline that has since been deleted from the rules. Section 10.260 establishes compliance deadlines for requirements to notify subscribers of non-participation in WEA, which have passed. Section 11.31(d)(2) establishes a compliance deadline for discontinuing use of the National Information Center EAS originator code, which has since passed. Section 11.34(g) establishes a compliance deadline for EAS equipment acceptability, which has since passed. Section 11.21(d)–(f) establishes one-time reporting obligations for participants in the Emergency Alert System (EAS) and State Emergency Communications Committees (SECCs) about making EAS content available in languages other than English, the deadlines for which have passed, and an ongoing requirement to report updates on these efforts, which have never been triggered. Section 11.31(d)(2) establishes a compliance deadline for discontinuing use of the National Information Center EAS originator code, which has since passed. Section 11.34(g) establishes a compliance deadline for EAS equipment acceptability, which has since passed.

Other sections no longer serve the public interest because they regulate obsolete technology. Section 9.10(n) allows CMRS providers who offer dispatch service to meet the basic 911 requirements and Phase I and II requirements of section 9.10 either by complying with the requirements or by routing the customer's emergency calls through a dispatcher, but the Commission does not believe there are any CMRS providers who currently offer dispatch service that would be subject to this rule. Section 11.16 describes obsolete procedures for priority-based processing of national, state, and local alerts that are no longer followed, as

reflected by the deletion of the Emergency Alert Termination (EAT) alert code in 2012. Section 90.20(d)(28) denotes frequencies unavailable for assignment in Puerto Rico or the Virgin Islands to protect an air-to-ground radio service that no longer exists.

We also identified rule sections that govern technology that is no longer used in practice by the FCC or licensees. Section 11.11(e) describes procedures for voluntary participation in EAS that need not be reflected in regulations as they do not create binding obligations for any entity. Section 11.21(b) describes Local Area EAS Plans without creating binding obligations for any entity and that, if created, would exist as part of the State EAS Plan, which is subject to separate requirements. Section 11.21(c) describes an “FCC Mapbook” document that has never been developed. Section 11.43 describes procedures to allow entities to voluntarily participate in EAS that need not be codified and that are not used in practice. Section 11.47 specifies that entities may contact the FCC for guidance on EAS participation, which does not need to be codified, and authorizes broadcast stations to transmit EAS alerts using subcarriers, which is not used in practice.

Finally, we identified sections that are otherwise duplicative, outdated, or unnecessary. Section 0.181(d) references the Joint Telecommunications Resources Board (JTRB), which no longer exists as of 2012. Sections 0.191(q) and 0.192 provide for creation of the Emergency Response Interoperability Center (ERIC), which was rendered unnecessary in light of the formation of First Responder Network Authority in 2012. Section 4.1(b) directs providers subject to the rule to use the definitions section of part 4 to determine whether they are subject to the rules, which is self-evident and unnecessary to codify. Section 10.450(c) is unnecessary given provisions in 47 CFR 10.430. Applying the “good cause” standard discussed above, we conclude that prior notice and comment are unnecessary before repealing the rules identified in the Appendix.

Direct Final Rule Process. In this *Direct Final Rule*, we follow the processes previously outlined by the Commission regarding direct final rules, which we briefly summarize here. At times when the Commission has found prior notice and comment unnecessary before modifying or repealing rules, it simply adopted the relevant rule change without any additional process. Although we reserve the right to proceed in that manner, we elect in this decision to proceed using what is

known as a “direct final rule” process. By proceeding through a direct final rule, the Commission chooses to provide *expanded* opportunities for public comment when it is not legally required to do so under the “good cause” standard. Although the Commission has adopted specific rules codified in the Code of Federal Regulations related to notice-and-comment rulemaking procedures under 47 CFR part. 1, subpart. C, there is no legal requirement that we adopt rules before employing processes permitted by the APA and the Communications Act. For example, 47 U.S.C. 154(j) says that absent previously specified procedural obligations to the contrary, “[t]he Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.” Under a direct final rule process, rule changes are adopted without prior notice and comment, but accompanied by an opportunity for the public to file comments—and if we conclude that significant adverse comments have been filed, the relevant rule changes would not take effect until after a full notice and comment process.

In particular, we will publish this item adopting direct final rules in the **Federal Register**, and allow for comment from interested parties within 20 days of **Federal Register** publication. Until 20 days after **Federal Register** publication, this shall be a “permit-but-disclose” proceeding for purposes of our *ex parte* rules. Because this comment process is directed toward the discrete objective of the direct final rule process, and to avoid unwarranted delay in that process, we prohibit filings addressing the rule changes contemplated in this *Direct Final Rule* more than 20 days after **Federal Register** publication, absent further direction from the Commission published in the **Federal Register**. Up until that date, we find it in the public interest to continue to operate under permit-but-disclosure procedures in this regard, consistent with the status of the *In Re: Delete, Delete, Delete* proceeding more generally. This both accords with the purpose of the comment process for direct final rules, and is similar (though not identical) to actions the Commission has taken in other contexts to provide a defined end-point for public filings to enable the Commission to focus its attention on the submissions already before it. In the event that a petition for reconsideration of this action is filed, we will subsequently specifically address any comment process associated with such a petition in light

of the prohibition on filings addressing the rule changes more than 30 days after **Federal Register** publication.

The direct final rules will be effective 60 days after **Federal Register** publication. To the extent that the Commission receives comments on these direct final rules, we will evaluate whether they are significant adverse comments that warrant further procedures before changing the rules. In our assessment, we plan to be guided by the Public Engagement and Good Cause Recommendation of the Administrative Conference of the United States (ACUS) at 89 FR at 106409 that “[a]n agency should consider any comment received during direct final rulemaking to be a significant adverse comment if the comment explains why: a. The [direct final] rule would be inappropriate, including challenges to the rule’s underlying premise or approach; or b. The [direct final] rule would be ineffective or unacceptable without a change.” The touchstone for this analysis is whether a comment materially calls into question the conclusion that prior notice and comment is unnecessary under the APA, which is the predicate for use of direct final rule procedures. While we expect the formulation provided by ACUS to be a useful guide for conducting that analysis, our statutory determination of “good cause” to forgo notice and comment ultimately represents the critical issue, rather than the particular language used by ACUS.

In the event that we conclude that significant adverse comments have been filed, the Public Safety and Homeland Security Bureau (the Bureau) will publish a timely withdrawal in the **Federal Register** so that this *Direct Final Rule* does not become effective until any appropriate additional procedures have been followed. If significant adverse comments are filed only with respect to a subset of the rule revisions addressed by this *Direct Final Rule*, the Bureau will withdraw the portions of the *Direct Final Rule* that were subject to significant adverse comments. For example, if a significant adverse comment is filed regarding a single rule within a direct final rule addressing multiple rules, we will publish a withdrawal addressing only that rule.

In the event that no comments are filed in response to this *Direct Final Rule*, we do not anticipate publishing a confirmation of the effective date in the **Federal Register**, but simply will allow the rule changes to take effect as originally specified. Where comments are filed, but none of the comments are significant adverse comments, where warranted by the record the Bureau will

issue a Public Notice that will briefly explain why any comments filed were not determined to be significant adverse comments. Although the Public Notice is a document in a non-notice and comment rulemaking proceeding, nothing in that document is required to be published in the **Federal Register** by the APA given that the Public Notice is not itself adopting new or modified rules. As a result, the Bureau also need not publish the Public Notice in the **Federal Register** to establish the date of “public notice” for the Public Notice under § 1.4(b)(1) of the rules—which is limited to documents in rulemaking proceedings “required by the Administrative Procedure Act to be published in the **Federal Register**”—and instead the date of the Public Notice will be the release date per § 1.4(b)(4).

III. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), (j), 303(r), this *Direct Final Rule is adopted*. Except as specified in the *Direct Final Rule* process summarized above, this *Direct Final Rule* shall be effective upon **Federal Register** publication of the rule changes set forth in the Appendix, which also shall serve as the date of public notice of that action.

It is further ordered that the amendments of the Commission’s rules as set forth in the Appendix shall be effective 60 days after **Federal Register** publication. In the event that significant adverse comments are filed, the Public Safety and Homeland Security Bureau shall publish a timely document in the **Federal Register** withdrawing the rule so that the rule change does not become effective until any additional procedures have been followed. In the event that significant adverse comments are filed with respect to only a subset of the rule revisions, we direct the Public Safety and Homeland Security Bureau to publish a timely document in the **Federal Register** withdrawing only such rule so that the rule change does not become effective until any additional procedures have been followed.

It is further ordered that the Office of the Managing Director, Performance Program Management, *shall send* a copy of this *Direct Final Rule* 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).

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 4

Communications common carriers, Communications equipment, Reporting and recordkeeping requirements.

47 CFR Part 9

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

47 CFR Part 10

Communications, Communications common carriers, Communications equipment, Electronic products, Radio, Telecommunications.

47 CFR Part 11

Radio, Television.

47 CFR Part 90

Radio

Federal Communications Commission
Marlene Dortch,
Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends parts 0, 4, 9, 11, and 90 of Title 47 of the Code of Federal Regulations as follows:

PART 0—COMMISSION ORGANIZATION

- 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

§ 0.181 [Amended]

- 2. Section 0.181 is amended by removing and reserving paragraph (d).

§ 0.191 [Amended]

- 3. Section 0.191 is amended by removing and reserving paragraph (q).

§ 0.192 [Removed and Reserved]

- 4. Remove and reserve § 0.192.

PART 4—DISRUPTIONS TO COMMUNICATIONS

- 5. The authority citation for part 4 continues to read as follows:

Authority: 47 U.S.C. 34–39, 151, 154, 155, 157, 201, 251, 307, 316, 615a–1, 1302(a), and 1302(b); 5 U.S.C. 301, and Executive Order no. 10530.

§ 4.1 [Amended]

- 6. Section 4.1 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

§ 4.17 [Amended]

- 7. Section 4.17 is amended by removing and reserving paragraph (e).

PART 9—911 REQUIREMENTS

- 8. The authority citation for part 9 continues to read as follows:

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

Subpart C—Commercial Mobile Radio Service

§ 9.10 [Amended]

- 9. Section 9.10 is amended by removing and reserving paragraph (n).

Subpart D—Interconnected Voice Over internet Protocol Services

§ 9.11 [Amended]

- 10. Section 9.11 is amended by removing and reserving paragraph (a).

Subpart H—Resiliency, Redundancy, and Reliability of 911 Communications

- 11. Section 9.19 is amended by revising paragraph (c) introductory text and removing and reserving paragraph (d)(1).

§ 9.19 Reliability of covered 911 service providers.

* * * * *

(c) On October 15 of each year, a certifying official of every covered 911 service provider shall submit a certification to the Commission as follows.

* * * * *

§ 9.20 [Removed and Reserved]

- 12. Remove and reserve § 9.20.

PART 10—WIRELESS EMERGENCY ALERTS

- 13. The authority citation for part 10 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154(i), 154(n), 201, 301, 303(b), 303(e), 303(g), 303(j), 303(r), 307, 309, 316, 403, 544(g), 606, 1201, 1202, 1203, 1204, and 1206.

Subpart A—General Information**§ 10.11 [Removed and Reserved]**

- 14. Remove and reserve § 10.11.

Subpart B—Election To Participate in Wireless Emergency Alerts System**§ 10.230 [Removed and Reserved]**

- 15. Remove and reserve § 10.230.

§ 10.260 [Removed and Reserved]

- 16. Remove and reserve § 10.260.

Subpart D—Alert Message Requirements**§ 10.450 [Amended]**

- 17. Section 10.450 is amended by removing and reserving paragraph (c).

PART 11—EMERGENCY ALERT SYSTEM (EAS)

- 18. The authority citation for part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (n), 303(r), 544(g), 606, 1201, and 1206.

Subpart A—General**§ 11.11 [Amended]**

- 19. Section 11.11 is amended by removing and reserving paragraph (e).

§ 11.16 [Removed and Reserved]

- 20. Revise and republish § 11.21 to read as follows:

§ 11.21 State EAS Plans

(a) EAS plans contain guidelines which must be followed by EAS Participants' personnel, emergency officials, and National Weather Service (NWS) personnel to activate the EAS. The plans include the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP and SR). State and local plans contain unique methods of EAS message distribution such as the use of the Radio Broadcast Data System (RBDS). The plans also include information on actions taken by EAS Participants, in coordination with state and local governments, to ensure timely access to EAS alert content by non-English speaking populations. The plans must be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau (Bureau), prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation. The plans are administered by State Emergency Communications Committees (SECC). The Commission encourages the chief executive of each State to establish an SECC if their State does not have an SECC, and if the State has an SECC, to review the composition

and governance of the SECC. The Bureau will review and approve plans, including annual updated plans, within 60 days of receipt, provided that no defects are found requiring the plan to be returned to the SECC for correction and resubmission. If a plan submitted for approval is found defective, the SECC will be notified of the required corrections, and the corrected plan may be resubmitted for approval, thus starting the 60-day review and approval period anew. The approval dates of State EAS Plans will be listed on the Commission's website.

(b) State EAS Plans contain guidelines that must be followed by EAS Participants' personnel, emergency officials, and National Weather Service (NWS) personnel to activate the EAS. The Plans include information on actions taken by EAS Participants, in coordination with state and local governments, to ensure timely access to EAS alert content by non-English speaking populations. State EAS Plans must be updated on an annual basis. State EAS Plans must include the following elements:

(1) A list of the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP, and SR);

(2) Procedures for state emergency management officials, the National Weather Service, and EAS Participant personnel to transmit emergency information to the public during an emergency via the EAS, including the extent to which the state's dissemination strategy for state and local emergency alerts differs from its strategy for the National Emergency Message;

(3) Procedures for state and local activations of the EAS, including a list of all authorized entities participating in the State or Local Area EAS;

(4) A monitoring assignment matrix, in computer readable form, clearly showing monitoring assignments and the specific primary and backup path for the National Emergency Message (EAN) from the NPWS to all key EAS sources (using the uniform designations specified in § 11.18) and to each station in the plan, organized by operational areas within the state. If a state's emergency alert system is capable of initiating EAS messages formatted in the Common Alerting Protocol (CAP), its EAS State Plan must include specific and detailed information describing how such messages will be aggregated and distributed to EAS Participants within the state, including the monitoring requirements associated with distributing such messages; State EAS Plans must indicate whether any of the EAS monitoring sources in the

monitoring assignment matrix are primary stations adopting program originating boosters and, if so, whether the boosters will simulcast the primary station or remain off-air during periods when they are not originating programming;

(5) State procedures for conducting special EAS tests and Required Monthly Tests (RMTs);

(6) A list of satellite-based communications resources that are used as alternate monitoring assignments and present a reliable source of EAS messages; and

(7) The SECC governance structure utilized by the state in order to organize state and local resources to ensure the efficient and effective delivery of a National Emergency Message, including the duties of the SECC, the membership selection process utilized by the SECC, and the administrative structure of the SECC.

(8) Certification by the SECC Chairperson or Vice-Chairperson that the SECC met (in person, via teleconference, or via other methods of conducting virtual meetings) at least once in the twelve months prior to submitting the annual updated plan to review and update the plan.

Subpart B—Equipment Requirements**§ 11.31 [Amended]**

- 22. Section 11.31 is amended by removing and reserving paragraph (d)(2).

§ 11.34 [Amended]

- 23. Section 11.34 is amended by removing and reserving paragraph (g).

Subpart C—Organization**§ 11.43 [Removed and Reserved]**

- 24. Remove and reserve § 11.43.

§ 11.47 [Removed and Reserved]

- 25. Remove and reserve § 11.47.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

- 26. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473

Subpart B—Public Safety Radio Pool**§ 90.20 [Amended]**

- 27. Section 90.20 is amended by removing and reserving paragraph (d)(28).

[FR Doc. 2026–00612 Filed 1–13–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 25, 74, 78, 87, 90, 97, and 101

[ET Docket No. 23–120; RM–11785; FCC 25–60; FR ID 323350]

Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2015) (WRC–15), Other Allocation Issues, and Related Rule Updates

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) modifies the United States Table of Frequency Allocations (U.S. Table) in the Commission's rules to implement certain spectrum allocation decisions from the International Telecommunication Union's World Radiocommunication Conference's 2015 Final Acts, including those for amateur radio, satellite services, and for aural broadcast auxiliary and television broadcast auxiliary stations by revising the Commission's rules. These changes provide for increased domestic utilization of a range of spectrum in both satellite and terrestrial contexts.

DATES: This final rule is effective February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Sebastian Garcia of the Office of Engineering and Technology, at Sebastian.Garcia@fcc.gov or 202–418–2932.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, in ET Docket No. 23–120, RM–11785, FCC 25–60, adopted on September 23, 2025, and released on December 9, 2025. The full text of this document is available for public inspection and can be downloaded at <https://docs.fcc.gov/public/attachments/FCC-25-60A1.pdf>. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a

significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Report and Order* on small entities. The FRFA is set forth in Appendix B, <https://www.fcc.gov/document/fcc-adopts-final-rules-implementing-wrc-15>.

Paperwork Reduction Act. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

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 rule is “major” under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Third Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

Introduction

By this document the Commission amends the United States Table of Frequency Allocations (U.S. Table) in the Commission's rules to implement certain radiofrequency (RF) allocation decisions in the Final Acts of the International Telecommunication Union (ITU) World Radiocommunication Conference 2015 (*WRC–15 Final Acts*), make other allocation changes in the U.S. Table that are not related to *WRC–15 Final Acts* implementation, and revise parts 2, 25, 74, 78, 87, 90, 97, and 101 of the rules to reflect the allocation changes.

In this document, the Commission implements certain spectrum allocation decisions from the *WRC–15 Final Acts*, which were proposed in the *WRC–15 Notice*, including those for amateur radio, satellite services, and for aural broadcast auxiliary and television broadcast auxiliary stations. The Commission's decisions are generally divided into space and terrestrial issues, along with other matters, as follows.

Satellite Issues

- Provide satellite-based search and rescue systems operating in the 406–

406.1 MHz band with protection from out-of-band emissions from operations in adjacent bands by adding footnote US265 to the U.S. Table and revising section 90.265 to, *inter alia*, prohibit new fixed and mobile service frequency assignments in the adjacent 100 kilohertz bands at 405.9–406.0 MHz and 406.1–406.2 MHz. Revise footnote US13 and section 90.265 to prohibit new assignments for the frequencies 406.1250 and 406.1750 MHz, following the effective date of the rules in this proceeding.

- Allocate the 410–420 MHz band to the space research service (space-to-space) on a secondary basis for non-Federal use, limited to communications links with an orbiting, manned space vehicle and require compliance with a power flux-density limit at the Earth's surface to protect existing and future licensees.

- Provide for Global Flight Tracking by allocating the 1087.7–1092.3 MHz sub-band to the aeronautical mobile-satellite (route) service (Earth-to-space) on a primary basis for Federal and non-Federal use, limited to space station reception of existing automatic dependent surveillance broadcast (ADS–B) emissions from aircraft and addition of paragraph (a)(13) to section 25.202 of the Commission's rules to permit the licensing of space stations that can receive ADS–B emissions from aircraft.

- Add footnote US78 to the 960–1164 MHz band in the Federal Table and non-Federal Table portions of the U.S. Table to recognize federal use by military systems for Identification Friend or Foe operations on center frequencies 1030 MHz (for interrogators) and 1090 MHz (for transponders).

- Revise footnote US224 to require federal systems that utilize spread spectrum techniques for terrestrial communication, navigation, and identification in the 960–1215 MHz band be authorized on the condition that harmful interference not be caused to aeronautical mobile, aeronautical radionavigation, military identification friend or foe operations, aeronautical mobile satellite, and radionavigation satellites.

- Defer consideration of providing spectrum on a secondary basis for non-Federal Earth-to-space operations in the Earth exploration-satellite service in the 7190–7250 MHz band and the space research service in the 7190–7235 MHz band.

- Allocate the 9.2–9.3 GHz band and the 9.9–10.4 GHz band to the Earth exploration-satellite service (active) on a primary basis for Federal use and on a secondary basis for non-Federal use.

- Revise footnote US128 to support the Department of Defense's development of pulsed emissions systems in the 10–10.5 GHz band for the military services.

- Revise the rules for the 18.142–19.3 GHz, 28.5–29.1 GHz, and 29.25–29.5 GHz bands as follows. Update footnote US139 and the related service rules to reflect that incumbent fixed stations in the 18.3–19.3 GHz band no longer have primary status. Raise the secondary non-Federal fixed-satellite service (space-to-Earth) allocation in the 18.142–18.3 GHz band to co-primary status with the fixed service. Amend footnote US139 to allow certain fixed stations to continue to operate indefinitely under existing conditions; revise footnote NG62 to permit grandfathered fixed stations in the 28.5–29.1 GHz and 29.25–29.5 GHz bands to operate on a secondary basis to prioritize fixed-satellite services operating in the band.

- Delete the primary radionavigation-satellite service allocation from the 149.9–150.05 MHz and 399.9–400.05 MHz bands.

Terrestrial Issues

- Allocate the 5351.5–5366.5 kHz (60-meter) band to the amateur service on a secondary basis; continue to make available on a secondary basis the four existing channels outside of the 5351.5–5366.5 kHz band; and establish other operating guidelines for amateur use of the band.

- Update the coordination and contact information in US270 for amateur stations operating in previously defined areas of the 420–450 MHz (70 centimeter) band.

- Delete the broadcasting service allocation in the 700 MHz band.

- Delete footnote NG155 from section 2.106 as unnecessary and inapplicable under the Commission's current rules.

Other Matters

- Decline the addition of a new paragraph within section 2.102 of the Commission's rules to address certain space research service (deep space) allocations.

- Amend section 2.1(c) of the rules to add or revise definitions in accordance with those adopted at WRC–15. Revise the radiosonde definition in section 2.1(c) to correct a typographical error (*i.e.*, correct “balloon” to read “balloon”).

- Amend section 2.105(d) of the rules to clarify how the footnote references which appear in the U.S. Table are applicable to the allocated services in the U.S. Table.

Background

The International Telecommunications Union (ITU) convenes a World Radiocommunication Conference (WRC) typically every three to four years to address international spectrum use. Specifically, the WRC allocates frequency bands to various radio services generally on either a worldwide or regional basis and enters these radio services in the ITU's Table of Frequency Allocations (which is reflected in section 2.106 of the Commission's rules as the International Table of Frequency Allocations) as part of the Radio Regulations. WRC–15 was held in Geneva, Switzerland from November 2 to November 27, 2015, with more than 40 topics addressed related to frequency allocation and sharing for spectrum and orbital resources, with the decisions ultimately published by the ITU as the *WRC–15 Final Acts*. On September 10, 2018, the National Telecommunications and Information Administration (NTIA) submitted its recommendations for national implementation of the *WRC–15 Final Acts* to the Commission. This was followed by the Commission's *WRC–15 Administrative Order*, which reflected the WRC–15 changes to the International Table and made other non-substantive, editorial changes to the Commission's rules, including revisions to the Federal Table that did not require notice and comment.

The actions taken herein reflect the Notice of Proposed Rulemaking (*WRC–15 Notice*), released on April 21, 2023, in which the Commission proposed to amend the Commission's rules to implement certain of the remaining allocation decisions from the ITU's *WRC–15 Final Acts* concerning portions of the radio spectrum between 5330.5 kHz and 29.5 GHz, make other allocation changes that are not related to *WRC–15 Final Acts* implementation, and update the Commission's service rules to reflect the allocation changes. As of November 28, 2023, the date that the reply comment period ended in this docket, the Commission received 3,457 filings. Implementation decisions regarding WRC–15 allocations have also been made in other Commission proceedings.

Satellite Issues

Protection of Search and Rescue Satellites Receiving in the 406–406.1 MHz Band

The Commission's rules currently authorize Emergency-Position Indicating Radio Beacon, Emergency Locator Transmitter, and Personal Locator Beacon transmissions in the

406–406.1 MHz band to Federal government satellites that carry Search and Rescue Satellite (SARSAT) receivers. The National Oceanic and Atmospheric Administration (NOAA) operates polar orbiting and geostationary satellites that carry payloads providing distress alert and location information to appropriate public safety rescue authorities for maritime, aviation, and land users in distress.

The Commission adopts proposals addressing concerns that aggregate levels of electromagnetic interference, including interference from transmissions in adjacent frequency bands, are adversely affecting the operations of SARSAT receivers operating in the 406–406.1 MHz band. These proposals received no comment. First, the Commission adopts the Commission's proposal for a new footnote US265 in the U.S. Table (Federal and non-Federal portions) in section 2.106(a) for the 403–410 MHz band to prohibit new frequency assignments within the 405.9–406.0 MHz and 406.1–406.2 MHz bands under the fixed and mobile services allocations in the 403–406 MHz and 406.1–410 MHz bands. The Commission adopts its tentative conclusion that medical device radiocommunication service (MedRadio) operations currently allowed by footnote US64 will not interfere with SARSAT operations due to their ultra-low power generation. No commenter disagreed with this tentative conclusion. Accordingly, the Commission concludes that MedRadio devices can operate consistent with US265 and their secondary status within the band and the Commission does not believe that US265's prohibition of new frequency assignments within the 405.9–406.0 MHz and 406.1–406.2 MHz bands requires us to restrict MedRadio's continued use and growth within the 401–406 MHz band. The Commission also adopts its proposal which states that, in order to protect SARSAT devices, any radiosonde applicants seeking to operate in the band would need to take into account frequency drift characteristics when selecting operating frequencies above 405 MHz to avoid transmitting in the 406–406.1 MHz band and to take all practical steps to avoid the operating frequency drifting close to 406 MHz.

The Commission also adopts related proposals regarding fixed and mobile services in the adjacent 403–406 MHz and 406.1–410 MHz bands. These proposals also received no comment. First, in the *WRC–15 Notice*, the Commission proposed to revise footnote

US13 and section 90.265 to state that, after the effective date of the final rules in this proceeding, no assignments for the frequencies 406.1250 MHz and 406.1750 MHz would be made, and that existing stations could continue to operate indefinitely on these frequencies as they are currently licensed. The Commission received no comment on this proposal and therefore revise footnote US13 and section 90.265 as proposed. The Commission believes that this action will ensure consistency with US265 and help protect SRSAT systems operating in the adjacent 406–406.1 MHz band from out-of-band emissions (OOBE) originating on the frequencies 406.1250 MHz and 406.1750 MHz. The Commission also adopts the Commission's proposal to update footnote US117 to reflect that non-federal use of the 406.1–410 MHz band is limited to the radio astronomy service and as provided by footnotes US13 and US55.

Space Research Service (Space-to-Space) in the 410–420 MHz Band

Current use of the 410–420 MHz band is limited to the fixed, mobile, and space research (space-to-space) services on a primary basis for Federal use, with non-Federal use limited to MedRadio operations in the 413–419 MHz segment of the band. As proposed in the *WRC-15 Notice*, the Commission allocates the 410–420 MHz band to the space research service (space-to-space) on a secondary basis for non-Federal use. The Commission also adopts footnote 5.268 in the non-Federal portion of the U.S. Table in the 410–420 MHz band. Footnote 5.268 limits the use of the space research service to space-to-space communication links with an orbiting, manned space vehicle, and requires compliance with a power flux density (PFD) limit at the Earth's surface of -153 to -148 dBW/m² in a 4-kilohertz bandwidth, depending on the angle of arrival of the radio-frequency wave, to protect existing and future fixed and mobile services operations from harmful interference.

These proposals received no comment and the Commission concludes that allocating the 410–420 MHz band to the space research service (space-to-space) on a secondary basis for non-Federal use will support both increased commercial exploration of the deep space environment and protect primary Federal operations in this band. Additionally, the adoption of footnote 5.268 restricts the use of this band to communications links with an orbiting, manned space vehicle and limits the PFD at Earth's surface, which will protect stations of the primary fixed and

mobile services bands from harmful interference.

Global Flight Tracking for Civil Aviation (1087.7–1092.3 MHz)

The Commission adopts proposals intended to enhance global flight tracking capabilities. First the Commission adopts its proposal to allocate the 1087.7–1092.3 MHz band to the aeronautical mobile-satellite (route) service (Earth-to-space) on a primary basis for Federal and non-Federal use, limited to space station reception of automatic dependent surveillance-broadcast (ADS-B) emissions from aircraft by referencing footnote 5.328AA in the 960–1164 MHz band within the U.S. Table. ADS-B is a service that automatically broadcasts GPS-derived data on the location, velocity, altitude, heading, and other performance metrics, of an ADS-B-equipped aircraft to other ADS-B-equipped aircraft and ground stations for distribution to air traffic control systems. Pursuant to Federal Aviation Administration regulations, after January 1, 2020, virtually all aircraft must be able to transmit ADS-B information (ADS-B Out) to fly in most controlled airspace. For aircraft that operate above 18,000 feet or need to comply with ADS-B requirements outside the United States, the equipment must operate on the frequency 1090 MHz using what are often referred to as 1090ES transponders. All other aircraft may carry equipment operating either on frequency 978 MHz or frequency 1090 MHz. In 2006, the Commission adopted technical and operational rules for ADS-B transmissions on 978 MHz using Universal Access Transceiver (UAT) technology. While the Commission authorized the use of the frequency 1090 MHz by aeronautical utility mobile stations used for airport surface detection in 2013, it has not adopted technical and operational rules specifically for airborne ADS-B transmissions on 1090 MHz. However, part 87 accommodates the use of 1090 MHz aeronautical utility mobile stations as airborne electronic aids to navigation in the 960–1215 MHz band.

The Commission adopts the proposed implementation of the primary aeronautical mobile-satellite (route) service allocation, limited to space station reception of automatic dependent surveillance-broadcast (ADS-B) emissions from aircraft, by referencing footnote 5.328AA in the 960–1164 MHz band within the U.S. Table (Federal and non-Federal Tables). Under section 87.5 in the Commission's aviation service rules, ADS-B is currently defined as broadcast

transmissions from aircraft, supporting aircraft-to-aircraft or aircraft-to-ground surveillance applications, including position reports, velocity vector, intent and other relevant information about the aircraft. To reflect this enhanced ADS-B capability in the aviation service rules, the Commission modifies the definition of ADS-B in section 87.5 to include space station reception of automatic dependent surveillance-broadcast (ADS-B) emissions from aircraft in the 1087.7–1092.3 MHz band. Additionally, the Commission adds paragraph (a)(13) to section 25.202 of the Commission's rules to permit the licensing of space stations that can receive ADS-B emissions in the 1087.7–1092.3 MHz band from aircraft. The new primary aeronautical mobile-satellite (route) service (Earth-to-space) allocation that the Commission adds in section 2.106(a) will extend reception of ADS-B signals beyond terrestrial line-of-sight to facilitate reporting the position of aircraft located anywhere in the world. As aircraft travel over land, there are generally terrestrial networks capable of forwarding this information to flight control centers. When travelling over an ocean or other remote regions, however, space stations can provide an alternative ADS-B point of reception.

Iridium, in its comments, supports the Commission's proposal to create a primary allocation in the band for Earth-to-space ADS-B transmissions from aircraft. Further, Iridium suggests that the Commission should automatically upgrade to primary status existing Earth-to-space authorizations in the band, such as those in its second-generation satellite authorization. No commenter opposed this proposal.

The Commission agrees with Iridium and conclude that providing a primary allocation for satellite reception of ADS-B signals from aircraft-in-flight would ensure the efficient management of air traffic in oceanic, polar, and remote airspace. The use of ADS-B directly influences many factors, such as the minimum separation distances between aircraft, resulting in the efficient use of airspace, optimization of air routes, and altitude availability due to events such as changes in weather conditions. Regarding Iridium's request that existing Earth-to-space operations in this band, such as those in Iridium's second-generation satellite authorization, automatically be upgraded to primary status, the Commission directs Iridium to the terms of its waiver grant. Specifically, the Commission stated as a condition of licensing Iridium's second-generation satellites that “[o]perations in the 156.0125–162.0375 MHz and 1087.7–

1092.3 MHz bands must be in accordance with any Commission rulemakings subsequent to the release of this Order and Authorization that implement any new domestic allocations or service rules for these bands.” As the Commission’s rule today allocates the 1087.7–1092.3 MHz band to the aeronautical mobile-satellite (route) service (Earth-to-space) on a primary basis for Federal and non-Federal use, Iridium’s existing ADS-B satellite operations in this band would, under the terms of the waiver, also attain primary status within this band.

As proposed, the Commission also adds new footnote US78 to the 960–1164 MHz band in the U.S. Table in section 2.106(a) to recognize Federal use by military systems for Identification Friend or Foe (IFF) operations on center frequencies 1030 MHz (for interrogators) and 1090 MHz (for transponders). This proposal, suggested by NTIA, did not result in any comments. This use will be subject to the condition that harmful interference not be caused to the aeronautical radionavigation service or the aeronautical mobile (R) service. The Commission believes that this use will enhance the ability of military aircraft to determine whether other aircraft are friendly in nature.

Lastly, as proposed, the Commission revises footnote US224 to require Federal systems that utilize spectrum spread techniques for terrestrial communication, navigation, and identification in the 960–1215 MHz band be authorized on the condition that harmful interference not be caused to the aeronautical mobile (route) and aeronautical radionavigation services in the 960–1164 MHz band, Federal IFF systems on center frequencies 1030/1090 MHz, aeronautical mobile-satellite (route) service (Earth-to-space) in the 1087.7–1092.3 MHz band, and the aeronautical radionavigation and radionavigation-satellite (space-to-Earth) (space-to-space) services in the 1164–1215 MHz band. The Commission believes that this footnote revision is necessary to protect the increased number of services operating in the aforementioned bands. Although updates to its part 87 rules were not specifically proposed in the *WRC-15 Notice’s* rule parts list, the Commission did request comment on whether modifications to its part 87 rules were necessary to implement any of the proposed changes. The Commission received no comment but conclude that, in order to fully implement its decision, the Commission must revise section 87.479 of the Commission’s rules to reflect the additional aviation services that will now be entitled to protection

that footnote US224 provides to part 87 radionavigation services in the 960–1215 MHz band.

Satellite Uplinks in the 7190–7250 MHz Band

In the *WRC-15 Notice*, as recommended by NTIA, the Commission sought comment on whether it should provide spectrum on a secondary basis for non-Federal Earth-to-space operations for the Earth exploration-satellite service in the 7190–7250 MHz band and the space research service in the 7190–7235 MHz band. In the U.S. Table, the 7190–7235 MHz band is allocated to the Earth exploration-satellite (Earth-to-space) and fixed services, both on a primary basis and exclusively for Federal use. The 7190–7235 MHz portion of the band is also allocated on a primary basis to the space research services (Earth-to-space) exclusively for Federal use. For the reasons discussed below, the Commission declines to address these spectrum bands herein and are deferring a decision for future Commission action.

The Commission specifically sought comment on making these Federal uplink bands available for non-Federal use on a secondary basis for Earth-to-space operations in the Earth exploration-satellite and space research services by adding footnotes US460 and US460A to the 7190–7235 MHz band and footnote US460A to the 7235–7250 MHz band. Footnote US460 would provide a secondary non-Federal allocation in the 7190–7235 MHz band for the space research service (Earth-to-space) and would prohibit emissions from such systems intended for deep space. Footnote US460A would allocate the 7190–7250 MHz band to the Earth exploration-satellite service (Earth-to-space) on a secondary basis for non-Federal use, limited to tracking, telemetry, and command (TT&C) for the operation of spacecraft. Commenters express concern with these proposals. NCTA, in its comments, states that “[t]he circumstances of the 7/8 GHz range have changed significantly since the Commission issued the NPRM in April 2023 and even more since NTIA made its original recommendation to the Commission in 2018. Qualcomm states that moving now to allocate these sub-bands “would further complicate the spectral landscape that has been earmarked for domestic study and potentially international studies under the ITU-R working groups.”

Multiple commenters cite the National Spectrum Strategy (NSS) to assert that additional allocations in the 7/8 GHz band could complicate future allocation decisions. One of the

spectrum bands identified is the 7125–8400 MHz band, which the NSS states “will be studied for wireless broadband use” (on a licensed and/or unlicensed basis), though, as NTIA states in the strategy, “some sub-bands eventually may be studied for other uses.” It goes on to state that there are a variety of mission-critical Federal operations in this band (including Fixed, Fixed Satellite, Mobile, Mobile-Satellite, Space Research, Earth Exploration-Satellite, and Meteorological-Satellite Services) that would make it challenging to repurpose portions of the band while protecting incumbents from harmful interference.

CTIA states that any proposal to allocate the “7190–7235 MHz band to the Space Research Service and the 7190–7235 MHz band to the Earth Exploration Satellite-Service on a secondary basis for non-Federal use has been overcome by the NSS and a series of additional events since WRC-15’s conclusion and NTIA’s submission to the Commission of its *WRC-15 Final Acts* implementation recommendations.” CTIA goes on to state that the 7/8 GHz spectrum range is vital “to the 7–16 GHz band that Chairwoman Rosenworcel has identified for 6G and that the ITU is expected to explore this spectrum range for next-generation wireless deployments.” T-Mobile states that the Commission should refrain from taking any action that would “limit its options regarding the use of these bands for future wireless services.”

Lockheed Martin, however, states in its comments that “implementing only a secondary non-Federal allocation domestically [in support of deep-space operations] poses the risk of rendering the band unusable for future non-Federal operations absent adequate protections.” Lockheed encourages the Commission to instead make the allocation on a primary basis in the Table of Allocations.

In light of ongoing governmental workstreams reviewing the band, changes in the spectral environment, and opposition from stakeholders across multiple sectors, the Commission finds it premature to reach a decision at this time on additional allocations in this band. The Senate Commerce Committee’s budget reconciliation bill proposes that the NTIA conduct a timely spectrum analysis of the 7.25–7.4 GHz band in support of the House’s budget reconciliation bill which outlines the Administration’s effort to identify and auction 600 megahertz of spectrum for advanced mobile and fixed broadband services. Lawmakers have identified the 7/8 GHz band in

particular as warranting consideration for future spectrum auctions. While the Commission recognizes the importance of the space exploration mission being undertaken by NASA and its commercial partners, the information received in the record indicates that moving ahead with allocations in these bands at this time could complicate studies of the bands for advanced wireless uses.

Earth Exploration-Satellite Service (Active) in the 9.2–9.3 GHz and 9.9–10.4 GHz Bands

The Commission adopts its proposals to allocate the 9.2–9.3 GHz and 9.9–10.4 GHz bands to the Earth exploration-satellite service (active) on a primary basis for Federal use and on a secondary basis for non-Federal use, subject to four footnotes: 5.474A, 5.474B, 5.474C, and US474D. These proposals would implement WRC-15's expansion of the current worldwide Earth exploration-satellite service (active) allocation in the 9.3–9.9 GHz band by allocating an additional 600 megahertz of spectrum in the adjacent bands to this service and support the growing demand for greater image resolution to satisfy global environmental monitoring requirements while protecting adjacent-bands services from any interference issues this increase in usage may cause. Spaceborne radars operating in this band support a large number of scientific and geoinformation applications, such as disaster relief and humanitarian aid, land use, and large area coastal surveillance.

In the *WRC-15 Notice*, the Commission sought comment on whether to allocate the 9.2–9.3 GHz and 9.9–10.4 GHz bands to the Earth exploration-satellite service (active) on a primary basis for Federal use and on a secondary basis for non-Federal use, subject to the conditions of four footnotes added to the 9.2–9.3 GHz and 9.9–10.4 GHz bands (5.474A, 5.474B, 5.474C, and US474D). Footnote 5.474A limits the use of the 9.2–9.3 GHz and 9.9–10.4 GHz bands to systems in the Earth exploration satellite service (active) requiring a necessary bandwidth greater than 600 megahertz that cannot be fully accommodated within the 9.3–9.9 GHz band. Footnote 5.474B states that stations in the Earth exploration-satellite service (active) shall comply with Recommendation ITU-R RS.2066-0 (WRC-15), which provides an operational procedure to avoid main-beam to main-beam coupling between Earth exploration-satellite service systems when transmitting near 9.6 GHz and radio astronomy service stations performing observations in the 10.6–

10.7 GHz band. Footnote 5.474C states that stations operating in the Earth exploration-satellite (active) service shall comply with Recommendation ITU-R RS.2065-0 (WRC-15), which provides mitigation techniques that can reduce the unwanted emissions of Earth exploration-satellite service (active) systems to avoid interference with space research service (space-to-Earth) links in the 8.40–8.45 GHz and 8.45–8.50 GHz bands. Lastly, footnote US474D (based partially on footnote 5.474D) would require that stations in the Earth exploration-satellite service (active) not cause harmful interference to, or claim protection from, the maritime radionavigation service in the 9.2–9.3 GHz band and the radiolocation service in the 9.9–10.4 GHz band. The Commission also sought comment on whether the 9.2–9.8 GHz and 9.9–10.4 GHz bands should be allocated to the Earth exploration satellite-service (active) on a primary basis for non-Federal use, so that the status of those non-Federal allocations would mirror the status of the Federal Earth exploration satellite-services (active) in those bands. The Commission received no comment on these proposals.

The Commission adopts the proposal to allocate the 9.2–9.3 GHz and 9.9–10.4 GHz bands to the Earth exploration satellite-service (active) on a primary basis for Federal use and on a secondary basis for non-Federal use, subject to the four aforementioned footnotes (5.474A, 5.474B, 5.474C, US474D). The Commission believes that this allocation will support the growing demand for scientific and geoinformation applications for both the Federal and non-Federal operations. Further, the application of the four footnotes to these bands will protect adjacent services from any interference issues this increase in usage may cause. Lastly, the Commission declines to adopt its proposal to allocate the 9.2–9.8 GHz and the 9.9–10.4 GHz bands to the Earth exploration satellite-service (active) on a primary basis for non-Federal use so the status of these allocations would mirror the status of the primary Federal Earth exploration satellite-service (active) allocations in these bands, as the Commission believes that the non-Federal secondary allocation the Commission adopts today in the 9.2–9.3 GHz and 9.9–10.4 GHz bands will provide non-Federal users with sufficient bandwidth for their operations. Declining to raise the status of the secondary non-Federal Earth exploration satellite-service (active) allocations in these bands to primary status will also help protect adjacent-

band operations from harmful interference, as the proposed non-Federal primary allocation was not subject to footnotes 5.474A, 5.474B, 5.474C, and US474D, which the *WRC-15 Final Acts* prescribed to protect adjacent services from increased EESS usage in the 9.2–9.3 GHz and 9.9–10.4 GHz bands.

The Commission also proposed to revise footnote US128 to support the Department of Defense's (DOD) development of pulsed emissions systems for the military services in the 10–10.5 GHz band. The 10–10.5 GHz band is currently allocated to the radiolocation service on a primary basis for Federal use; the 10–10.45 GHz band is allocated to the amateur and radiolocation services on a secondary basis for non-Federal use; the 10.45–10.5 GHz band is allocated to the amateur, amateur-satellite, and radiolocation services on a secondary basis for non-Federal use; and the 9.975–10.025 GHz band is allocated to the meteorological-satellite service on a secondary basis for use by weather radars for Federal and non-Federal use. US128 currently prohibits pulsed emissions in the 10–10.5 GHz band, except for weather radars onboard meteorological satellites in the 10–10.025 GHz sub-band. The Commission received no comments on this proposal and revise footnote US128 to permit DOD's development of pulsed emissions systems for the military services in the 10–10.5 GHz band to help meet future system needs.

Revision of the 18.142–19.3 GHz, 28.5–29.1 GHz, and 29.25–29.5 GHz Bands

The Commission sought comment in the *WRC-15 Notice* on revising footnote NG62 to permit grandfathered fixed stations in the 28.5–29.1 GHz and 29.25–29.5 GHz bands to operate on a secondary basis; updating footnote US139 and the related service rules to reflect that incumbent fixed stations in the 18.3–19.3 GHz band no longer have primary status; raising the secondary non-Federal fixed-satellite service (space-to-Earth) allocation in the 18.142–18.3 GHz band to co-primary status with the fixed service; and amending US139 to allow certain fixed stations to continue to operate indefinitely under existing conditions.

First, the Commission revises footnote NG62 to permit grandfathered fixed stations to operate on a secondary basis in the 28.5–29.1 GHz and 29.25–29.5 GHz bands, which prioritizes fixed-satellite services operating in the band. Footnote NG62 currently states that, in the 28.5–29.1 GHz and 29.25–29.5 GHz bands, stations in the fixed-satellite

service shall not cause harmful interference to, or claim protection from, stations in the fixed service operating under 18 listed call signs. The Commission proposed to amend footnote NG62 to permit fixed stations authorized pursuant to the 10 listed call signs that currently operate in these bands to continue to operate indefinitely on a secondary basis. The Commission adopted NG62 when it deleted the primary fixed and mobile service allocations from the 28.35–29.1 GHz and 29.25–29.5 GHz bands in the non-Federal Table of Frequency Allocations. The Commission additionally notes that the Commission's rules permit earth stations in motion (ESIMs) to operate in these frequency bands. The proposed secondary status of these fixed stations would recognize that ESIMs, which may operate anywhere without coordination with the fixed stations, may cause intermittent interference to these fixed stations. Only one commenter, Iridium, addresses this proposal. Iridium contends that when the Commission adopted its Ka-band (29.1–29.5 GHz) plan in 2017, it plainly intended for the band to be used primarily for satellite feeder links. Iridium further states that the proposal would clearly establish the status of the grandfathered terrestrial stations by stating that they are secondary to satellite operations in the 29.1–29.5 GHz band. Given the fact that only 10 of the 18 legacy fixed stations continue to operate in the band, amending NG62 to prioritize satellite operations ultimately rationalizes the relative priorities for services in the 28.5–29.1 GHz and 29.25–29.5 GHz bands.

As proposed, the Commission amends footnote US139 to state that, in the 18.3–19.3 GHz band, earth station licensees in the fixed-satellite service (space-to-earth) may require that licensees of grandfathered stations in the fixed service cease operations, consistent with the provisions in section 101.95 of the Commission's rules. The Commission made this proposal because, in the 18.3–19.3 GHz band, there is no fixed service allocation and there are no longer any primary grandfathered fixed stations. The Commission also proposed to revise sections 74.502(c), 74.602(g), 78.18(a)(4), and 101.147(r) of the rules in order to update the introductory text and the frequencies that are available to applicants of aural broadcast auxiliary stations, television broadcast auxiliary stations, cable television relay service, and fixed microwave services, respectively. While most of the

proposed changes would remove channels that are no longer allocated to the fixed service, in one instance the Commission proposed to add replacement channels, *i.e.*, the Commission proposed replacing the 12 frequency pairs in section 74.502(c)(1)(i) of the rules with the 5-megahertz channels from section 101.147(r)(5). The Commission also proposed to update sections 101.95(a) and 101.147(a) to remove expired text and to remove sections 101.83 through 101.91 and 101.97, which concern expired policies governing fixed service relocation from the 18.3–19.3 GHz band. The Commission received no comment on these proposals and, due to the absence of both a fixed allocation and the lack of any primary grandfathered fixed stations operating in the band, the Commission amends its rules to update the 18.3–18.9 GHz band as proposed. The Commission will also revise sections 74.502(c), 74.602(g), 78.18(a)(4), and 101.147(r) of the rules in order to update the introductory text and the frequencies that are available to applicants of aural broadcast auxiliary stations, television broadcast auxiliary stations, cable television relay service, and fixed microwave services. Lastly, the Commission will adopt its proposal to replace the 12 frequency pairs in section 74.502(c)(1)(i) of the rules with 5-megahertz channels from section 101.147(r)(5), as well as make the aforementioned updates to section 101.91 and 101.97 to remove expired language.

The Commission also adopts its proposal to raise the non-Federal, secondary fixed-satellite service (space-to-Earth) allocation in the 18.142–18.3 GHz band to co-primary status (co-equal with the non-Federal fixed service allocation in the band). This upgrade in allocation status provides receiving earth stations with interference protection from later-licensed fixed stations used for part 74 and part 101 Multichannel Video Programming Distributor (MVPD) and part 78 cable television relay service (CARS) operations that operate in accordance with the proposed rules in this section. The Commission received no comment on this proposal and adopt it based on its conclusion that this upgrade in allocation status will result in earth station's using this band more intensely and enhanced spectrum efficiency. This action to raise the non-Federal secondary FSS (space-to-Earth) allocation in the 18.142–18.3 GHz band to primary status also aligns with NTIA's recommendation in the 18 GHz Band Report, which identified the 18

GHz band for expanded Federal and non-Federal satellite operations, consistent with the U.S. position at WRC–23.

Lastly, the Commission sought comment on whether it should allow continued operation of existing CARS licenses that authorize operation in the 18.3–18.304 GHz and 18.3–18.334 GHz bands in Puu Nianiau, Hawaii, and Placerville, California, respectively, and to revise footnote US139 to codify that these fixed stations may continue to operate indefinitely under existing conditions. Again, the Commission received no comment on these proposals and thereby allow continued operation of the aforementioned fixed stations and codify footnote US139, allowing continued, indefinite operation of these stations under existing conditions.

Deletion of the Radionavigation-Satellite Service From the 149.9–150.05 MHz and 399.9–400.05 MHz Bands

Consistent with the *WRC–15 Final Acts* and as proposed in the *WRC–15 Notice*, the Commission remove the radionavigation-satellite service allocation in the 149.9–150.05 MHz and 399.9–400.05 MHz bands from the Federal and non-Federal portions of the U.S. Table. These two bands are allocated to the mobile-satellite service (Earth-to-space) and the radionavigation-satellite service, both on a primary basis, for Federal and non-Federal use. The *WRC–15 Final Acts* deleted the radionavigation-satellite service allocations from the International Table in these bands because they expired on January 15, 2015, pursuant to footnote 5.224B. The Commission received no comment on this proposal. A search of the Commission's International Communications Filing System (ICFS) database revealed that there are no RNSS licensees in the two bands. Thus, the Commission deletes the radionavigation-satellite service allocation from the two bands and retain the existing primary allocations to the mobile-satellite service (Earth-to-space) in the two bands on an exclusive basis, consistent with the *WRC–15 Final Acts*.

Terrestrial Issues

Amateur Service in the 5351.5–5366.5 kHz Band

In this section, the Commission makes allocation decisions regarding amateur use of the 5351.5–5366.5 kHz band and the four discrete channels at 5332, 5348, 5373, and 5405 kHz that are outside of the band, as well as the technical and operational characteristics amateurs

must adhere to when utilizing the band and the four discrete channels. The *WRC-15 Final Acts* allocated the 5351.5–5366.5 kHz band to the amateur service on a secondary basis in all ITU regions and generally set a maximum radiated power at 15 watts equivalent isotropically radiated power (EIRP), equivalent to 9.15 watts effective radiated power (ERP). In the *WRC-15 Notice*, the Commission sought comment on a number of proposals affecting amateur use of this band, including whether to allocate the 5351.5–5366.5 kHz band to the Amateur Radio Service on a secondary basis, whether the amateur service should keep the existing four channels at 5332, 5348, 5373, and 5405 kHz they use that are outside of the new allocation (known by amateurs as the 60-meter band), whether use and power limitations should be applied to the band, and the appropriate station class for use of the band, among others.

Under current Commission rules, the 5275–5450 kHz band is allocated for Federal/non-Federal shared use to the fixed service on a primary basis and the mobile except aeronautical mobile service on a secondary basis. Footnote US23 provides the amateur service with a secondary allocation on five discrete channels—each with a maximum bandwidth of 2.8 kilohertz and centered on frequencies 5332, 5348, 5358.5, 5373, and 5405 kHz. Current Commission rules also allow stations in the amateur service to transmit on these frequencies with a maximum ERP of 100 W peak envelope power (PEP)—over ten times more powerful than WRC-15's EIRP limit.

In 2017, the American Radio Relay League (ARRL), filed a Petition for Rulemaking asking the Commission to implement the amateur allocations provided for in the *WRC-15 Final Acts*, to retain the four amateur service channels outside of the band, to authorize amateurs General Class or above to use the contiguous band, and to retain the maximum ERP limit of 100 W PEP for use in the new band. NTIA recommends that the Commission conforms footnote US23 to the *WRC-15 Final Acts* by allocating the 5351.5–5366.5 kHz band to the amateur service on a secondary basis, removing the four existing amateur channels outside of this proposed new amateur band, and restricting the maximum radiated power of amateur operations in the band to 15 W EIRP (9.15 W ERP).

Allocation. For the reasons stated below, the Commission modifies footnote US23 and part 97 of the Commission's rules to implement the new international allocation at 5351.5–

5366.5 kHz, retain the existing four channels at 5332, 5348, 5373, and 5405 kHz that are outside of the new allocation, and do not restrict the existing secondary allocation for the existing four channels to disaster response operations. The Commission first sought comment on the proposal to modify footnote US23 and part 97 of the Commission's rules to implement the new international allocation at 5351.5–5366.5 kHz and whether to retain the existing four channels at 5332, 5348, 5373, and 5405 kHz that are outside of the new allocation. While commenters support the new international allocation, they are generally opposed to the removal of the four discrete channels outside of the new allocation. A commenter states that the “propagation characteristics of the 60-meter band allow for more reliable communications over medium distances than other amateur bands such as the 80-meter or 40-meter bands.” Another commenter states that the “60-meter band has proven to be immensely valuable in facilitating public service initiatives. Its strategic positioning between the 80-meter and 40-meter amateur bands ensures reliable signal propagation to specific geographic areas, particularly during temporal and solar cycle fluctuations.” Commenters generally aver that the amateur radio community requires access to a range of frequencies in order to achieve long-distance propagation by refracting high frequency communications off of the ionosphere. Commenters additionally note that, depending on atmospheric conditions, signals transmitting at lower frequencies, such as the 3500–4000 kHz band, can be absorbed by the ionosphere. Conversely, there are atmospheric conditions such that operation at higher frequencies, for example the 7000–7300 kHz range, could result in signals that pass through the ionosphere completely, avoiding the desired refraction necessary for long distance reception. Multiple commenters thus took issue with the Commission's statement in the *WRC-15 Notice*, which characterized the internationally harmonized spectrum options at 3 and 7 MHz as being sufficient for amateur operations, with most commenters reiterating the different propagation characteristics of the bands.

In 2003, when the Commission originally granted amateurs a secondary allocation in the 5250–5400 kHz range, the Commission stated its belief that frequencies within that range might be useful for completing disaster communications links at times when the

3 and 7 MHz bands were not available due to ionospheric conditions. The Commission continues to hold that opinion and thus allocate the 5351.5–5366.5 kHz band to the amateur radio service by modifying footnote US23 and part 97 of the Commission's rules. Additionally, the Commission retains the existing four channels at 5332, 5348, 5373, and 5405 kHz that are outside of the new allocation for continued amateur use.

The Commission also sought comment on whether it should alternatively only allow amateur access to the four discrete channels at 5332, 5348, 5373, and 5405 kHz in response to disasters. Amateurs participating in the Military Auxiliary Radio System (MARS) or SHARED RESOURCES (SHARES) High Frequency (HF) Radio programs during disasters or the Amateur Radio Emergency Service (ARES) or the Radio Amateur Civil Emergency Service (RACES) emergency communications programs were invited to share their proposals for whether the existing channels should continue to be used and under what conditions. One commenter states that utilization of the 60-meter band channels allows the amateur community to receive up to date emergency communications from MARS stations. On the other hand, another commenter states that use of the 60-meter band should be conditioned upon use for practice drills in MARS, SHARES, ARES, and RACES and that non-emergency use should not be allowed. However, most commenters on this issue do not support restricting the band to emergency use and some state that, while emergency use of the band by qualified amateurs remains important, non-emergency use gives amateurs an important frequency band for continued communications. The Commission finds that restricting the existing allocation to disaster response would deprive the amateur community of an important means of communication, especially in instances where ionospheric propagation characteristics at alternative high frequency bands render them potentially unusable.

Channelization and Permitted Uses. Consistent with its proposal in the *WRC-15 Notice*, the Commission does not require the use of channelization or sub-bands in the new internationally harmonized amateur allocation. In the *WRC-15 Notice*, the Commission stated that, due to the wide variety of potential applications and the need to protect other communications, dividing the band into channels or sub-bands would lead to inefficient spectrum use. The Commission also proposed that, due to

the propensity of some wideband digital emissions creating spectrum sharing problems, a maximum emission bandwidth of 2.8 kilohertz should be imposed on amateur operations in the band. The Commission asked commenters whether there were any other limits or technical rule changes necessary to ensure reliable and efficient use of the band.

Most commenters support the Commission's proposal not to channelize the new international allocation, with one stating that channelization in the amateur radio service is limiting due to the varying nature of emissions depending on type (e.g., continuous wave, phone, or digital). Another commenter, however, supports the notion of channelization, stating that the new 15 kilohertz band can be neatly channelized into five, 3-kilohertz channels, which would help to maintain order by letting users know where transmissions must occur. Regarding other technical proposals for the band, another commenter argues against the use of continuous wave (CW) transmissions, stating that they are obsolete and have not been used for primary communications in other radio services for years. On the other hand, another commenter argues that the new 15 kilohertz band should not be channelized and should be restricted to narrow modes only, such as CW and digital, with no phone mode allowed on the new band. One commenter expresses support for the Commission's proposal not to channelize the new 15 kilohertz band and states that any unencrypted digital operation should be allowed as long as its emission bandwidth does not exceed 2.8 kilohertz, which the commenter maintains is necessary to preserve spectrum in this narrow band. Other commenters also support the Commission proposal to limit emission bandwidth to 2.8 kilohertz within the new band.

Due to the limited contiguous allocation of 15 kilohertz, the Commission recognizes that amateur radio operators will need flexibility to utilize the new allocation. Thus, the Commission does not require the use of channelization or sub-bands in the new allocation at 5351.5–5366.5 kHz. The Commission also carries forward the requirement of section 97.303(h) of the Commission's rules, currently applicable to the discrete channels at 5332, 5348, 5373, and 5405 kHz, which stipulates that amateur operators shall ensure that emission bandwidth not exceed 2.8 kilohertz, which the Commission also agrees will preserve access to the limited spectrum in this

secondary allocation. Amateurs utilizing the discrete channels located at 5332, 5348, 5373, and 5405 kHz should already be familiar with these requirements and they have been quite successful in the mitigation of interference to primary users. The Commission found the comments that favored channelization to be unpersuasive, due to both the record reflecting substantial opposition to channelization and the fact that narrow band modes of operation allow a multitude of signals to transmit on a single 2.8 kilohertz channel.

Station Class. The Commission limits use of the existing amateur allocations at 5332, 5348, 5373, and 5405 kHz and the new amateur allocation at 5351.5–5366.5 kHz to amateur radio operators holding a General Class license or higher. The Commission proposed in the *WRC-15 Notice* that utilization of the new international allocation at 5351.5–5366.5 kHz should be limited to amateurs holding a General Class license or higher. The Commission also sought comment on its proposal that if it maintains the four discrete channels at 5332, 5348, 5373, and 5405 kHz outside of the international allocation, should they too be limited to General Class licensees or higher. Commenters support the Commission's proposal to limit use of the new 15 kilohertz band to General Class licensees or above, with one stating that it is necessary "due to the narrowness of the band, the need to calculate radiated power limits for the antenna configuration, and the need to understand the requirements ensuring that primary users are protected from harmful interference." ARRL also suggests that use of the new international allocation and the four channels outside of that allocation should be limited to General Class licensees or higher, as "[e]ntry-level radio amateurs may not have the requisite experience to operate in accordance with the interference avoidance protocols with which much more experienced licensees will be proficient."

The Commission agrees with commenters that utilization of the new international allocation at 5351.5–5366.5 kHz should be limited to those holding a General Class license or above. The Commission believes that the need to protect the important Federal operations in this band requires a higher level understanding of power limitations, radiocommunications technology, operating practices, and applicable regulations. Those holding General Class licenses or above will have a better understanding of these requirements. Further, this logic extends

to the four discrete channels that are outside of the 5351.5–5366.5 kHz band, and the Commission limits utilization of these frequencies to those holding a General Class license or higher.

Power. For the reasons stated below, the Commission does not allow the amateur community to utilize the new international allocation at 5351.5–5366.5 kHz at the requested 100 W ERP limit and adopt NTIA's proposal to limit usage of this band to 15 W EIRP, or 9.15 W ERP. Operating on a secondary basis, the amateur community must protect Federal operations in this band, and the Commission does not believe that the increased potential for harmful interference at this power limit has been fully considered at this time. Amateur access to the four discrete channels at 5332, 5348, 5373, and 5405 kHz will however, continue at the same 100 W ERP limit. In the *WRC-15 Notice*, the Commission tentatively concluded that NTIA's recommended 15 W EIRP limit would reduce the potential of harmful interference to incumbent primary operations and that the long-range propagation capabilities of the frequencies in question would likely allow efficient communications at low-power levels. The Commission did, however, concede that there may be instances where more power is needed to deal with propagation challenges. The Commission asked commenters seeking a power limit above the proposed 15 W EIRP to explain the appropriate power limit for the 60-meter band, if higher power levels should only be maintained during emergency drills/response, how the power limit should be defined in the Commission's rules (EIRP, ERP, or transmitter output power), and whether antenna limitations were necessary.

In line with ARRL's Petition for Rulemaking and proposed retention of the 100 W ERP limit for both the 15 kilohertz band at 5351.5–5366.5 kHz and the four discrete channels at 5332, 5348, 5373, and 5405 kHz outside of the new allocation, most commenters argue against the proposed power reduction. Many point out that Canada has already enacted the proposals ARRL has put forth in this proceeding, namely retention of the 100 W ERP limit for the 60-meter band, and that identical allocations and power limits would facilitate harmonious communications throughout most of North America. Commenters argue that the 100 W ERP limit currently in place for the 60-meter band is necessary to maintain reliable communications, while others state that the current power limit is necessary for emergency communications when propagation on other bands is limited by

solar and earth conditions. Others argue for an even larger power increase, asking the Commission to consider a 500 W ERP limit, “since lower frequencies are more susceptible to D-layer absorption and emergency communications will still need to be heard, especially in high latitude locations like Alaska.” Consistent with most commenters, however, is the contention that the current use of the 100 W ERP limit on the 60-meter band has not been shown to cause harmful interference to the primary users of the band, both in assigned channels and through spurious emissions outside of the allocation. Some commenters argue that, due to the use of newer and more efficient digital modes, weak signals are not an impediment to sending information and the 15 W EIRP limit proposed by the NTIA is sufficient. Others, however, state that amateur, non-emergency operations conducted in the four discrete channels outside of the new allocation should be restricted to the 15 W EIRP limit and that, aside from practices and drills, these channelized frequencies should not be used by the amateur community unless an actual emergency exists, at which point the 100 W ERP limit would be appropriate. Another commenter states that stipulating power levels based on scenario (emergency/non-emergency, drills, etc . . .) would overcomplicate the issue. Lastly, many commenters oppose the Commission’s proposal to define the power limit in terms of EIRP to be consistent with the WRC–15 recommendation, with one commenter stating that EIRP measurements are applicable to important communication links and multi-node networks—not amateur radio. Another commenter further states that the measuring standard should remain as ERP, instead of EIRP, as the ERP standard is widely used and understood in the amateur radio service. One commenter argues that if an appropriate power standard such as EIRP or ERP is used, then no antenna limitations are necessary.

The Commission agrees with those commenters that support the proposed 15 W EIRP (9.15 W ERP) for the new international allocation at 5351.5–5366.5 kHz, in line with the *WRC–15 Final Acts* and the Commission’s tentative conclusion in the *WRC–15 Notice*. However, for consistency in part 97 and the power specification for the discrete channels the Commission is leaving in place, the Commission specifies the power limit as 9.15 W ERP, which is equivalent to 15 W EIRP. Additionally, as stated above, allowing amateur operations in this band while

fully protecting incumbent primary Federal operations is the Commission’s priority, and even intermittent interference in this band could jeopardize important Federal operations. Also, the long range propagation characteristics of this band should allow for efficient communications even at low-power levels. Given, however, that ARRL’s Petition for Rulemaking remains open at this time, the Commission expects the Commission may address any necessary power adjustments for the new 15 kilohertz international allocation in that proceeding. The Commission also allows continued amateur access to the four discrete channels at 5332, 5348, 5373, and 5405 kHz at the prevailing 100 W ERP, which was supported by the majority of commenters and which has not posed any interference issues. Further, the Commission does not stipulate power levels based on scenario (emergency/non-emergency), as this would add unnecessary regulatory complexity. The Commission also continues to use ERP as the measuring standard—as most amateurs are familiar with this standard—and the Commission does not adopt antenna limitations, as the Commission believe that a radiated power limit would ensure that excess power is not used.

Amateur Service in the 420–450 MHz Band

The Commission’s next proposal, based on a request from the NTIA, was to update the coordination and contact information in footnote US270 for the areas where the peak envelope power of an amateur station operating in the 420–450 MHz (70 cm) band is generally limited to 50 watts, and to revise the cross reference to this footnote in section 97.313(f) of the rules.

The Commission received no comment on this proposal and implement the NTIA recommendation, which will clarify compliance with its rules, by updating footnote US270 and revising the cross reference to this footnote in section 97.313(f) of the rules.

Deletion of the Broadcasting Service From the 700 MHz Band

The Commission adopts its proposal to delete the broadcasting service allocations in the 698–758 MHz, 775–788 MHz, and 805–806 MHz bands from the non-Federal Table and to revise footnote NG159 by removing the reference to part 74, subpart G. Comments received on this topic support the Commission’s proposal to delete the broadcasting service allocations. These actions are appropriate given that the transition of

television broadcasting from the 698–806 MHz (700 MHz) band concluded in 2010 and the remaining primary fixed and mobile service allocations in the bands effectively gives the licensees in those bands the flexibility to provide broadcasting services. The Commission also asked whether it should modify the part 27 service rules to reflect the deletion of the broadcasting service allocation in the 700 MHz band. Commenters, while expressing general support, did not specifically indicate which rules should be modified. The Commission concludes that modifications to its part 27 rules to reflect the deletion of the broadcasting service allocation in the 700 MHz band are unnecessary to reflect the changes made in this Order.

Deletion of Footnote NG155

The Commission’s final proposal in the Terrestrial component of the *WRC–15 Notice*, concerned the removal of footnote NG155 from the 157.45–161.575 MHz band in the U.S. Table in section 2.106(a) and from section 2.106(d)(155) of the rules because the frequencies and frequency bands to which it applies are not currently authorized in part 80 of the Commission’s rules. As the International Table of Frequency Allocations has already identified frequencies for worldwide intership communications, the Commission concludes that there is no need to specify any other frequencies for intership use. For these reasons, and the lack of any comment on the proposal, the Commission removes footnote NG155 from section 2.106 of the rules.

Other Matters

The *WRC–15 Final Acts* also added a provision in Article 4 of the Radio Regulations (No. 4.24) to describe the use of space research service (deep space) allocations. Accordingly, in the *WRC–15 Notice*, the Commission proposed to add a new paragraph to section 2.102 of the Commission’s rules to clarify that: “Space research systems intended to operate in deep space may also use the space research service (deep space) allocations, with the same status as those allocations, when the spacecraft is near the Earth, such as during launch, early orbit, flying by the Earth, and returning to the Earth.”

Commenters within the wireless industry voice concern that adding this language to section 2.102 of the Commission’s rules would affect spectrum bands (Table 3 below) targeted for future wireless use by both the Commission and the NTIA’s National Spectrum Strategy. CTIA and T-Mobile

both comment that multiple frequency bands which an updated section 2.102 would affect, such as the 2110–2120 MHz band, the 7145–7190 MHz band, the 8400–8500 MHz band, and the 12.7–13.25 GHz band, have already been allocated for wireless services 2110–2120 MHz, for example, has been

allocated for advanced wireless service (AWS) use) or are being targeted for future wireless use. Both T-Mobile and Verizon ask the Commission to fully consider how the expansion of the space research (deep space) allocation would impact broader agency and U.S. priorities, including the need for

additional terrestrial wireless capacity. At the same time, T-Mobile does concede that an evaluation of this allocation is particularly important, as the proposed near-earth operations include mission critical launch and return to earth functions.

TABLE 3—FREQUENCY BANDS ALLOCATED TO THE SPACE RESEARCH SERVICE (DEEP SPACE) IN THE U.S. TABLE

Band	Directional indicator	Remarks
2110–2120 MHz	Earth-to-space	Primary allocation per footnote US252.
2290–2300 MHz	Space-to-Earth	Primary Federal and non-Federal allocations.
7 7145–7190 MHz	Earth-to-space	Primary Federal & secondary non-Federal use, Goldstone only per US262.
8400–8450 MHz	Space-to-Earth	Primary Federal and secondary non-Federal allocations.
12.75–13.25 GHz	Space-to-Earth	Secondary international allocation; use limited to Goldstone per US251.
16.6–17.1 GHz	Earth-to-space	Secondary Federal allocation.
31.8–32.3 GHz	Space-to-Earth	Primary allocation, limited to Goldstone, per footnote US262.
34.2–34.7 GHz	Earth-to-space	Primary Federal & secondary non-Federal use, Goldstone only per US262.

Given shifting spectrum priorities since the completion of the *WRC–15 Final Acts*, along with a record reflecting majority opposition to the proposals outlined in the *WRC–15 Notice*, the Commission will not adopt the proposed expansion of the space research (deep space) allocation.

The Commission next sought comment on a proposal to amend section 2.1(c) of the rules to add or revise the definitions for the terms “meteorological aids land station,” “meteorological aids mobile station,” and “coordinated universal time” in accordance with the *WRC–15* adopted definitions. The Commission received no comment on these proposals and adopt the definitions for the terms “meteorological aids land station,” “meteorological aids mobile station,” and “coordinated universal time” in accordance with the *WRC–15* adopted definitions. The Commission also corrects a typographical error in the definition of “radiosonde” in section 2.1(c) (*i.e.*, “ballon” should be balloon).

The Commission next sought comment on a proposal to amend section 2.105(d) of the rules by stating that the footnote references which appear in the U.S. table below the name(s) of the allocated service or services apply to more than one of the allocated services, or to the whole of the allocation concerned, and that the footnote references which appear to the right of the name of the allocated service are applicable to only that particular service. The Commission received no comment on this clarifying proposal and amend section 2.105(d) accordingly.

Finally, in the *WRC–15 Notice*, the NTIA recommended that the

Commission add a subset of international footnotes that identify specific spectrum bands for International Mobile Telecommunications (IMT) to the non-Federal table. No comments were received on this subject. The Commission does not generally specify the technology that licensees must use in a particular frequency band. Identifying particular bands for IMT use in the non-Federal table would contradict this general policy. NTIA’s recommended subset of international footnotes identifies specific frequency bands for IMT use but does not preclude use of the bands for other purposes or establish any priority for IMT use of the bands. Because the footnotes are merely advisory, their absence from the non-Federal table will not impact the use of these bands.

Ordering Clauses

It is ordered that, pursuant to sections 1, 4(i), 4(j), 7, 301, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157, 301, 303(c), 303(f), and 303(r), the Order *is adopted*.

It is further ordered that the amendments of parts 2, 25, 74, 78, 87, 90, 97 and 101 of the Commission’s rules, as set forth in Appendix A, *are adopted*, effective thirty (30) days after publication in the **Federal Register**.

It is further ordered that the Commission’s Office of the Secretary, *shall send* a copy of the Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that the Commission *shall send* a copy of the Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 2

Administrative practice and procedures, Communications, Communications equipment, Satellites, Telecommunications, and Wiretapping, Electronic surveillance.

47 CFR Part 25

Administrative practice and procedures, Satellites.

47 CFR Part 74

Communications equipment, Telecommunications.

47 CFR Part 78 and 87

Communications equipment.

47 CFR Part 90

Administrative practice and procedure, Business and industry, Communications equipment, Organization and functions (Government agencies), Telecommunications.

47 CFR Part 97

Communications equipment, Satellites.

47 CFR Part 101

Administrative practice and procedure, Communications, Communications equipment, Satellites, Telecommunications.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2, 25, 74, 78, 87, 90, 97, and 101 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

- 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

- 2. Amend § 2.1(c) by revising the definition of “Coordinated Universal Time (UTC)”, and adding, in alphabetical order, definitions of “Meteorological aids land station,” “Meteorological aids mobile station,” and “Radiosonde” to read as follows:

§ 2.1 Terms and definitions.

* * * * *

(c) * * *

Coordinated Universal Time (UTC).
Time scale, based on the second (SI), as described in Resolution 655 (WRC-15).

* * * * *

Meteorological aids land station. A station in the meteorological aids service not used while in motion. (RR)

Meteorological aids mobile station. A station in the meteorological aids service used while in motion or during halts at unspecified points. (RR)

* * * * *

Radiosonde. An automatic radio transmitter in the meteorological aids service that transmits meteorological data and is usually carried on an aircraft, free balloon, kite, or parachute. (RR)

* * * * *

- 3. Amend § 2.105 by revising paragraph (d)(6) and adding paragraphs (d)(7) and (8) to read as follows:

§ 2.105 United States Table of Frequency Allocations.

* * * * *

(d) * * *

(6) The footnote references that appear in the United States Table below the allocated service or services apply to more than one of the allocated services, or to the whole of the allocation concerned.

(7) The footnote references that appear to the right of the name of a

service are applicable only to that particular service.

(8) The coordinates of latitude and longitude that are listed in United States, Federal, and non-Federal footnotes are referenced to the North American Datum of 1983 (NAD 83).

* * * * *

- 4. Amend § 2.106 by:

- a. In paragraph (a), revising pages 22, 24, 26 through 28, 30, 32, 47, 48, and 52 of the Allocation Table;
- b. Revising paragraphs (c)(13) and (23);
- c. Adding paragraph (c)(78);
- d. Revising paragraphs (c)(117), (128), (139), and (224);
- e. Adding paragraph (c)(265);
- f. Revising paragraph (c)(270);
- g. Adding paragraph (c)(474);
- h. Revising paragraphs (d)(62);
- i. Removing and reserving paragraph (d)(155); and
- j. Revising (d)(159).

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

(a) * * *

BILLING CODE 6717-01-P

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137.825-138 SPACE OPERATION (space-to-Earth) 5.203C METEOROLOGICAL-SATELLITE (space-to-Earth) SPACE RESEARCH (space-to-Earth) Fixed Mobile except aeronautical mobile (R) Mobile-satellite (space-to-Earth) 5.208A 5.208B 5.209 5.204 5.205 5.206 5.207 5.208	138-143.6 FIXED MOBILE RADIOLOCATION Space research (space-to-Earth)	138-143.6 FIXED MOBILE Space research (space-to-Earth) 5.207 5.213	137.825-138 SPACE OPERATION (space-to-Earth) METEOROLOGICAL-SATELLITE (space-to-Earth) SPACE RESEARCH (space-to-Earth) Mobile-satellite (space-to-Earth) US319 US320 5.208	
138-143.6 AERONAUTICAL MOBILE (OR)	138-143.6 FIXED MOBILE RADIOLOCATION Space research (space-to-Earth)	138-143.6 FIXED MOBILE Space research (space-to-Earth) 5.207 5.213	138-144 FIXED MOBILE	
5.210 5.211 5.212 5.214 143.6-143.65 AERONAUTICAL MOBILE (OR) SPACE RESEARCH (space-to-Earth)	143.6-143.65 FIXED MOBILE RADIOLOCATION SPACE RESEARCH (space-to-Earth)	143.6-143.65 FIXED MOBILE SPACE RESEARCH (space-to-Earth) 5.207 5.213		
5.211 5.212 5.214 143.65-144 AERONAUTICAL MOBILE (OR)	143.65-144 FIXED MOBILE RADIOLOCATION Space research (space-to-Earth)	143.65-144 FIXED MOBILE Space research (space-to-Earth) 5.207 5.213		
5.210 5.211 5.212 5.214 144-146 AMATEUR AMATEUR-SATELLITE 5.216			G30 144-148	
146-148 FIXED MOBILE except aeronautical mobile (R)	146-148 AMATEUR	146-148 FIXED MOBILE 5.217	144-146 AMATEUR AMATEUR-SATELLITE 146-148 AMATEUR	Amateur Radio (97)
148-149.9 FIXED MOBILE except aeronautical mobile (R) MOBILE-SATELLITE (Earth-to-space) 5.209	148-149.9 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 5.209		148-149.9 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) US320 US325 5.218 5.219 G30 149.9-150.05 MOBILE-SATELLITE (Earth-to-space) US319 US320	Satellite Communications (25)
5.218 5.218A 5.219 5.221 149.9-150.05 MOBILE-SATELLITE (Earth-to-space) 5.209 5.220				
150.05-153 FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY	150.05-154 FIXED MOBILE		150.05-150.8 FIXED MOBILE	
5.149	5.225		US73 G30 US73	Page 22

[illegible]

235-267 FIXED MOBILE	235-267 FIXED MOBILE	235-267	
5.111 5.252 5.254 5.256 5.256A	5.111 5.256 G27 G100	5.111 5.256	
267-272 FIXED MOBILE	267-322 FIXED MOBILE	267-322	
Space operation (space-to-Earth) 5.254 5.257			
272-273 SPACE OPERATION (space-to-Earth) FIXED MOBILE			
5.254			
273-312 FIXED MOBILE			
5.254			
312-315 FIXED MOBILE			
Mobile-satellite (Earth-to-space) 5.254 5.255			
315-322 FIXED MOBILE			
5.254	G27 G100		
322-328.6 FIXED MOBILE	322-328.6 FIXED MOBILE	322-328.6	
RADIO ASTRONOMY			
5.149	US342 G27	US342	
328.6-335.4 AERONAUTICAL RADIONAVIGATION 5.258	328.6-335.4 AERONAUTICAL RADIONAVIGATION 5.258		Aviation (87)
5.259			
335.4-387 FIXED MOBILE	335.4-399.9 FIXED MOBILE	335.4-399.9	
5.254			
387-390 FIXED MOBILE			
Mobile-satellite (space-to-Earth) 5.208A 5.208B 5.254 5.255			
390-399.9 FIXED MOBILE			
5.254	G27 G100		
399.9-400.05 MOBILE-SATELLITE (Earth-to-space) 5.209 5.220 5.260A 5.260B	399.9-400.05 MOBILE-SATELLITE (Earth-to-space) US319 US320		Satellite Communications (25)

Table of Frequency Allocations					400.05-456 MHz (UHF)		United States Table		FCC Rule Part(s)	Page 27
Region 1 Table		International Table		Region 3 Table	Federal Table	Non-Federal Table				
400.05-400.15					400.05-400.15			STANDARD FREQUENCY AND TIME SIGNAL-SATELLITE (400.1 MHz)		
5.261 5.262					5.261					
400.15-401					400.15-401	400.15-401				
METEOROLOGICAL AIDS					METEOROLOGICAL AIDS (radiosonde) US70	METEOROLOGICAL AIDS (radiosonde) US70				
MOBILE-SATELLITE (space-to-Earth)					METEOROLOGICAL-SATELLITE (space-to-Earth)	MOBILE-SATELLITE (space-to-Earth) US319 US320 US324				
SPACE RESEARCH (space-to-Earth) 5.263					MOBILE-SATELLITE (space-to-Earth) US319 US320 US324	SPACE RESEARCH (space-to-Earth) 5.263				
Space operation (space-to-Earth)					SPACE RESEARCH (space-to-Earth) 5.263	Space operation (space-to-Earth)				Satellite Communications (25)
5.262 5.264					5.264	5.264				
401-402					401-402	401-402				
METEOROLOGICAL AIDS					METEOROLOGICAL AIDS (radiosonde) US70	METEOROLOGICAL AIDS (radiosonde) US70				
SPACE OPERATION (space-to-Earth)					SPACE OPERATION (space-to-Earth)	SPACE OPERATION (space-to-Earth)				
EARTH EXPLORATION-SATELLITE (Earth-to-space)					EARTH EXPLORATION-SATELLITE (Earth-to-space)	Earth exploration-satellite (Earth-to-space)				
METEOROLOGICAL-SATELLITE (Earth-to-space)					METEOROLOGICAL-SATELLITE (Earth-to-space)	Meteorological-satellite (Earth-to-space)				
Fixed										
Mobile except aeronautical mobile										MedRadio (95)
5.264A 5.264B					US64 US384	US64 US384				
402-403					402-403	402-403				
METEOROLOGICAL AIDS					METEOROLOGICAL AIDS (radiosonde) US70	METEOROLOGICAL AIDS (radiosonde) US70				
EARTH EXPLORATION-SATELLITE (Earth-to-space)					EARTH EXPLORATION-SATELLITE (Earth-to-space)	Earth exploration-satellite (Earth-to-space)				
METEOROLOGICAL-SATELLITE (Earth-to-space)					METEOROLOGICAL-SATELLITE (Earth-to-space)	Meteorological-satellite (Earth-to-space)				
Fixed										
Mobile except aeronautical mobile										
5.264A 5.264B					US64 US384	US64 US384				
403-406					403-406	403-406				
METEOROLOGICAL AIDS					METEOROLOGICAL AIDS (radiosonde) US70	METEOROLOGICAL AIDS (radiosonde) US70				
Fixed										
Mobile except aeronautical mobile										
5.265					US64 US265 G6	US64 US265				
406-406.1					406-406.1	406-406.1				
MOBILE-SATELLITE (Earth-to-space)					MOBILE-SATELLITE (Earth-to-space)	MOBILE-SATELLITE (Earth-to-space)				Maritime (EPIRBs) (80V)
5.265 5.266 5.267					5.266 5.267	5.266 5.267				Aviation (ELTs) (87F)
406.1-410					406.1-410	406.1-410				Personal Radio (95)
FIXED					FIXED	RADIO ASTRONOMY US74				
MOBILE except aeronautical mobile					MOBILE	RADIO ASTRONOMY US74				Private Land Mobile (90)
RADIO ASTRONOMY					RADIO ASTRONOMY	RADIO ASTRONOMY US74				
5.149 5.265					US13 US55 US117 US265 G5 G6	US13 US55 US117 US265				

Maritime (EPIRBs) (80V)
Aviation (ELTs) (87F)
Personal Radio (95)

Private Land Mobile (90)

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410-420 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (space-to-space) 5.268	410-420 FIXED MOBILE SPACE RESEARCH (space-to-space) 5.268 US13 US55 US64 G5	410-420 Space research (space-to-space) 5.268	Private Land Mobile (90) MedRadio (95i)
420-430 FIXED MOBILE except aeronautical mobile Radiolocation	420-450 RADIOLOCATION G2 G129	420-450 Amateur US270	Private Land Mobile (90) MedRadio (95i) Amateur Radio (97)
5.269 5.270 5.271		US13 US55 US64	
430-432 AMATEUR RADIOLOCATION	430-432 RADIOLOCATION Amateur		
5.271 5.274 5.275 5.276 5.277	5.271 5.276 5.277 5.278 5.279		
432-438 AMATEUR RADIOLOCATION Earth exploration-satellite (active) 5.279A	432-438 RADIOLOCATION Amateur Earth exploration-satellite (active) 5.279A		
5.138 5.271 5.276 5.277	5.271 5.276 5.277 5.278 5.279 5.281 5.282		
5.280 5.281 5.282			
438-440 AMATEUR RADIOLOCATION	438-440 RADIOLOCATION Amateur		
5.271 5.274 5.275 5.276	5.271 5.276 5.277 5.278 5.279		
5.277 5.283			
440-450 FIXED MOBILE except aeronautical mobile Radiolocation	5.286 US64 US87 US230 US269 US270 US397 G8	5.282 5.286 US64 US87 US230 US269 US397	Remote Pickup (74D) Low Power Auxiliary (74H) Private Land Mobile (90) MedRadio (95i)
5.269 5.270 5.271 5.284 5.285 5.286		450-454 LAND MOBILE	
450-455 FIXED MOBILE 5.286AA	5.286 US64 US87 454-456	5.286 US64 US87 NG112 NG124 454-455 FIXED LAND MOBILE	Public Mobile (22) Maritime (80) MedRadio (95i)
5.209 5.271 5.286 5.286A 5.286B 5.286C 5.286D 5.286E	455-456 FIXED MOBILE 5.286AA MOBILE-SATELLITE (Earth-to-space) 5.286A 5.286B 5.286C	US64 NG32 NG112 NG148 455-456 LAND MOBILE	Remote Pickup (74D) Low Power Auxiliary (74H) MedRadio (95i)
455-456 FIXED MOBILE 5.286AA	455-456 FIXED MOBILE 5.286AA		
5.209 5.271 5.286A 5.286B 5.286C 5.286E	5.209 5.271 5.286A 5.286B 5.286C 5.286E	US64	Page 28

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5.149 5.291A 5.294 5.296 5.300 5.304 5.306 5.312 694-790 MOBILE except aeronautical mobile 5.312A 5.317A BROADCASTING	614-698 BROADCASTING Fixed Mobile 5.293 5.308 5.308A 5.309	614-890	614-698 FIXED MOBILE	RF Devices (15) Wireless Communications (27) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H)
	698-806 MOBILE 5.317A BROADCASTING Fixed		NG5 NG14 NG33 NG115 NG149	
5.300 5.312 790-862 FIXED MOBILE except aeronautical mobile 5.316B 5.317A BROADCASTING	5.293 5.309 806-890 FIXED MOBILE 5.317A BROADCASTING	5.149 5.305 5.306 5.307 5.320	698-798 FIXED MOBILE	Wireless Communications (27) LPTV and TV Translator (74G)
			NG159	Public Safety Land Mobile (90R)
5.312 5.319 862-890 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING	5.317 5.318	5.149 5.305 5.306 5.307 5.320	798-775 FIXED MOBILE	Wireless Communications (27) LPTV and TV Translator (74G)
	5.319 5.323		NG34 NG159	Wireless Communications (27) LPTV and TV Translator (74G)
			775-788 FIXED MOBILE	Wireless Communications (27) LPTV and TV Translator (74G)
			NG159	Wireless Communications (27) LPTV and TV Translator (74G)
			788-805 FIXED MOBILE	Public Safety Land Mobile (90R)
			NG34 NG159	Public Safety Land Mobile (90R)
			805-806 FIXED MOBILE	Wireless Communications (27) LPTV and TV Translator (74G)
			NG159	Wireless Communications (27) LPTV and TV Translator (74G)
			806-809 LAND MOBILE	Public Safety Land Mobile (90S)
			809-849 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
			849-851 AERONAUTICAL MOBILE	Public Mobile (22)
			851-854 LAND MOBILE	Public Safety Land Mobile (90S)
			854-894 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
			US116 US268	

5.323	5.325	5.327	939.5-940 FIXED LAND MOBILE US116 US268	Private Land Mobile (90)
942-960 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING 5.322	942-960 FIXED MOBILE 5.317A BROADCASTING	5.327 FIXED MOBILE 5.317A BROADCASTING	940-941 FIXED MOBILE US116 US268	Personal Communications (24)
5.323	5.323	5.320	941-944 FIXED US84 US268 US301 G2 944-960 FIXED NG35	Public Mobile (22) Aural Broadcast Auxiliary (74E) Low Power Auxiliary (74H) Fixed Microwave (101)
960-1164 ACRONAUTICAL MOBILE (R) 5.327A AERONAUTICAL RADIONAVIGATION 5.328 5.328AA	5.328A	5.328B	960-1164 ACRONAUTICAL MOBILE (R) 5.327A AERONAUTICAL RADIONAVIGATION 5.328 5.328AA US78 US224	Aviation (87)
1164-1215 AERONAUTICAL RADIONAVIGATION 5.328 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B	5.328A	5.328B	1164-1215 AERONAUTICAL RADIONAVIGATION 5.328 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328A US24	
1215-1240 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.329 5.329A SPACE RESEARCH (active)	5.329	5.329A	1215-1240 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G56 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) G132 SPACE RESEARCH (active) 5.332	Earth exploration-satellite (active) Space research (active)
1240-1300 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.329 5.329A SPACE RESEARCH (active) Amateur	5.330	5.330A	1240-1300 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G56 SPACE RESEARCH (active) AERONAUTICAL RADIONAVIGATION 5.332 5.335 1300-1350 AERONAUTICAL RADIONAVIGATION 5.337 Radiolocation G2 US342	Amateur Radio (97)
1350-1400 FIXED MOBILE RADIOLOCATION	5.338A	5.339	1350-1390 FIXED MOBILE RADIOLOCATION G2 5.334 5.339 US342 US385 G27 G114 1390-1395 5.339 US79 US342 US385 1395-1400 LAND MOBILE (medical telemetry and medical telecommand) 5.339 US79 US342 US385	Aviation (87)
5.149 5.338 5.338A 5.339	5.149 5.334 5.339	5.339	5.334 5.339 US342 US385 1390-1395 FIXED MOBILE except aeronautical mobile 5.339 US79 US342 US385 NG338A	Wireless Communications (27)
			5.339 US79 US342 US385 1395-1400 LAND MOBILE (medical telemetry and medical telecommand) 5.339 US79 US342 US385	Personal Radio (95)

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Table of Frequency Allocations						8.65-11.7 GHz (SHF)		United States Table		FCC Rule Part(s)	
International Table			Region 1 Table			Region 2 Table			Non-Federal Table		
8.65-8.75 RADIOLOCATION 5.468 5.469 8.75-8.85 AERONAUTICAL RADIONAVIGATION 5.470 5.471 8.85-9 RADIOLOCATION MARITIME RADIONAVIGATION 5.472 5.473 9-9.2 AERONAUTICAL RADIONAVIGATION 5.337 RADIOLOCATION 5.471 5.473A 9.2-9.3 EARTH EXPLORATION-SATELLITE (active) 5.474A 5.474B 5.474C RADIOLOCATION MARITIME RADIONAVIGATION 5.472 5.473 5.474 5.474D 9.3-9.5 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION 5.475 SPACE RESEARCH (active) 5.427 5.474 5.475A 5.475B 5.476A 9.5-9.8 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION RADIONAVIGATION SPACE RESEARCH (active) 5.476A 9.8-9.9 RADIOLOCATION Earth exploration-satellite (active) Fixed Space research (active) 5.477 5.478 5.478A 5.478B 9.9-10 EARTH EXPLORATION-SATELLITE (active) 5.474A 5.474B 5.474C RADIOLOCATION Fixed 5.474D 5.477 5.478 5.479 10-10.4 EARTH EXPLORATION-SATELLITE			8.65-9 RADIOLOCATION G59			8.65-9 Radiolocation			Aviation (87) Private Land Mobile (90)		
			US53 9-9.2 AERONAUTICAL RADIONAVIGATION 5.337 RADIOLOCATION G2 5.473A G19			US53 9-9.2 AERONAUTICAL RADIONAVIGATION 5.337 Radiolocation			Maritime (80) Private Land Mobile (90)		
			9.2-9.3 EARTH EXPLORATION-SATELLITE (active) 5.474A 5.474B 5.474C MARITIME RADIONAVIGATION 5.472 Radiolocation US110 G59 5.474 US474D 9.3-9.5 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G56 RADIONAVIGATION US475 SPACE RESEARCH (active) Meteorological aids 5.427 5.474 5.475A 5.475B US67 US71 US476A 9.5-9.8 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active)			9.2-9.3 MARITIME RADIONAVIGATION 5.472 Earth explorations-satellite (active) 5.474A 5.474B 5.474C Radiolocation US110 5.474 US474D 9.3-9.5 RADIONAVIGATION US475 Meteorological aids Earth exploration-satellite (active) Radiolocation Space research (active) 5.427 5.474 US67 US71 US476A 9.5-9.9 Earth exploration-satellite (active) Radiolocation Space research (active)			Maritime (80) Aviation (87) Private Land Mobile (90)		
			9.8-9.9 RADIOLOCATION Earth exploration-satellite (active) Space research (active)			9.8-9.9 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active)			Private Land Mobile (90)		
			9.9-10 EARTH EXPLORATION-SATELLITE (active) 5.474A 5.474B 5.474C RADIOLOCATION 5.479 US474D			9.9-10 EARTH EXPLORATION-SATELLITE (active) 5.474A 5.474B 5.474C RADIOLOCATION 5.479 US474D			9.9-10 Earth explorations-satellite (active) 5.474A 5.474B 5.474C Radiolocation 5.479 US474D		Private Land Mobile (90)
10-10.4 EARTH EXPLORATION-SATELLITE			10-10.4 EARTH EXPLORATION-SATELLITE			10-10.5 EARTH EXPLORATION-SATELLITE			10-10.45 Earth exploration-satellite (active)		

(active) 5.474A 5.474B 5.474C FIXED MOBILE RADIOLOCATION Amateur 5.474D 5.479	(active) 5.474A 5.474B 5.474C RADIOLOCATION Amateur 5.474D 5.479 5.480	SATELLITE(active) 5.474A 5.474B 5.474C FIXED MOBILE RADIOLOCATION Amateur 5.474D 5.479	5.474A 5.474B 5.474C Amateur Radiolocation US108	Amateur Radio (97)
10.4-10.45 FIXED MOBILE RADIOLOCATION Amateur	10.4-10.45 RADIOLOCATION Amateur 5.480	10.4-10.45 FIXED MOBILE RADIOLOCATION Amateur	5.479 US128 US474D NG50	
10.45-10.5 RADIOLOCATION Amateur Amateur-satellite 5.481			10.45-10.5 Amateur Amateur-satellite Radiolocation US108 US128 NG50	
10.5-10.55 FIXED MOBILE Radiolocation	10.5-10.55 FIXED MOBILE RADIOLOCATION		5.479 US128 US474D 10.5-10.55 RADIOLOCATION US59	Private Land Mobile (90)
10.55-10.6 FIXED MOBILE except aeronautical mobile Radiolocation			10.55-10.6 FIXED	Fixed Microwave (101)
10.6-10.68 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY SPACE RESEARCH (passive) Radiolocation 5.149 5.482 5.482A 10.68-10.7			10.6-10.68 EARTH EXPLORATION-SATELLITE (passive) FIXED US482 SPACE RESEARCH (passive)	
10.68-10.7 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.483			US130 US131 US482 10.68-10.7 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) US131 US246	
10.7-10.95 FIXED FIXED-SATELLITE (space-to-Earth) 5.441 (Earth-to-space) 5.484 MOBILE except aeronautical mobile	10.7-10.95 FIXED FIXED-SATELLITE (space-to-Earth) 5.441 MOBILE except aeronautical mobile		10.7-11.7 FIXED FIXED-SATELLITE (space-to-Earth) 5.441 US131 US211 NG52	Satellite Communications (25) Fixed Microwave (101)
10.95-11.2 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B (Earth-to-space) 5.484 MOBILE except aeronautical mobile	10.95-11.2 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.484B MOBILE except aeronautical mobile		US131 US211 NG527A	Page 48

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15.63-15.7 RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION	15.63-15.7 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260	15.63-15.7 AERONAUTICAL RADIONAVIGATION US260	Aviation (87)
15.7-16.6 RADIOLOCATION 5.512 5.513	US211 15.7-16.6 RADIOLOCATION G59	US211 US511E 15.7-17.2 Radiolocation	Private Land Mobile (90)
16.6-17.1 RADIOLOCATION Space research (deep space) (Earth-to-space) 5.512 5.513	16.6-17.1 RADIOLOCATION G59 Space research (deep space) (Earth-to-space)		
17.1-17.2 RADIOLOCATION 5.512 5.513	17.1-17.2 RADIOLOCATION G59		
17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) 5.512 5.513 5.513A	17.2-17.3 EARTH EXPLORATION- SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active)	17.2-17.3 Earth exploration-satellite (active) Radiolocation Space research (active)	
17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 (space-to-Earth) 5.516A 5.516B Radiolocation 5.514	17.3-17.7 Radiolocation US259 G59 US402 G117	17.3-17.7 FIXED-SATELLITE (Earth-to-space) (space-to-Earth) NG527A BROADCASTING-SATELLITE	Satellite Communications (25)
17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE	17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE	US259 US402 NG58 17.7-17.8 FIXED FIXED-SATELLITE (Earth-to-space) (space-to-Earth) NG527A	Satellite Communications (25) TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)
17.8-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.517A (Earth-to-space) 5.516 MOBILE 5.519	US334 G117 17.8-18.6 FIXED-SATELLITE (space-to- Earth) US334 G117	US334 NG58 17.8-18.3 FIXED FIXED-SATELLITE (space-to-Earth) NG527A	
18.1-18.4 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B 5.517A (Earth-to-space) 5.520 MOBILE 5.519 5.521 18.4-18.6	US334 US519 18.3-18.6 FIXED-SATELLITE (space-to-Earth) NG527A	US334 US519 18.3-18.6 FIXED-SATELLITE (space-to-Earth) NG527A	Satellite Communications (25)
FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B 5.517A MOBILE	US139 US519	US139 US334	Page 52

BILLING CODE 6712-01-C

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(c) * * *

(13) US13 The center frequencies listed in table 2 to paragraph (c)(13),

each with a channel bandwidth not greater than 12.5 kHz, are available for assignment to non-Federal fixed stations for the specific purpose of transmitting hydrological and meteorological data in

cooperation with Federal agencies, subject to the condition that harmful interference will not be caused to Federal stations:

TABLE 2 TO PARAGRAPH (C)(13)
[Hydro channels (MHz)]

169.4250	170.2250	171.0250	171.8375	412.6625
169.4375	170.2375	171.0375	171.8500	412.6750
169.4500	170.2500	171.0500	171.8625	412.6875
169.4625	170.2625	171.0625	171.8750	412.7125
169.4750	170.2750	170.2750	171.8875	412.7250
169.4875	170.2875	171.0875	171.9000	412.7375
169.5000	170.3000	171.1000	171.9125	412.7625
169.5125	170.3125	171.1125	171.9250	412.7750
169.5250	170.3250	171.1250	406.1250	415.1250
		171.8250	406.1750	415.1750

(i) After February 13, 2026, no assignments on the frequencies 406.125 MHz and 406.175 MHz will be made, but stations with existing assignments may continue to operate on these frequencies.

(ii) [Reserved]

* * * * *

(23) US23 The band 5351.5–5366.5 kHz (60 m band) is allocated to the amateur service on a secondary basis. In the band 5330.5–5406.4 kHz, the assigned frequencies 5332, 5348, 5373, and 5405 kHz are allocated to the amateur service on a secondary basis. Amateur service use of these four frequencies is restricted to a maximum effective radiated power of 100 W PEP and to the following emission types and designators: phone (2K80J3E), data (2K80J2D), RTTY (60H0J2B), and CW (150HA1A). Amateur service use of the 60m band frequencies must meet the requirements in part 97 of these rules. Amateur operators using the data and RTTY emissions must exercise care to limit the length of transmissions so as to avoid causing harmful interference to Federal stations.

* * * * *

(78) US78 Military systems used for Identification, Friend or Foe (IFF) operations are authorized to operate in the band 960–1164 MHz on center frequencies 1030 MHz for interrogators and 1090 MHz for transponders on the condition that harmful interference will not be caused to the aeronautical radionavigation service (ARNS) or the aeronautical mobile (R) service (AM(R)S). These IFF systems will be evaluated on a case-by-case basis using DoD and FAA mutually agreed upon methodologies, technical criteria, and characteristics for calculating potential interference between ARNS/AM(R)S systems and systems used for military or other National defense IFF operations. This will include using DoD and FAA mutually agreed upon methodologies and criteria for considering the aggregation of civil and military systems

in the 1030 and 1090 MHz bands in the evaluation.

* * * * *

(117) US117 In the band 406.1–410 MHz, the following provisions shall apply:

(i) Stations in the fixed and mobile services are limited to a transmitter output power of 125 watts, and new authorizations for stations, other than mobile stations, are subject to prior coordination by the applicant in the following areas:

(A) Within Puerto Rico and the U.S. Virgin Islands, contact Spectrum Manager, Arecibo Observatory, HC3 Box 53995, Arecibo, PR 00612. Phone: 787–878–2612, Fax: 787–878–1861, Email: prcz@naic.edu.

(B) Within 350 km of the Very Large Array (34°04'44" N, 107°37'06" W), contact Spectrum Manager, National Radio Astronomy Observatory, P.O. Box O, 1003 Lopezville Road, Socorro, NM 87801. Phone: 505–835–7000, Fax: 505–835–7027, Email: nrao-rfi@nrao.edu.

(C) Within 10 km of the Table Mountain Observatory (40°08'02" N, 105°14'40" W) and for operations only within the sub-band 407–409 MHz, contact Radio Frequency Manager, Department of Commerce, 325 Broadway, Boulder, CO 80305. Phone: 303–497–4619, Fax: 303–497–6982, Email: frequencymanager@its.bldrdoc.gov.

(ii) Non-Federal use is limited to the radio astronomy service and as provided by paragraphs (c)(13) and (55) of this section.

* * * * *

(128) US128 In the band 10–10.5 GHz, pulsed emissions are prohibited, except for the military services, and for weather radars on board meteorological satellites in the sub-band 10–10.025 GHz. The amateur service, the amateur satellite service, and the non-Federal radiolocation service, which shall not cause harmful interference to the Federal radiolocation service, are the only non-Federal services permitted in this band. The non-Federal radiolocation service is limited to

survey operations as specified in paragraph (c)(108) of this section.

* * * * *

(139) US139 In the band 18.3–19.3 GHz, earth station licensees in the fixed-satellite service (space-to-Earth) may require that licensees of grandfathered stations in the fixed service cease operations in accordance with the provisions in § 101.95 of this chapter.

* * * * *

(224) US224 Federal systems utilizing spread spectrum techniques for terrestrial communication, navigation, and identification may be authorized to operate in the band 960–1215 MHz on the condition that harmful interference will not be caused to the aeronautical mobile (R) and aeronautical radionavigation services in the band 960–1164 MHz, military Identification Friend or Foe (IFF) systems on center frequencies 1030/1090 MHz, aeronautical mobile-satellite (R) service (Earth-to-space) in the band 1087.7–1092.3 MHz, and the aeronautical radionavigation and radionavigation-satellite (space-to-Earth) (space-to-space) services in the band 1164–1215 MHz. These systems will be handled on a case-by-case basis. Such systems are subject to a review at the national level for operational requirements and electromagnetic compatibility prior to development, procurement or modification.

* * * * *

(265) US265 The following provisions apply in the band 403–410 MHz:

(i) New frequency assignments to stations in the fixed and mobile services will not be made within the bands 405.9–406.0 MHz and 406.1–406.2 MHz.

(ii) The frequency drift characteristics of radiosondes must be taken into account when selecting their operating frequencies above 405 MHz to avoid transmitting in the band 406–406.1 MHz and all practical steps must be taken to avoid frequency drifting close to 406 MHz.

* * * * *

(270) US270 In the band 420–450 MHz, the following provisions apply to the amateur service:

(i) The peak envelope power of an amateur station must not exceed 50

watts in the following areas, unless expressly authorized through mutual agreement, on a case-by-case basis, between the Regional Director of the

applicable FCC field office and the military area frequency coordinator at the applicable military base as listed in table 1 to paragraph (c)(270)(i).

TABLE 1 TO PARAGRAPH (c)(270)(i)

Location	Geographic limitation	Coordination contact information
Arizona	None (statewide)	DoD AFC AZ, (520) 538–6423. DoD AFC AZ—DSN—879–6423.
New Mexico	None (statewide)	DoD AFC WSMR—DSN—258–5417. DoD AFC WSMR, (575) 678–5417, <i>usarmy.wsmr.imcomcentral.list.dodaafc@mail.mil</i> .
Texas	West of longitude 104° W.	
California	South of latitude 37°10' N	DoD Western AFC, (760) 939–6832. DoD Western—DSN—437–6832.
Nevada	South of latitude 37°10' N	Nevada AFC—DSN—875–0607. Nevada AFC, (702) 679–0607, <i>dodaafc@nellis.af.mil</i> . <i>usaf.nellis.99-abw.mbx.dod-afcorp@mail.smil.mil</i> .
Point Mugu, CA	Within 322 km of 34°09' N, 119°11' W	NMCSO SW DSN 312–735–9889. NMCSO SW at (619)545–9978, <i>Nctssdsdni_nmcsosouthwest@navy.mil</i> .
Florida	None (statewide)	DoD Eastern—DSN—467–8436.
Patrick AFB, FL	Within 322 km of 28°21' N, 080°43' W	DoD Eastern AFC, (321) 853–8426, <i>45sw.dodeafc@us.af.mil</i> .
Eglin AFB, FL	Within 322 km of 30°30' N, 086°30' W	DoD Gulf—DSN—875–5648. DoD Gulf AFC, (850) 883–5982.
Beale AFB, CA	Within 240 km of 39°08' N, 121°26' W	HQ SpOC Spectrum Management Office, (719) 554–6400, <i>SpOC.SMO@us.af.mil</i> . HQ SpOC DSN—692–6400.
Goodfellow AFB, TX	Within 200 km of 31°25' N, 100°24' W	
Warner Robins AFB, GA	Within 200 km of 32°38' N, 083°35' W.	
Clear SFS, AK	Within 160 km of 64°17' N, 149°10' W.	
Concrete, ND	Within 160 km of 48°43' N, 097°54' W.	
Otis AFB, MA	Within 160 km of 41°45' N, 070°32' W.	

(ii) In the sub-band 420–430 MHz, the amateur service is not allocated north of Line A (def. § 2.1).

* * * * *

(474) US474D Stations in the Earth exploration-satellite service (active) must not cause harmful interference to, or claim protection from, stations of the maritime radionavigation service in the band 9.2–9.3 GHz and the radiolocation service in the band 9.9–10.4 GHz.

* * * * *

(d) * * *

(62) NG62 In the bands 28.5–29.1 GHz and 29.25–29.5 GHz, stations in the fixed service operating under the following call signs may operate indefinitely on a secondary basis:

KIL20, KME49, KQG58, KQH74, KSA96, KSE73, KZS88, WML443, WMP367, and WSL69.

* * * * *

(159) NG159 In the band 698–806 MHz, stations authorized under part 74, subpart F of this chapter may continue to operate indefinitely on a secondary basis to all other stations operating in that band.

* * * * *

PART 25—SATELLITE COMMUNICATIONS

■ 5. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 6. Amend § 25.202 by adding paragraph (a)(13) to read as follows:

§ 25.202 Frequencies, frequency tolerance, and emission limits.

(a) * * *

(13) The 1087.7–1092.3 MHz band (center frequency 1090 MHz) is available for use by the aeronautical mobile-satellite (R) service (Earth-to-space) for the reception of Automatic Dependent Surveillance-Broadcast (ADS-B) emissions from aircraft.

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 7. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

■ 8. Amend § 74.502 by revising paragraph (c) introductory text and paragraph (c)(1)(i) to read as follows:

§ 74.502 Frequency assignment.

* * * * *

(c) The frequencies listed in the tables found in the following paragraphs are

available for assignment to aural broadcast STL and intercity relay stations. Licensees in the fixed-satellite service may require that licensees of grandfathered stations operating in the bands 18,760–18,820 MHz and 19,100–19,160 MHz cease operations in accordance with the provisions in § 101.95 of this chapter.

(1) * * *

(i) 5 MHz maximum authorized bandwidth channels:

TABLE 1 TO PARAGRAPH (C)(1)(I)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 Megahertz Separation	
17702.5	n/a
17707.5	n/a
17712.5	n/a
17717.5	n/a
17722.5	n/a
17727.5	n/a
17732.5	n/a
17737.5	n/a
18062.5	19622.5
18067.5	19627.5
18072.5	19632.5
18077.5	19637.5
18082.5	19642.5
18087.5	19647.5
18092.5	19652.5
18097.5	19657.5
18102.5	19662.5
18107.5	19667.5

TABLE 1 TO PARAGRAPH (C)(1)(i)—
Continued

Transmit (receive) (MHz)	Receive (transmit) (MHz)
18112.5	19672.5
18117.5	19677.5
18122.5	19682.5
18127.5	19687.5
18132.5	19692.5
18137.5	19697.5

* * * * *

■ 9. Amend § 74.602 by:

■ a. Revising paragraph (g) introductory text;

■ b. Removing and reserving paragraph (g)(2); and

■ c. Revising paragraphs (g)(3) through (6).

The revisions read as follows:

§ 74.602 Frequency assignment.

* * * * *

(g) The frequencies listed in the tables found in the following paragraphs are available for assignment to television STL, television relay stations, and television translator relay stations. Licensees may use either a two-way link or one or both frequencies of a frequency pair for a one-way link and must coordinate proposed operations pursuant to procedures required in § 101.103(d) of this chapter. Licensees in the fixed-satellite service may require that licensees of grandfathered stations operating in the 18.3–18.58 GHz and 19.26–19.3 GHz bands cease operations in accordance with the provisions in § 101.95 of this chapter.

* * * * *

(3) 10 MHz maximum authorized bandwidth channels:

TABLE 4 TO PARAGRAPH (g)(3)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17705.0	n/a
17715.0	n/a
17725.0	n/a
17735.0	n/a
17745.0	19305.0
17755.0	19315.0
17765.0	19325.0
17775.0	19335.0
17785.0	19345.0
17795.0	19355.0
17805.0	19365.0
17815.0	19375.0
17825.0	19385.0
17835.0	19395.0
17845.0	19405.0
17855.0	19415.0
17865.0	19425.0
17875.0	19435.0
17885.0	19445.0

TABLE 4 TO PARAGRAPH (g)(3)—
Continued

Transmit (receive) (MHz)	Receive (transmit) (MHz)
17895.0	19455.0
17905.0	19465.0
17915.0	19475.0
17925.0	19485.0
17935.0	19495.0
17945.0	19505.0
17955.0	19515.0
17965.0	19525.0
17975.0	19535.0
17985.0	19545.0
17995.0	19555.0
18005.0	19565.0
18015.0	19575.0
18025.0	19585.0
18035.0	19595.0
18045.0	19605.0
18055.0	19615.0
18065.0	19625.0
18075.0	19635.0
18085.0	19645.0
18095.0	19655.0
18105.0	19665.0
18115.0	19675.0
18125.0	19685.0
18135.0	19695.0

(4) 20 MHz maximum authorized bandwidth channels:

TABLE 5 TO PARAGRAPH (g)(4)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17710.0	n/a
17730.0	n/a
17750.0	19310.0
17770.0	19330.0
17790.0	19350.0
17810.0	19370.0
17830.0	19390.0
17850.0	19410.0
17870.0	19430.0
17890.0	19450.0
17910.0	19470.0
17930.0	19490.0
17950.0	19510.0
17970.0	19530.0
17990.0	19550.0
18010.0	19570.0
18030.0	19590.0
18050.0	19610.0
18070.0	19630.0
18090.0	19650.0
18110.0	19670.0
18130.0	19690.0

(5) 40 MHz maximum authorized bandwidth channels:

TABLE 6 TO PARAGRAPH (g)(5)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17720.0	n/a
17760.0	19320.0
17800.0	19360.0
17840.0	19400.0
17880.0	19440.0
17920.0	19480.0
17960.0	19520.0
18000.0	19560.0
18040.0	19600.0
18080.0	19640.0
18120.0	19680.0

(6) 80 MHz maximum authorized bandwidth channels:

TABLE 7 TO PARAGRAPH (g)(6)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17740.0	n/a
17820.0	19380.0
17900.0	19460.0
17980.0	19540.0
18060.0	19620.0

* * * * *

PART 78—CABLE TELEVISION RELAY SERVICE

■ 10. The authority citation for part 78 continues to read as follows:

Authority: 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

■ 11. Amend § 78.18 by:

■ a. Revising the introductory text of paragraph (a)(4);

■ b. Removing and reserving paragraph (a)(4)(ii) and,

■ c. Revising paragraphs (a)(4)(iii) through (vi).

The revisions read as follows:

§ 78.18 Frequency assignments.

(a) * * *

(4) The Cable Television Relay Service is also assigned frequencies in the 17,700–18,300 MHz and 19,300–19,700 MHz bands as listed in the tables found in the following paragraphs. These frequencies are co-equally shared with stations in other services under parts 25, 74, and 101 of this chapter. Licensees in the fixed-satellite service may require that licensees of grandfathered stations operating in the 18.3–18.58 GHz and 19.26–19.3 GHz bands cease operations in accordance with the provisions in § 101.95 of this chapter.

* * * * *

(iii) 10 MHz maximum authorized bandwidth channels:

TABLE 10 TO PARAGRAPH (a)(4)(iii)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17705.0	n/a
17715.0	n/a
17725.0	n/a
17735.0	n/a
17745.0	19305.0
17755.0	19315.0
17765.0	19325.0
17775.0	19335.0
17785.0	19345.0
17795.0	19355.0
17805.0	19365.0
17815.0	19375.0
17825.0	19385.0
17835.0	19395.0
17845.0	19405.0
17855.0	19415.0
17865.0	19425.0
17875.0	19435.0
17885.0	19445.0
17895.0	19455.0
17905.0	19465.0
17915.0	19475.0
17925.0	19485.0
17935.0	19495.0
17945.0	19505.0
17955.0	19515.0
17965.0	19525.0
17975.0	19535.0
17985.0	19545.0
17995.0	19555.0
18005.0	19565.0
18015.0	19575.0
18025.0	19585.0
18035.0	19595.0
18045.0	19605.0
18055.0	19615.0
18065.0	19625.0
18075.0	19635.0
18085.0	19645.0
18095.0	19655.0
18105.0	19665.0
18115.0	19675.0
18125.0	19685.0
18135.0	19695.0

(iv) 20 MHz maximum authorized bandwidth channels:

TABLE 11 TO PARAGRAPH (a)(4)(iv)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17710.0	n/a
17730.0	n/a
17750.0	19310.0
17770.0	19330.0
17790.0	19350.0
17810.0	19370.0
17830.0	19390.0
17850.0	19410.0
17870.0	19430.0
17890.0	19450.0

TABLE 11 TO PARAGRAPH (a)(4)(iv)—Continued

Transmit (receive) (MHz)	Receive (transmit) (MHz)
17910.0	19470.0
17930.0	19490.0
17950.0	19510.0
17970.0	19530.0
17990.0	19550.0
18010.0	19570.0
18030.0	19590.0
18050.0	19610.0
18070.0	19630.0
18090.0	19650.0
18110.0	19670.0
18130.0	19690.0

(v) 40 MHz maximum authorized bandwidth channels:

TABLE 12 TO PARAGRAPH (a)(4)(v)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17720.0	n/a
17760.0	19320.0
17800.0	19360.0
17840.0	19400.0
17880.0	19440.0
17920.0	19480.0
17960.0	19520.0
18000.0	19560.0
18040.0	19600.0
18080.0	19640.0
18120.0	19680.0

(vi) 80 MHz maximum authorized bandwidth channels:

TABLE 13 TO PARAGRAPH (a)(4)(vi)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17740.0	n/a
17820.0	19380.0
17900.0	19460.0
17980.0	19540.0
18060.0	19620.0

* * * * *

PART 87—AVIATION SERVICES

■ 12. The authority citation for part 87 continues to read as follows:

Authority: 47 U.S.C. 154, 303 and 307(e), unless otherwise noted.

■ 13. Amend § 87.5 by revising the definition of “Automatic dependent surveillance—broadcast (ADS-B) Service” to read as follows:

§ 87.5 Definitions.

* * * * *

Automatic dependent surveillance—broadcast (ADS-B) Service. Broadcast transmissions from aircraft, supporting aircraft-to-aircraft, aircraft-to-ground, or aircraft-to-space station surveillance applications, including position reports, velocity vector, intent, and other relevant information about the aircraft.

* * * * *

■ 14. Amend § 87.479 by revising the section heading and paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 87.479 Harmful interference to radionavigation land stations or aeronautical mobile route service stations.

(a) Military or other Government stations have been authorized to establish wide-band systems using frequency-hopping spread spectrum techniques in the 960–1215 MHz band. Authorization for a Joint Tactical Information Distribution Systems (JTIDS) is permitted on the basis of non-interference to the aeronautical radionavigation service and aeronautical mobile-satellite (route) service (Earth-to-space) in this band. In order to accommodate the requirements for the system within the band, restrictions are imposed. Transmissions will be automatically prevented if:

* * * * *

(b) If radionavigation systems operating in the 960–1215 MHz band or aeronautical mobile-satellite (route) service (Earth-to-space) systems operating in the 960–1164 MHz band experience interference or unexplained loss of equipment performance, the situation must be reported immediately to the nearest office of the FAA, the National Telecommunications and Information Administration, Washington, DC 20504, or the nearest Federal Communications Commission field office. The following information must be provided to the extent available:

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 15. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.

■ 16. Amend § 90.265 by revising paragraph (a)(8) to read as follows:

§ 90.265 Assignment and use of frequencies in the bands allocated for Federal use.

(a) * * *

(8) After February 13, 2026, no assignments for the frequencies

406.1250 MHz and 406.1750 MHz will be made, but stations with existing assignments may continue to operate on these frequencies.

* * * * *

PART 97—AMATEUR RADIO SERVICE

■ 17. The authority citation for part 97 continues to read as follows:

Authority: 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 18. Amend § 97.301 by revising the entry for the “60 m” wavelength band in the table in paragraphs (b) through (d) to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *
(b) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
* * *	* * *	* * *	* * *	* * *
HF	MHz	MHz	MHz	
60 m	5.3515–5.3665	5.3515–5.3665	5.3515–5.3665	(h).
* * *	* * *	* * *	* * *	* * *

(c) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
* * *	* * *	* * *	* * *	* * *
HF	MHz	MHz	MHz	
60 m	5.3515–5.3665	5.3515–5.3665	5.3515–5.3665	(h).
* * *	* * *	* * *	* * *	* * *

(d) * * *

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements see § 97.303 (paragraph)
* * *	* * *	* * *	* * *	* * *
HF	MHz	MHz	MHz	
60 m	5.3515–5.3665	5.3515–5.3665	5.3515–5.3665	(h).
* * *	* * *	* * *	* * *	* * *

■ 19. Amend § 97.303 by revising paragraph (h) to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(h) Amateur stations transmitting on frequencies in the 60 m band must not cause harmful interference to, and must accept interference from, stations authorized by:

(1) The United States (NTIA and FCC) and other nations in the fixed service; and

(2) Other nations in the mobile except aeronautical mobile service.

(3) In the 5330.5–5406.4 kHz band (60 m band), amateur stations may transmit only in the 5351.5–5366.5 kHz band and on the four center frequencies specified in the table below. For the discrete channels, control operators of stations transmitting phone, data, and RTTY

emissions (emission designators 2K80J3E, 2K80J2D, and 60H0J2B, respectively) may set the carrier frequency 1.5 kHz below the center frequency as specified in the table below. For CW emissions (emission designator 150HA1A), the carrier frequency is set to the center frequency. For all 60 m spectrum, Amateur operators shall ensure that their emissions do not occupy more than 2.8 kHz.

60 M band frequencies (kHz)	
Carrier	Center
5330.5	5332.0
5346.5	5348.0
5371.5	5373.0
5403.5	5405.0

* * * * *

■ 20. Amend § 97.305 by revising the entry for the “60 m” wavelength band in the table in paragraph (c) to read as follows:

(c) * * *

(3) * * *

(iii) * * *

§ 97.305 Authorized emission types.

* * * * *

Wavelength band	Frequencies	Emission types authorized	Standards see § 97.307, paragraph(s)
HF:			
(iii) 60 m	5.332, 5.348, 5.3515–5.3665, 5.373, 5.405 MHz.	Phone, RTTY, data	(f)(14).

■ 21. Amend § 97.307 by revising paragraph (f)(14) to read as follows:

§ 97.307 Emission standards.

* * * * *

(f) * * *

(14) In the 60 m band:

(i) A station may transmit only phone, RTTY, data, and CW emissions. RTTY or data emissions must meet the digital code specifications listed in § 97.309. Emissions must not exceed a bandwidth of 2.8 kilohertz.

(ii) The control operator of a station transmitting data or RTTY emissions must exercise care to limit the length of transmissions so as not to cause harmful interference to United States Government stations.

■ 22. Amend § 97.313 by revising paragraphs (f) and (i) to read as follows:

§ 97.313 Transmitter power standards.

* * * * *

(f) An Earth station or telecommand station may transmit on the 435–438 MHz segment with a maximum of 611 W effective radiated power (1 kW equivalent isotropically radiated power). The transmitting antenna elevation angle between the lower half-power (–3 dB relative to the peak or antenna bore sight) point and the horizon must always be greater than 10°. No other station may transmit with a transmitter power exceeding 50 W PEP on the UHF 70 cm band from an area specified in § 2.106(c)(270)(i) of this chapter, unless expressly authorized by the FCC after mutual agreement, on a case-by-case basis, between the Regional Director of the applicable field facility and the military area frequency

coordinator at the applicable military base.

* * * * *

(i) 60 m band power requirements: No station may transmit on the frequencies 5.332, 5.348, 5.373, and 5.405 MHz in the 60 m band with a radiated power exceeding 100 W ERP. No station may transmit in the 5.3515–5.3665 MHz band with a radiated power exceeding 9.15 W ERP. For the purpose of computing ERP, the transmitter PEP will be multiplied by the antenna gain relative to a half-wave dipole antenna. A half-wave dipole antenna will be presumed to have a gain of 1 (0 dBd). Licensees using other antennas must maintain in their station records either the antenna manufacturer's data on the antenna gain or calculations of the antenna gain.

* * * * *

PART 101—FIXED MICROWAVE SERVICES

■ 23. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§§ 101.83, 101.85, 101.89 and 101.91 [Removed and Reserved]

■ 24. Remove and reserve § 101.83, 101.85, 101.89, and 101.91.

■ 25. Amend § 101.95 by revising the section heading and paragraph (a) to read as follows:

§ 101.95 Provisions for grandfathered licensees in the 18.30–19.30 GHz band.

(a) FSS licensees may require the incumbent to cease operations, provided that the FSS licensee turns on a system within interference range of the incumbent, as determined by TIA

Bulletin 10–F or any standard successor. FSS licensee notification to the affected FS licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the FS licensee must relinquish its license to the Commission, unless it has entered into an agreement with the affected FSS licensee that allows it to continue to operate on a mutually agreed upon basis.

* * * * *

§ 101.97 [Removed and Reserved]

■ 26. Remove and reserve § 101.97.

■ 27. Amend § 101.147 by:

■ a. Revising the list of frequency bands in paragraph (a);

■ b. Removing note 30 of paragraph (a);

■ c. Revising paragraph (r) introductory text;

■ d. Removing and reserving paragraph (r)(4); and

■ e. Revising paragraphs (r)(7), (8), (10), (12), and (13).

The revisions read as follows:

§ 101.147 Frequency assignments.

(a) * * *

928.0–929.0 MHz (28)
932.0–932.5 MHz (27)
932.5–935 MHz (17)
941.0–941.5 MHz (27)
941.5–944 MHz (17) (18)
952.0–960.0 MHz (28)
1,850–1,990 MHz (20) (22)
2,110–2,130 MHz (1) (3) (7) (20) (23)
2,130–2,150 MHz (20) (22)
2,160–2,180 MHz (1) (2) (20) (23)
2,180–2,200 MHz (20) (22)
2,450–2,500 MHz (12)
2,650–2,690 MHz
3,700–4,200 MHz (8) (14) (25)
5,925–6,425 MHz (6) (14) (25)

6,425–6,525 MHz (24)
 6,525–6,875 MHz (14) (33)
 6,875–7,125 MHz (10) (34)
 10,550–10,680 MHz (19)
 10,700–11,700 MHz (8) (9) (19) (25)
 11,700–12,200 MHz (24)
 12,200–12,700 MHz (31)
 12,700–13,200 (22), (34)
 13,200–13,250 MHz (4) (24) (25)
 14,200–14,400 MHz (24)
 17,700–18,300 MHz (5) (10) (15)
 19,300–19,700 MHz (5) (10) (15)
 21,200–22,000 MHz (4) (11) (12) (13)
 (24) (25) (26)
 22,000–23,600 MHz (4) (11) (12) (24)
 (25) (26)
 24,250–25,250 MHz
 29,100–29,250 MHz (5) (16)
 31,000–31,300 MHz (16)
 42,000–42,500 MHz
 71,000–76,000 MHz (5) (17)
 81,000–86,000 MHz (5) (17)
 92,000–94,000 MHz (17)
 94,100–95,000 MHz (17)
 * * * * *

(r) In the bands 17,700 to 19,700 and 24,250 to 25,250 MHz: Operation of stations using frequencies in these bands is permitted to the extent specified in this paragraph (r). Licensees, except 24 GHz band licensees, may use either a two-way link or one frequency of a frequency pair for a one-way link and must coordinate proposed operations pursuant to the procedures required in § 101.103. The use of the band 18.3–19.3 GHz is limited to grandfathered stations. Licensees in the fixed-satellite service may require that licensees of grandfathered stations operating in the bands 18.3–19.3 GHz cease operations in accordance with the provisions in § 101.95. (Note that stations authorized as of September 9, 1983, to use frequencies in the band 17.7–19.7 GHz may, upon proper application, continue to be authorized for such operations, consistent with the above conditions in this paragraph (r) related to the 18.3–19.3 GHz band.)

Applicants for one-way spectrum from 17.7–18.3 GHz for multichannel video programming distribution are governed by paragraph (r)(6) of this section. Licensees are also allowed to use one-way (unpaired) channels in the 17.7–17.74 GHz sub-band to pair with other channels in the FS portions of the 18 GHz band where, for example, the return pair is already in use and therefore blocked or in TDD systems. Stations used for MVPD operations in the 17.7–17.8 GHz band must coordinate with the Federal Government before operating in the zones specified in § 1.924(e) of this chapter.

* * * * *

(7) 10 Megahertz maximum authorized bandwidth channels:

TABLE 7 TO PARAGRAPH (r)(7)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 Megahertz Separation	
17705.0	N/A
17715.0	N/A
17725.0	N/A
17735.0	N/A
17745.0	19305.0
17755.0	19315.0
17765.0	19325.0
17775.0	19335.0
17785.0	19345.0
17795.0	19355.0
17805.0	19365.0
17815.0	19375.0
17825.0	19385.0
17835.0	19395.0
17845.0	19405.0
17855.0	19415.0
17865.0	19425.0
17875.0	19435.0
17885.0	19445.0
17895.0	19455.0
17905.0	19465.0
17915.0	19475.0
17925.0	19485.0
17935.0	19495.0
17945.0	19505.0
17955.0	19515.0
17965.0	19525.0
17975.0	19535.0
17985.0	19545.0
17995.0	19555.0
18005.0	19565.0
18015.0	19575.0
18025.0	19585.0
18035.0	19595.0
18045.0	19605.0
18055.0	19615.0
18065.0	19625.0
18075.0	19635.0
18085.0	19645.0
18095.0	19655.0
18105.0	19665.0
18115.0	19675.0
18125.0	19685.0
18135.0	19695.0

(8) 20 Megahertz maximum authorized bandwidth channels:

TABLE 8 TO PARAGRAPH (r)(8)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 Megahertz Separation	
17710.0	N/A
17730.0	N/A
17750.0	19310.0
17770.0	19330.0
17790.0	19350.0
17810.0	19370.0
17830.0	19390.0
17850.0	19410.0
17870.0	19430.0
17890.0	19450.0
17910.0	19470.0
17930.0	19490.0
17950.0	19510.0
17970.0	19530.0

TABLE 8 TO PARAGRAPH (r)(8)—
Continued

Transmit (receive) (MHz)	Receive (transmit) (MHz)
17990.0	19550.0
18010.0	19570.0
18030.0	19590.0
18050.0	19610.0
18070.0	19630.0
18090.0	19650.0
18110.0	19670.0
18130.0	19690.0

* * * * *
 (10) 40 Megahertz maximum authorized bandwidth channels:

TABLE 10 TO PARAGRAPH (r)(10)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 Megahertz Separation	
17720.0	N/A
17760.0	19320.0
17800.0	19360.0
17840.0	19400.0
17880.0	19440.0
17920.0	19480.0
17960.0	19520.0
18000.0	19560.0
18040.0	19600.0
18080.0	19640.0
18120.0	19680.0

* * * * *
 (12) 80 Megahertz maximum authorized bandwidth channels:

TABLE 12 TO PARAGRAPH (r)(12)

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 Megahertz Separation	
17740.0	N/A
17820.0	19380.0
17900.0	19460.0
17980.0	19540.0
18060.0	19620.0

(13) The frequencies on channels 35–39 listed in Table 13 are available for point-to-multipoint systems and are available by geographic area licensing in the 24 GHz Service to be used by the relevant licensee. The 24 GHz spectrum can be aggregated or disaggregated and does not have to be used in the transmit/receive manner shown except to comply with international agreements along the U.S. borders. Channels 35 through 39 are licensed in the 24 GHz Service by Economic Areas for any digital fixed service. Channels may be used at either nodal or subscriber station locations for transmit or receive but must be coordinated with adjacent channel and adjacent area users in

accordance with the provisions of
§ 101.509. Stations also must comply

with all applicable international
coordination agreements.

TABLE 13 TO PARAGRAPH (r)(13)

Channel No.	Nodal station frequency band (MHz) limits	User station frequency band (MHz) limits
35	24,250–24,290	25,050–25,090
36	24,290–24,330	25,090–25,130
37	24,330–24,370	25,130–25,170
38	24,370–24,410	25,170–25,210
39	24,410–24,450	25,210–25,250

* * * * *

[FR Doc. 2026–00587 Filed 1–13–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, 172, 173, 178, and 180

[Docket No. PHMSA–2018–0080 (HM–265)]

RIN 2137–AF41

Hazardous Materials: Eliminating Unnecessary Regulatory Burdens on Fuel Transportation

AGENCY: Pipeline and Hazardous
Materials Safety Administration
(PHMSA), Department of
Transportation.

ACTION: Final rule.

SUMMARY: PHMSA is adopting several amendments to the Hazardous Materials Regulations to reduce unnecessary regulatory burdens associated with the safe transportation of hazardous materials, including energy products. These amendments will reduce costs for hazardous materials transporters and eliminate unnecessary regulatory burdens on fuel transportation while maintaining or increasing the level of safety provided in the Hazardous Materials Regulations.

DATES:

Effective Date: This rule is effective February 13, 2026.

Voluntary Compliance Date: January 14, 2026.

Incorporation by Reference Date: The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on February 13, 2026.

FOR FURTHER INFORMATION CONTACT:

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I. Executive Summary

PHMSA is adopting several amendments proposed in the HM–265 notice of proposed rulemaking (NPRM) titled *Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation*.¹ These amendments will reduce costs and eliminate unnecessary regulatory burdens on the transportation of hazardous materials, including energy products, while maintaining the current level of safety provided by the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). The amendments adopted in this final rule are:

- In part 107, subpart F, revise the cargo tank facility registration requirements to allow for electronic submission procedures.
- In section 171.7, replace the current incorporation by reference of Chlorine Institute (CI) drawings in paragraphs (l)(3) and (l)(4) with the entire CI Pamphlet 49, *Recommended Practices for Handling Chlorine Bulk Highway Transports*, which provides guidelines for the safe transportation of chlorine by highway. The updated incorporation by reference includes the use of the Midland Type pressure relief device (PRD) for cargo tanks transporting chlorine as referenced in updated section 173.315.
- In section 172.336, revise the marking requirements for multiple petroleum distillate fuels to allow the marking of the identification number of the fuel with the lowest flash point transported in the same or previous business day.
- In section 172.704, include hazmat employees who only manufacture packagings within the scope of the existing exception from safety training. Further, remove the security awareness training requirement for any hazmat employees who only perform hazmat activities related to packagings (e.g., employees who manufacture, repair, modify, recondition, or test packagings,

¹ 89 FR 85590 (Oct. 28, 2024).

and do not offer for transportation or transport hazardous materials in commerce).

- In section 178.337–1(d), allow the use of external coverings other than paint that meet reflectivity requirements for Cargo Tank Motor Vehicles (CTMVs).

- In section 180.407(a)(7), allow the use of video cameras or video optics equipment for cargo tank inspections or tests.

PHMSA included several other proposals in the NPRM that are not being advanced in this final rule. The proposals included, among other things, amendments to the HMR to address 2017 Rail Safety Advisory Committee (RSAC) consensus recommendations; the Association of American Railroads' (AAR) delegated authority to approve tank car designs and tank car facility quality assurance programs; revisions to the construction and qualification of highway CTMVs; revisions to improve the safe transport of hazardous materials by vessel; and other multi-modal provisions. PHMSA is continuing to evaluate the merits of these proposals and may publish another final rule at a later date.²

The amendments adopted in this final rule provide substantial cost savings by reducing unnecessary burdens on the transportation of petroleum distillate fuels, such as gasoline and diesel fuel, by motor carriers. This final rule also provides cost savings to the hazardous materials packaging industry by removing an unnecessary training requirement and adopting measures allowing the use of technologies that introduce efficiencies for cargo tank tests and inspections. Together, the amendments adopted in this final rule provide a quantified cost savings of approximately \$145.3 million per year, while also providing qualitative benefits to energy transportation through greater regulatory flexibility for cargo tank owners and cargo tank facility operators.

II. Incorporation by Reference Discussion Under 1 CFR Part 51

PHMSA currently incorporates by reference into the HMR all or parts of numerous standards and specifications developed and published by standards development organizations (SDO). In general, SDOs accredited as voluntary consensus standards bodies develop, establish, or coordinate technical standards using agreed-upon procedures and update and revise their published

standards every two to five years to reflect modern technology and best technical practices. The National Technology Transfer and Advancement Act of 1995 (NTTAA; Pub. L. 104–113) directs Federal agencies to use standards developed by voluntary consensus standards bodies in lieu of government-written standards whenever possible. The Office of Management and Budget (OMB) issued Circular A–119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*,³ to implement section 12(d) of the NTTAA relative to the utilization of consensus technical standards by Federal agencies. This circular provides guidance for agencies participating in voluntary consensus standards bodies and describes procedures for satisfying the reporting requirements in the NTTAA.

PHMSA is responsible for determining which standards currently referenced in the HMR should be updated, revised, or removed, and which standards should be added to the HMR, under the NTTAA and OMB Circular A–119. Revisions to materials incorporated by reference in the HMR are handled via the rulemaking process, which allows for the public and regulated entities to provide input. During the rulemaking process, PHMSA must also obtain approval from the Office of the Federal Register to incorporate by reference any new materials. The Office of the Federal Register issued a rulemaking⁴ that revised 1 CFR 51.5 to require that an agency detail in the preamble of a rulemaking the ways the materials it proposes to incorporate by reference are reasonably available to interested parties, or how the agency worked to make those materials reasonably available to interested parties. Changes to the material incorporated by reference in the HMR are detailed in the section 171.7 discussion in “Section V. Section-by-Section Review of Amendments.”

In this final rule, PHMSA incorporates by reference the CI Pamphlet 49 in its entirety, rather than incorporating individual valve design drawings from the document as was done in the past. This authorizes an additional pressure relief valve design for cargo tanks in chlorine service. PHMSA has reviewed Pamphlet 49, including the valve design drawing mentioned, and found this new valve meets PHMSA's safety standards, and

that incorporating this document by reference into the HMR will not reduce safety but instead will allow more flexibility for CTMV owners and operators.

The Chlorine institute sells their standards on their website. The edition of the Pamphlet 49 incorporated by reference in this final rule can be obtained by contacting the Chlorine Institute bookstore by phone at (703) 894–4140, by email at pubs@CL2.com, or at their contact page at <https://www.chlorineinstitute.org/contact-us>.

III. Identification Number Markings for Petroleum Distillate Fuels

A. Background

The HMR require bulk packages containing hazardous materials to be marked with the identification number assigned to the hazardous material contained in the package—see section 172.302. This requirement is often met by displaying the required identification number inside the hazard class placard that is also displayed on the bulk package—see section 172.332(c) and (d). The requirement to mark the identification number on a cargo tank may also be met by using an orange panel or white square-on-point—see sections 172.328, 172.332(b), and 172.336(b), respectively.

The Hazardous Materials Table (HMT) in section 172.101 contains hundreds of identification numbers for flammable liquids. Flammable liquids, also known as Class 3 materials, are defined as liquids that have a flash point less than or equal to 60 °C (140 °F)—see section 173.120(a). Flash point means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid—see section 173.120(c). Generally, liquids with a lower flash point present a greater relative hazard than those with higher flash points because they can ignite at lower temperatures.

Many of the fuels Americans rely on to power their cars, trucks, and boats, and to heat their homes are flammable liquids derived from the distillation of crude oil.⁵ These fuels, which include gasoline (UN1203), kerosene (UN1223), diesel fuel (NA1993/UN1202), and fuel oil (NA1993), are commonly referred to

² In response to the NPRM, PHMSA received 37 sets of comments—of which only nine are relevant to the issues included in this final rule. Only those nine comments relevant to the topics addressed in this final rule will be discussed in this final rule.

³ 81 FR 4673 (Jan. 27, 2016).

⁴ See “Incorporation by Reference,” 79 FR 66267, 66278 (Nov. 7, 2014).

⁵ The distillation process separates crude oil into its component hydrocarbons. During distillation, crude oil is heated, with different refined products recovered as the boil temperature is gradually increased. See U.S. Energy Information Administration, *Crude Oil Distillation and the Definition of Refinery Capacity* (July 5, 2012), available at: <https://www.eia.gov/todayinenergy/detail.php?id=6970#>.

as “petroleum distillate fuels.” Gasoline has a flash point of -45°C (-49°F)⁶ compared to 52°C (126°F) for diesel fuel,⁷ 37.8°C (100°F) for kerosene, and 38°C (100.4°F)⁸ to 58°C (136°F)⁹ for fuel oil. It is not uncommon for a CTMV in fuel delivery service to deliver multiple types of fuel requiring different identification numbers in a single day’s operation—for instance, delivering gasoline on one trip, and diesel fuel on the next.

PHMSA’s Emergency Response Guidebook (ERG) provides the same initial emergency response instructions for all petroleum distillate fuels—see Guide 128.¹⁰ Because the initial emergency response instructions are the same, PHMSA proposed allowing cargo tanks to display the identification number of the petroleum distillate fuel with the lowest flash point transported in the cargo tank in the HM-265 NPRM. As discussed in more detail below, this proposal is aligned with regulatory history and the original intent of the provisions when they were first added to the HMR.

1. HM-118

In the HM-118 final rule¹¹ titled *Identification Numbers, Hazardous Wastes, Hazardous Substances, International Descriptions, Improved Descriptions, Forbidden Materials, and Organic Peroxides*, the Research and Special Programs Administration (RSPA)—PHMSA’s predecessor agency—amended the requirements in section 172.336 to allow the identification number of the lowest flash point fuel transported in a cargo tank to be displayed during shipment. RSPA adopted this amendment in section 172.336(c)(5) “to eliminate the need for continuous changes in identification numbers in many operations where gasoline and fuel oil are transported in the same cargo tank on different trips during the same day.”¹² This amendment remained in place for more than 30 years until

PHMSA inadvertently eliminated the provision in a subsequent final rule.

2. HM-219

In 2013, PHMSA published another final rule titled *Hazardous Materials: Miscellaneous Petitions for Rulemaking* (RRR) (HM-219).¹³ In HM-219, PHMSA replaced sections 172.336(c)(1)–(6) with a table to “more clearly indicate hazard communication requirements.”¹⁴ In the new table, PHMSA added paragraphs (c)(1)–(3) and (c)(6) as individual entries but consolidated the language in paragraphs (c)(4) and (5) into a single entry. PHMSA did not intend to change the original intent of paragraphs (c)(4) and (5) in consolidating these provisions, but the language used in the new table had that effect.

3. 2016 PIPES Act

In 2016, Congress passed a statute addressing the identification number marking requirements for petroleum distillate fuels. Specifically, in the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (2016 PIPES Act),¹⁵ Congress included a mandate stating that, “[n]ot later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue an [ANPRM] to take public comment on the petition for rulemaking dated October 28, 2015, titled ‘Corrections to Title 49 CFR 172.336 Identification numbers; special provisions’ (P-1667).” The rulemaking petition referenced in the mandate (P-1667¹⁶)—and an additional petition (P-1668¹⁷)—had been filed after PHMSA inadvertently altered the identification number marking requirements for petroleum distillate fuels in HM-219.

4. HM-213E

Shortly after the passage of the 2016 PIPES Act, PHMSA published the advance notice of proposed rulemaking (ANPRM) titled *Hazardous Materials: PIPES Act Requirements for Identification Numbers on Cargo Tanks Containing Petroleum Based Fuel* (HM-213E).¹⁸ The central issue addressed in the HM-213E ANPRM was whether a CTMV transporting different types of petroleum distillate fuels (e.g., gasoline, diesel fuel, kerosene, and fuel oil) over the course of multiple trips should be

permitted to display the identification number of the fuel with the lowest flash point previously transported, even when that fuel is not currently contained in the cargo tank (e.g., display “1203”—the identification number for gasoline—when the cargo tank contains only diesel fuel on that trip).¹⁹

PHMSA received 14 sets of comments to the HM-213E ANPRM, split between those supporting the provisions allowing the display of the identification number of the fuel with the lowest flash point previously transported, and those opposed. PHMSA received no specific information describing actual instances in which the marking exception led to increased risks in transportation.²⁰

5. DOT-SP 21104

After publishing the HM-213E ANPRM, PHMSA issued Department of Transportation (DOT) Special Permit (SP) 21104²¹ on November 11, 2020. DOT-SP 21104, as further modified on February 26, 2021, allows for the transportation of gasoline, diesel fuel, kerosene, and fuel oil in a CTMV marked with the identification number “1203” provided gasoline, which has the lowest flash point of the fuels listed, had been transported in the cargo tank during the previous or current business day. DOT-SP 21104 has been in place for almost five years, and PHMSA is not aware of any safety issues associated with its use.

6. HM-265

Consistent with the rulemaking history and requirements in DOT-SP 21104, PHMSA proposed to reinstate the original exception to the identification number marking requirements for petroleum distillate fuels in HM-265. PHMSA estimated that this amendment would generate cost savings of \$145.3 million per year in 2024 dollars, primarily in time savings for petroleum distillate fuel carriers who would no longer be required to change the identification number displayed on their vehicle as frequently. Note that gasoline and ethanol blends that contain more than 10 percent ethanol have different physical properties and may require the

⁶ The National Institute for Occupational Safety and Health (NIOSH) (Oct. 30, 2019), available at: <https://www.cdc.gov/niosh/npg/npgd0299.html>.

⁷ Occupational Safety and Health Administration (OSHA), *Chemical Data* (Dec. 28, 2020), available at: <https://www.osha.gov/chemicaldata/909>.

⁸ U.S. Energy Information Administration, available at: <https://www.eia.gov/tools/glossary/index.php?id=Kerosene>.

⁹ National Library of Medicine, available at: <https://www.ncbi.nlm.nih.gov/books/NBK594686/table/ch3.tab3/>.

¹⁰ PHMSA, *Emergency Response Guidebook* (2024), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-04/ERG2024-Eng-Web-a.pdf>.

¹¹ 45 FR 74640 (Nov. 10, 1980).

¹² 45 FR 74640, 74647 (Nov. 10, 1980).

¹³ 78 FR 14702 (Mar. 7, 2013).

¹⁴ 78 FR 14702, 14707 (Mar. 7, 2013).

¹⁵ 49 U.S.C. 60101.

¹⁶ See petition for rulemaking P-1667, available at: <https://www.regulations.gov/document/PHMSA-2015-0219-0001>.

¹⁷ See petition for rulemaking P-1668, available at: <https://www.regulations.gov/document/PHMSA-2015-0251-0001>.

¹⁸ 81 FR 83190 (Nov. 21, 2016).

¹⁹ The HM-265 NPRM includes a discussion of comments received in response to the HM-213E ANPRM because certain portions of the HM-213E rulemaking were incorporated into this HM-265 rulemaking.

²⁰ Please see the HM-265 NPRM’s discussion of the HM-213E ANPRM comments for details on the commenters, comments, and PHMSA’s responses. 89 FR at 85599.

²¹ See DOT-SP 21104, available at: <https://www.phmsa.dot.gov/hazmat/documents/offer/SP21104.pdf/2021014464/SP21104>.

application of different types of fire suppression foam. Therefore, these fuels, including “UN3475, Ethanol and gasoline mixture or Ethanol and motor spirit mixture or Ethanol and petrol mixture, with more than 10% ethanol, 3, PGII” and “UN1987, Alcohols, n.o.s., 3, PG I, II or III” are not included in this marking provision. The ID numbers “UN3475” and “UN1987” must be displayed if those products are

contained in the packaging and may not be displayed if the products are not contained in the packaging.

B. Action Taken in This Final Rule

PHMSA is adopting the amendments as proposed.

C. Response to NPRM Comments

PHMSA received nine sets of comments addressing the proposal to

authorize cargo tanks and tank cars to display the identification number of the petroleum distillate fuel with the lowest flash point transported on that day or the previous business day. The following table identifies each of these commenters and the unique docket identifier for their comment.

Commenter	Comment identifier
International Association of Fire Fighters (IAFF)	PHMSA–2018–0080–0008
Kansas Highway Patrol (KHP)	PHMSA–2018–0080–0010
Commercial Vehicle Safety Alliance (CVSA)	PHMSA–2018–0080–0019
Dangerous Goods Advisory Council (DGAC)	PHMSA–2018–0080–0023
United States Representative Pete Stauber	PHMSA–2018–0080–0024
The Dow Chemical Company	PHMSA–2018–0080–0026
The Passenger Vessel Association (PVA)	PHMSA–2018–0080–0031
Energy Marketers of America (EMA)	PHMSA–2018–0080–0033
International Association of Fire Chiefs (IAFC)	PHMSA–2018–0080–0041

PHMSA received supportive comments from United States Representative Pete Stauber, EMA, Dow Chemical Company, and DGAC. PHMSA received opposing comments from the IAFF, IAFC, CVSA, PVA, and KHP. Both sets of comments are summarized and addressed below.

1. Supportive Stakeholder Comments for This Provision

PHMSA received supportive comments from Representative Pete Stauber, EMA, Dow Chemical Company, and DGAC. Dow Chemical Company and DGAC expressed general support for proposed markings for petroleum distillate fuels changes, while Rep. Pete Stauber and EMA provided more detailed comments.

Specifically, Rep. Pete Stauber accurately noted that the proposed amendment restores a previously authorized exception in the HMR. Shippers that transported diesel fuel, heating oil, and gasoline in separate loads were allowed to affix permanent placards with the “UN1203” marking to their CTMVs rather than changing the placard with each subsequent load of a different material. Rep. Pete Stauber also presented information from his constituents indicating that the cost of complying with the current marking requirements is up to \$800 per truck.²² Rep. Pete Stauber presented information from local fire chiefs as well, most of whom provided feedback agreeing that in their firefighting operations they respond the same way with the same

type of foam, regardless of whether the placard is marked as 1203 or 1993.

EMA supported the proposed change to section 172.336(c), stating that removing the requirement to change identification numbers with each load when hauling multiple fuels of differing flashpoints in alternating trips provides meaningful economic benefits without reducing the margin of safety. Similar to other commenters, EMA noted that the proposed practice of marking the lowest flashpoint materials transported on a CTMV was previously allowed. Industry consistently used the identification number with the lowest flash point (typically gasoline) for alternating straight loads involving diesel fuel. EMA added that there were no recorded safety concerns with this practice. Since the removal of the prior identification number marking exception, energy marketers have had to implement inefficient workarounds, such as load sequencing or running diesel shipments with one empty compartment containing gasoline residue. EMA noted that these practices are burdensome, inefficient, and costly, and eliminating such inefficiencies, as proposed in the NPRM, will produce tangible cost savings across thousands of cargo tank operations.²³

²³ EMA also requested that PHMSA expand this marking exception to petroleum distillate fuels with up to 15 percent ethanol content. Petroleum distillate fuels with more than 10 percent ethanol are water-miscible materials, while those 10 percent or below are water-immiscible materials. These two categories are separate entries in the ERG and responders need to treat them differently, including using different categories of firefighting foam. Expanding the marking exception beyond what was proposed in the NPRM would reduce safety and potentially put first responders at unnecessary risk.

2. Stakeholder Concerns With Emergency Response Efforts

PHMSA received several comments indicating concern with the proposed changes regarding the marking of CTMVs containing petroleum distillate fuels, including comments from IAFF, IAFC, CVSA, PVA, and KHP. In its comments, IAFF stated that PHMSA’s proposal would intentionally create discrepancies between a vehicle’s placarding and the contents of the cargo tank. In addition, IAFF stated that failure to disclose all hazardous contents will result in firefighters and other responders following incorrect emergency response procedures. IAFF provided hypothetical operational examples, including a situation where a cargo tank marked “UN1203” (gasoline) is involved in a fire or spill, noting that it could cause firefighters to assume they are dealing with gasoline, which has a low flash point and can ignite easily. According to IAFF, if the tank instead contains diesel (UN1202 or NA1993), which requires higher temperatures for ignition, firefighters may misinterpret the absence of fire as an indication of safety. IAFF further stated that this false sense of security could delay deploying suppression agents tailored specifically for diesel. IAFF also described a scenario with multi-compartmented cargo tanks transporting multiple fuels on separate trips, suggesting that relying on the identification number of the lowest flash point fuel—without clarity on the actual contents at the time of the incident—could lead to confusion

For these reasons PHMSA will not be moving forward with this request.

²² This estimate did not include potential penalties or red tagging from marking errors, when compared to the previously permissible marking requirements.

among emergency responders. According to IAFF, this confusion could delay critical containment actions and increase the risk of errors in evacuation and decontamination procedures. Lastly, IAFF claimed that using water-based agents, which are effective for gasoline fires, but not for diesel spills, could exacerbate emergency incidents.

In its comments, KHP shared views similar to IAFF, stating that while UN1203 and NA1993 direct emergency responders to the same ERG response procedure, it is important to remember that the ERG is for use by first responders during the initial phase of a transportation incident involving hazardous materials.

The IAFC comments also shared concerns about emergency responders, stating that PHMSA's proposal aims to simplify processes for shippers but overlooks bill of lading requirements (*i.e.*, shipping paper requirements). IAFC maintained that the different information provided on the shipping paper and the vehicle marking creates confusion for first responders. As described above, IAFC stated that correct markings are necessary when formulating a proper emergency response action plan and, in their view, the rule would have an overall negative impact on first responders.

Finally, PVA echoed IAFF's concerns, stating that vessel operators transporting fuels via tank truck or trailer must be able to identify quickly the contents to respond effectively to an onboard emergency. PVA was concerned this proposal could impede crew members' ability to serve as first responders when a shipment is underway or at the dock.

PHMSA Response to Stakeholder Concerns With Emergency Response Efforts

PHMSA acknowledges the commenters' concerns regarding markings for petroleum distillate fuels and the importance of those markings to emergency responders. As noted in the NPRM, for NA1993, UN1202, UN1203, UN1223, and other petroleum distillate fuels, the ERG directs the reader to the same guide page for initial emergency response instructions. The ERG is designed to aid emergency responders in their initial response to transportation incidents involving hazardous materials and groups materials with similar hazards and properties into specific "guides." In the case of petroleum distillate fuels, all relevant UN numbers direct the reader to Guide 128, meaning that all petroleum distillate fuels have identical initial response procedures.

As mentioned by some commentors, marking and placarding of the transport vehicle is not the only form of hazardous materials communications that first responders have available to rely on. The HMR also require carriers to maintain a shipping paper onboard the vehicle which provides the proper shipping name, identification number, and hazard class, among other information, of the materials onboard the vehicle. First responders will, in most cases, refer to that document to confirm the specific material involved.

PHMSA is unaware of any fire suppression foams that are specifically tailored for diesel fuel rather than gasoline. For example, readily available literature from a trade association²⁴ that represents manufacturers of fire suppression equipment, and the State of Tennessee,²⁵ indicates that Class B foam—both polar and non-polar formulations—is effective in fighting fires caused by non-polar hydrocarbon fuels, like gasoline and diesel fuel. Using this type of foam, or a similar one, could address any concerns emergency responders might have about the exact contents of the tank. In contrast, there are foams specifically tailored for high-ethanol content gasoline—gasoline with more than 10 percent ethanol. However, PHMSA has specifically excluded "UN3475, Ethanol and gasoline mixture or Ethanol and motor spirit mixture or Ethanol and petrol mixture, with more than 10 percent ethanol, 3, PGII" from this marking exception because of the different fire suppression media required for this type of material. PHMSA believes that any risks and burdens to emergency responders raised by the commenters' hypothetical scenarios are minimal and can be mitigated—if not completely eliminated—by responding to incidents involving petroleum distillate fuels as highly flammable materials.

As previously discussed in the NPRM, the flexibility allowed for markings for petroleum distillate fuels was previously permissible under the HMR. For approximately 33 years, from the publication of HM-118²⁶ in 1980 until the publication of HM-219²⁷ in 2013, the HMR allowed a cargo tank transporting more than one petroleum

distillate fuel in different trips to display the identification number for the petroleum distillate fuel with the lowest flash point. In that time frame, PHMSA is unaware of any increase in the number of hazardous materials incidents involving petroleum distillate fuels and resulting in injuries to first responders. Similarly, since the unintentional removal of the exception in the HM-219 final rule, PHMSA is unaware of any decrease in hazardous materials incidents involving petroleum distillate fuels and resulting in injuries to first responders.

3. Stakeholder Concerns With Enforcement

The comments from the KHP expressed opposition to the proposed change to section 172.336 for petroleum distillate fuels from a law enforcement perspective. The KHP stated that the new marking provision will create unnecessary burdens on law enforcement by requiring law enforcement to decipher what the tank was hauling on the previous business day, which, depending on the day of the week, could have been several days prior. The KHP went on to provide an example of an extended holiday weekend where the previous business day was four days prior. According to the KHP, it is typical for a truck driver not to know the previous contents of the tank for various reasons, such as the vehicle was driven by someone else on the previous business day or the driver just picked up the tank as a contracted carrier.

The KHP further stated that this uncertainty by the driver would lead to increased roadside inspection times and significantly hinder the officer from performing his or her duty because commercial vehicle inspectors must be certain of violations before recording them on an inspection report. The KHP continued that if the inspector is wrong in writing up the carrier, it may result in the carrier being erroneously taken out of service, in addition to the costs associated with reversing the citation, including personnel time to remove violations, dismiss citations, or even refund civil penalties.

Finally, the KHP pointed to a potential conflict with CVSA's out of service criteria, which direct law enforcement to take a vehicle marked with identification number(s) for material(s) that are not present on the vehicle out of service. The commenter notes that CVSA inspection bulletin

²⁴ See, *e.g.*, Fire Apparatus Manufacturers' Association, *The A's and B's of Foam of Foam Concentrate and Delivery Systems* (Mar. 1, 2019), available at: https://www.fama.org/forum_articles/the-as-and-bs-of-foam-of-foam-concentrate-and-delivery-systems/.

²⁵ State of Tennessee, available at: https://www.tn.gov/content/dam/tn/commerce/documents/tfaca/quick_skills_training/QS_Foam_edited.pdf.

²⁶ 45 FR 74640 (Nov. 10, 1980).

²⁷ 78 FR 14702 (Mar. 7, 2013).

#2022–06²⁸ states placards must accurately communicate the hazardous materials transported on the vehicle.

CVSA, the organization that KHP referenced in its comment, also submitted comments on the topic of enforcement. CVSA stated that both industry and enforcement personnel have adapted to the current marking requirements in place and a change at this point would be costly to implement, as both enforcement and industry personnel would have to be retrained. CVSA did not support making the proposed change at this time given what it perceives as the potential risk to first responders associated with the change and the fact that industry has largely adjusted to the status quo of often-frequent placard changes.

PHMSA Response to Stakeholder Concerns With Enforcement

As PHMSA stated in the NPRM, law enforcement personnel may use shipping paper records to determine whether a cargo tank was used to transport petroleum distillate fuel with a lower flashpoint than the fuel currently onboard the previous business day. And while there may be scenarios where this change could impose an additional burden on law enforcement personnel, PHMSA is confident that petroleum distillate fuel transporters will have access to the information necessary to assist investigators in making appropriate determinations of compliance.

In response to the KHP's concerns regarding extended roadside inspection times and potential for incorrect citations, PHMSA expects investigators and law enforcement officers to familiarize themselves promptly with the identification number marking requirements for petroleum distillate fuels. As PHMSA expressed in the NPRM, and elsewhere in this rulemaking, the initial emergency response instructions for petroleum distillate fuels are the same, should an incident occur.

4. Stakeholder Concerns With Training

The KHP stated that from an instructor's standpoint it is much easier to explain to students that the operator of a CTMV must display identification numbers for the material currently onboard. The KHP further stated that it is difficult for a new student to understand how a CTMV can display an identification number for a material that

is not present on the vehicle and will be particularly difficult for students to grasp after listening to instructors spend considerable time in the classroom emphasizing that a vehicle must not display an identification number for a material it is not carrying.

PHMSA Response to Stakeholder Concerns With Training

PHMSA appreciates the comments regarding training challenges for inspectors and law enforcement, but notes that this concern is not unique as PHMSA continuously updates the HMR with new rules on a regular basis. While the HMR generally states that no one may represent through hazard communication that a hazardous material is present in the package, motor vehicle, freight container, or other packaging if the hazardous material is not present, it is not uncommon for PHMSA to provide exceptions from general requirements if economic benefits can be produced while minimizing or limiting any potential negative safety impact. For example, a hazardous material that meets the general classification criteria for a flammable liquid may be reclassified and transported as a combustible liquid under certain conditions. In this specific case, the costs of constantly changing the identification number marking for each different petroleum distillate fuel having the same hazard and requiring the same response in case of emergency substantially outweighs the benefit of maintaining each marking and can be done while maintaining safety. Any change PHMSA makes requires shippers, offerors, first responders, and others in the hazardous materials industry to stay up-to-date with the latest regulations, including updating any trainings that may no longer be accurate.

5. Stakeholder Concerns With Exposure and Personal Protection Equipment

The IAFF comments also address concerns about potential exposure issues, having claimed that firefighters adjust their personal protection equipment (PPE) based on the anticipated hazards of the material involved in a given incident. The IAFF claimed that incorrect identification of the specific hazardous material involved in an incident can result in insufficient PPE, increasing the risk of chemical exposure, thermal burns, or inhalation of toxic fumes if the substances differ significantly from the identification number indicated on the vehicle. For instance, the IAFF asserted that diesel (UN1202) presents different exposure risks compared to gasoline, but that both

might be marked as “UN1203” under the proposed rule, which could lead to inadequate protective measures.

PHMSA Response to Stakeholder Concerns With Exposure and PPE

While PHMSA does not regulate the uses of or specifications for PPE, PHMSA is unaware of any meaningful differences in PPE requirements for incidents involving the various petroleum distillate fuels. In reviewing several publicly available safety data sheets for various petroleum distillate fuels, PHMSA has found no meaningful variation between the different materials in terms of recommended PPE. While safety data sheets for the same identification numbers can vary depending on the manufacturer, the safety data sheets reviewed by PHMSA, such as those for Marathon Petroleum Corporation, for diesel and gasoline produced by the same company generally included identical PPE recommendations. Furthermore, as previously discussed in this final rule, PHMSA's ERG provides the same initial emergency response instructions for all petroleum distillate fuels, including recommended protective clothing—see Guide 128.²⁹ The ERG instructs that regardless of the type of petroleum distillate fuel involved, first responders should equip themselves with: (1) a positive pressure self-contained breathing apparatus (SCBA); and (2) structural firefighters' protective clothing that provides thermal protection. Provided that emergency responders are prepared for an incident involving a petroleum distillate fuel, the initial emergency response instructions for the marked material should be effective and have no detrimental safety impact until the actual material is determined.

IV. Response to NPRM Comments on the Other Final Rule Provisions

PHMSA received limited comments on the other topics addressed in this final rule. These comments are addressed in this section.

A. Electronic Submission of Cargo Tank Facility Registration

PHMSA proposed to revise paragraph section 107.502(d) to include a reference to the electronic method for submitting registration statements. One commenter noted that allowing electronic submission of cargo tank registration statements could pose cybersecurity risks due to the data being collected via

²⁸ Commercial Vehicle Safety Alliance, *Inspection Bulletin: 2022–06—Placards on Flammable and Combustible Liquids* (Dec. 14, 2022), <https://cvsa.org/wp-content/uploads/2022-06-Inspection-Bulletin.pdf>.

²⁹ PHMSA, *Emergency Response Guidebook* (2024), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-04/ERG2024-Eng-Web-a.pdf>.

an online portal as opposed to physical media.³⁰ PHMSA appreciates the comment and notes that the Federal Motor Carrier Safety Administration (FMCSA) already has security measures in place to store electronic data safely on more than 750,000 active motor carriers and millions of drivers. The same security measures cover the electronic acceptance and storage of cargo tank facility registration statements. PHMSA is not aware of any instances where FMCSA's data security protection measures have failed. Having received no other comments, PHMSA is adopting this change as proposed.

B. The Chlorine Institute Publication

PHMSA proposed to revise section 171.7 to replace the current incorporation by reference of CI drawings for PRDs found in section 171.7(l)(3) and (l)(4) with the entire CI Pamphlet 49 titled, *Recommended Practices for Handling Chlorine Bulk Highway Transports* in section 171.7(l)(3). CI Pamphlet 49 includes the use of the Midland Type PRD for chlorine cargo tanks in addition to those already permitted in section 173.315. CI provided comments in support of PHMSA's proposal to adopt CI Pamphlet 49 and reference the standard in section 173.315(i)(13).³¹ PHMSA did not receive any other comments on this proposal.

Updating the incorporation by reference of Pamphlet 49 to the 2022 version is beyond the scope of this rulemaking. CI may submit a petition for rulemaking to further update the incorporation by reference of Pamphlet 49. Therefore, PHMSA is adopting the revision to incorporate by reference the 2016 version of Pamphlet 49 as proposed.

C. Exception From Security Awareness Training

PHMSA proposed to revise section 172.704(a)(4) to include hazmat employees who only manufacture packagings in the current exception from safety training. Further, PHMSA proposed to except any hazmat employees who only perform hazmat activities related to packagings (e.g., employees who manufacture, repair, modify, recondition, or test packagings,

and do not offer for transportation or transport hazardous materials in commerce) from security awareness training as long as they do not perform any other HMR function. PHMSA received no comments on this proposal and is adopting the change as proposed. For more information on this change please see the section-by-section review discussion elsewhere in this document.

D. Reflective Design of Uninsulated Cargo Tanks

PHMSA proposed to modify the requirement in section 178.337–1(d) for uninsulated cargo tanks to be painted, which would allow for the use of alternative means of providing reflectivity such as a wrap or cover. PHMSA received no comments on this proposal and is adopting the change as proposed. For more information on this change please see the section-by-section review discussion elsewhere in this document.

E. Use of Video Cameras for Cargo Tank Inspections and Tests

PHMSA proposed to allow for the use of video cameras or video optics equipment for any cargo tank inspection or test. PHMSA received no comments on this proposal and is adopting the change as proposed, except that the provision is provided in paragraph (a)(7) rather than (a)(8). For more information on this change please see the section-by-section review discussion elsewhere in this document.

V. Section-by-Section Review of Amendments

A. Section 107.502

Section 107.502 contains the general registration requirements for persons who engage in the manufacture, assembly, certification, inspection, or repair of a cargo tank or CTMV manufactured under the terms of a DOT specification or a special permit. PHMSA proposed to revise paragraph (d) to clarify that persons registering with the Department may submit their registration electronically through FMCSA's existing online portal (<https://portal.fmcsa.dot.gov/UrsRegistrationWizard/>) or continue to mail a hard copy of their registration statement to FMCSA. In this final rule, PHMSA is adopting this revision as proposed.

B. Section 171.7

Section 171.7 contains the list of material incorporated by reference into the HMR. PHMSA proposed to revise paragraphs (l)(3) and (4) by incorporating by reference CI Pamphlet 49 (Edition 10 (2016)) in its entirety,

rather than incorporating by reference individual PRD design drawings from the document. This has the effect of authorizing the Midland Type A–14227–ML PRD design for cargo tanks used in chlorine service. In this final rule, PHMSA is adopting the revision as proposed.

C. Section 172.303

Section 172.303 contains prohibitions on the display of markings that indicate that a specific hazardous material is present when that material is not present in transportation. In response to comments, PHMSA is adding an exception in (b)(4) to this general prohibition for CTMVs that are marked in accordance with the petroleum distillate fuel marking requirements adopted in section 172.336 in this rulemaking. This amendment is a conforming amendment to the section 172.336 marking exception that allows CTMVs to display the identification number of the lowest flash point petroleum distillate fuel transported in the tank on that day or the previous business day. This makes it clear to both motor carriers and enforcement agencies that a CTMV is allowed to display the identification number of the petroleum distillate fuel with the lowest flash point transported in the current or previous business day. In this final rule, PHMSA is adopting the revision as proposed.

D. Section 172.336

Section 172.336 outlines special provisions for the display of identification numbers. PHMSA proposed to revise the section 172.336(c) table, which provides scenarios where identification numbers are either not required or an exception applies. The proposal added a sixth row to Table 1 to Paragraph (c)—Identification Numbers Are Not Required, to authorize the display of the identification number representing the petroleum distillate fuel with the lowest flash point that is transported in a cargo tank in different trips on the previous or current business day. However, due to different emergency response procedures, PHMSA also proposed the exception would not be applicable when the cargo tank transported gasoline and alcohol fuel blends consisting of more than 10 percent ethanol. This is consistent with the current requirements in the fifth row of the table. Specifically, PHMSA proposed that in this circumstance, the identification numbers “3475” or “1987” must also be displayed, as appropriate, and the cargo tank may only display “3475” or “1987” when

³⁰ See rulemaking docket, available at: <https://www.regulations.gov/comment/PHMSA-2018-0080-0004>.

³¹ CI previously submitted a petition for rulemaking (P–1712) to update the incorporation by reference of Pamphlet 49 to the 2016 version. However, since CI submitted petition P–1712, Pamphlet 49 has been updated to a more current version. In its comment, CI recommends that PHMSA incorporate by reference Edition 11 (2022) instead of Edition 10 (2016).

the material is in the cargo tank. Therefore, if the liquid petroleum distillate fuel with the lowest flash point transported in the cargo tank in different trips on the previous or current business day was a gasoline and alcohol fuel blend consisting of more than 10 percent ethanol, and it is not being transported in the cargo tank currently, “3475” or “1987” may not be displayed on the cargo tank. In this scenario, the cargo tank should display either the identification number of the liquid petroleum distillate fuel with the next lowest flash point transported in different trips on the previous or current business day or the liquid petroleum distillate fuel that is currently being transported.

PHMSA also proposed to specify that the exception in the fifth row only applies to compartmented cargo tanks and compartmented tank cars. This will distinguish clearly the fifth and sixth row exceptions. The fifth row authorizes the display of the identification number of the petroleum distillate fuel with the lowest flash point when the cargo tank or tank car contains more than one petroleum distillate fuel. The fifth-row exception is only possible when the cargo tank or the tank car is compartmented—*i.e.*, it has multiple compartments each with a different petroleum distillate fuel. Therefore, PHMSA proposed to remove the term “cargo tank” to indicate clearly the exception only applies to “compartmented cargo tanks or compartmented tank cars.” In this final rule, PHMSA is adopting the revisions to section 172.336 as proposed. Refer to Section III. “Identification Number Markings for Petroleum Distillate Fuels” for further discussion on this issue.

E. Section 172.704

Section 172.704 contains the training requirements for hazmat employees. Currently, paragraph (e)(1) excepts from safety training hazmat employees who only repair, modify, recondition, or test packagings and who do not perform any other function in the HMR. PHMSA proposed to also include hazmat employees who only manufacture packagings. Further, PHMSA proposed to except these hazmat employees from security awareness training. Security awareness training imposed on hazmat employees who only manufacture, repair, modify, recondition, or test packagings, and do not perform any other function subject to the HMR, does not present the same security benefit as for those hazmat employees who offer for transportation, transport, or handle hazardous materials. In this final rule,

PHMSA is adopting the revisions to section 172.704(e)(1) as proposed.

F. Section 173.315

Section 173.315 describes the requirements for the transportation of compressed gases in cargo tanks and portable tanks. Paragraph (i) provides cargo tank and portable tank requirements for pressure relief devices, with paragraph (i)(13) detailing the specifications for safety relief valves on chlorine cargo tanks. PHMSA is revising section 173.315(i)(13) to replace the reference to specific PRD drawings with a general reference to CI Pamphlet 49 for authorized safety relief valves. This allows the use of the Midland PRD in addition to the Crosby PRD on cargo tanks transporting inhalation hazards to provide additional regulatory flexibility without reducing safety. In this final rule, PHMSA is adopting the revision to section 173.315 as proposed.

G. Section 178.337–1

Section 178.337–1 contains the general requirements applicable to constructing an MC–331 cargo tank designed to transport compressed gases. Paragraph (d) addresses the requirement for uninsulated tanks to have a reflective metal surface or a reflecting color to limit heat transfer to the contents in the tank. PHMSA proposed to remove the requirement that the tank be “painted” to allow for the use of reflective vinyl wraps or other innovative reflective coatings. In this final rule, PHMSA is adopting the revision to section 178.337–1(d) as proposed.

H. Section 180.407

Section 180.407 contains requirements for the periodic inspection of CTMVs to qualify them for continued hazardous materials service. PHMSA proposed to authorize, in a new paragraph (a)(7), the use of video cameras and fiber optics equipment for any visual inspection required for CTMVs in part 180, subpart E. In this final rule, PHMSA is adopting the revision to section 180.407 as proposed. This revision allows video cameras or fiber optics equipment to be used for visual inspections, provided that all of the required areas and elements that need to be tested or inspected can be viewed and evaluated in accordance with part 180, subpart E.

VI. Regulatory Analysis

A. Statutory/Legal Authority

This final rule is published under the authority of Federal Hazardous Materials Transportation Act (HMTA; 49 U.S.C. 5101–5127). Section 5103(b)

of the HMTA authorizes the Secretary of Transportation to “prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.” The Secretary has delegated his authority as granted in the HMTA to the PHMSA Administrator in 49 CFR 1.97(b).

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (*Regulatory Planning and Review*), as implemented by DOT Order 2100.6B (*Policies and Procedures for Rulemaking*), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.”³² DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This action is a significant regulatory action that was submitted to OIRA and OMB for review. Any changes made during E.O. 12866 review have been documented in the docket. PHMSA prepared an analysis of the potential costs and benefits associated with this action. This analysis, *Regulatory Impact Analysis for Hazardous Materials: Eliminating*

³² See also Dep’t of Transportation, DOT Order 2100.7, *Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities* (requiring DOT rulemaking activities to be based on sound economic principles and analysis supported by rigorous cost-benefit analysis).

Unnecessary Regulatory Burdens on Fuel Transportation (the “RIA”) is available in the docket.

C. Executive Orders 14192 and 14219

This final rule is an E.O. 14192 deregulatory action.³³ PHMSA has determined the total costs of the rule to the regulated community will be less than zero and estimates annualized net benefits at a seven percent discount rate of approximately \$145.3 million per year. Details on the costs, cost savings, and benefits of this rulemaking can be found in the RIA, which is available in the public docket.

Overall, the revisions adopted in this rulemaking promote the continued safe transportation of hazardous materials while producing a net cost savings. Cost savings are derived from allowing the continued display of the identification number of the lowest flash point fuel transported in a cargo tank motor vehicle in the same or previous business day. In addition, PHMSA finds this final rule does not implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is “unlawful . . . [or] that undermine[s] the national interest.”³⁴

D. Executive Order 13132

PHMSA analyzed this rulemaking in accordance with E.O. 13132 (*Federalism*)³⁵ and the Presidential Memorandum (*Preemption*) that was published in the **Federal Register** on May 22, 2009.³⁶ E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.”

This rulemaking may preempt State, local, and Native American tribe requirements, but does not propose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

The Federal Hazmat Law contains an express preemption provision, 49 U.S.C. 5125(b), that preempts State, local, and Tribal requirements on certain covered subjects, unless the non-Federal requirements are “substantively the

same” as the Federal requirements, including:

(1) Designation, description, and classification of hazardous materials;

(2) Packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) Preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) Written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) Design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This rule addresses subject items (2) and (5) above, which are covered subjects, and, therefore, non-Federal requirements that fail to meet the “substantively the same” standard are vulnerable to preemption under the Federal Hazmat Law. Moreover, PHMSA will continue to make preemption determinations applicable to specific non-Federal requirements on a case-by-case basis, using the obstacle, dual compliance, and covered subjects tests provided in Federal Hazmat Law.

E. Executive Order 13175

This document was analyzed in accordance with the principles and criteria contained in E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments*) and DOT Order 5301.1A (*Department of Transportation Tribal Consultation Policies and Procedures*). Because none of the changes in this final rule have Tribal implications or impose substantial direct compliance costs on Indian Tribal governments, the funding and consultation requirements of E.O. 13175 do not apply. In addition, PHMSA notes that it received no comments from Native American tribes.

F. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to consider whether a rulemaking would have a “significant economic impact on a substantial number of small entities” to include small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and small governmental jurisdictions with populations under 50,000 people. The Regulatory Flexibility Act directs agencies to establish exceptions and

differing compliance standards for small businesses, where possible to do so and still meet the objectives of applicable regulatory statutes. E.O. 13272 (*Proper Consideration of Small Entities in Agency Rulemaking*)³⁷ requires agencies to establish procedures and policies to promote compliance with the Regulatory Flexibility Act and to “thoroughly review draft rules to assess and take appropriate account of the potential impact” of the rules on small businesses, governmental jurisdictions, and small organizations. The DOT posts its implementing guidance on a dedicated web page.³⁸

This rulemaking has been developed in accordance with E.O. 13272 and DOT’s procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered. PHMSA has developed a final regulatory flexibility analysis (RFA), which is included in the docket. As detailed in the RFA, based on a query of FMCSA data and Census Bureau data, trucking companies that haul hazardous materials possess an average of 3.3 CTMVs. Assuming 85,658 CTMVs will be affected by the placarding exemption (see Section 3.1.2 for data and calculations), then a figure of 3.3 CTMVs per firm implies that 25,957 trucking companies will be impacted. Further, assuming the industry structure of trucking companies hauling petroleum distillates mirrors that of the trucking industry overall, we can conclude that 23,101 companies (*i.e.*, 89 percent of 25,957) qualify as small businesses affected by the placarding exemption. This final rule facilitates more efficient movement of hazardous materials by highway and inspection of hazardous materials packagings, while ensuring that safety is maintained or enhanced. It applies to shippers and carriers of hazardous materials as well as entities that inspect hazardous materials packaging, some of whom are small entities. The changes affected by this rule would relieve the regulatory burdens of U.S. companies, including small entities, by removing costly requirements that do not contribute to safety. Based on this information, PHMSA expects to affect 25,957 small business with annualized cost savings per small business of \$5,603. As described in the FRFA section of the accompanying RIA document (Section

³⁷ 67 FR 53461 (Aug. 16, 2002).

³⁸ Dep’t of Transportation, *Rulemaking Requirements Related to Small Entities* (May 18, 2012), available at: <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities>.

³³ 90 FR 9065 (Jan. 31, 2025).

³⁴ 90 FR 10583 (Feb. 19, 2025).

³⁵ 64 FR 43255 (Aug. 10, 1999).

³⁶ 74 FR 24693 (May 22, 2009).

4), PHMSA has assessed this cost against average industry revenue for small trucking entities and concluded that it amounts to 1.22–1.27 percent of average small entity annual revenues. There is no set threshold for determining what constitutes a significant impact, but a rule of thumb used by many Agencies is impacts that are over 3 percent of annual revenue are likely to be significant. Those above 1 percent may be significant in certain instances but may not amount to a significant impact. In this case impacts are close enough to the lower bound that impacts on small entities are unlikely to be significant. The changes are generally intended to provide regulatory flexibility and cost savings to industry members, while increasing safety. The FRFA asks Agencies to describe actions taken to minimize impacts on small entities but in the context of deregulatory cost savings such a mandate would tend to disadvantage small entities relative to large and implies that beneficial impacts can be considered to be non-significant within the context of the RFA. PHMSA did not receive comments on the anticipated economic impacts to small entities and the RFA.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), no person is required to respond to any information collection unless it has been approved by OMB and displays a valid OMB control number. Pursuant to 44 U.S.C § 3506(c)(2)(B) and 5 CFR 1320.8(d), PHMSA must provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests.

PHMSA has analyzed this final rule in accordance with the Paperwork Reduction Act. PHMSA did not receive any comments regarding information collections associated with the changes adopted in this final rule. In addition, some information collections proposed in the NPRM were not adopted in this final rule and are therefore excluded.

Requests for a copy of this information collection should be

directed to Steven Andrews, Office of Hazardous Materials Standards, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, 202–366–8553.

H. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory action on State, local, or Tribal governments, and the private sector. For any NPRM or final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, or by the private sector of \$100 million or more in 1996 dollars in any given year, an agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This rulemaking does not impose unfunded mandates under UMRA. As explained in the RIA, it is not expected to result in costs of \$100 million or more in 1996 dollars on either State, local, or Tribal governments, in the aggregate, or to the private sector in any one year. This is the least burdensome alternative that achieves the objective of the rule.

I. National Environmental Policy Act: Environmental Assessment

1. Introduction

The National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), requires Federal agencies to assess and consider the impacts on the human and natural environment of their proposed actions. Unless a categorical exclusion applies, when a proposed action does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown, Federal agencies are required to prepare an environmental assessment. If, based on the finding of the environmental review, the agency determines not to prepare an environmental impact statement (EIS)

because the proposed action will not have significant effects on the human or natural environment, the agency can conclude the NEPA process with a finding of no significant impact (FONSI) (42 U.S.C. 4336(b)(2)). PHMSA did not consider a categorical exclusion because at the time of the NPRM issuance, no categorical exclusion applied. PHMSA is finalizing the action based on a completed 2025 Environmental Assessment and subsequent Finding of No Significant Impact.

2. Purpose and Need

The purpose of this final rule is to provide greater clarity and regulatory flexibility in the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). This final rule reduces unnecessary burdens associated with safe transportation of hazardous materials, including energy products, in commerce. It revises provisions specific to the highway transportation of hazardous materials. The amendments will reduce costs on hazardous materials transporters and packaging manufacturers while maintaining the high level of safety provided in the HMR.

3. Description of Alternatives

3.1 No Action Alternative

If PHMSA were to select the No Action Alternative, current regulations would remain in place, and no new provisions would be amended or added. This alternative does not provide the necessary amendments to provide greater clarity and regulatory flexibility, nor does it address the PIPES Act of 2016 and petitions for rulemaking. Thus, the no action alternative does not meet the purpose and need of this action.

3.2 Selected Alternative (Final Rule)

PHMSA is adopting several amendments originally proposed in the Notice of Proposed Rulemaking (NPRM) version of this rule.³⁹ The amendments chosen for adoption are summarized below and more fully discussed in the preamble and regulatory text sections of this Final Rule.

Section	Topic
Part 107 subpart F	Revise the cargo tank facility registration requirements to allow for electronic submission procedures.
Section 171.7	Replace current incorporation by reference of the CI drawings in paragraphs (l)(3) and (l)(4) with the entire Pamphlet 49 (2016), which includes the use of Midland Type pressure relief device (PRD) for cargo tanks transporting chlorine as referenced in section 173.315.
Section 172.336	Revise the marking requirements for multiple petroleum distillate fuels to allow the marking of the identification number of the fuel with the lowest flash point transported in the same or previous business day.

³⁹ 89 FR 85590 (Oct. 28, 2024).

Section	Topic
Section 172.704	Remove the security awareness training requirement for hazmat employees who only perform hazmat activities related to packagings (e.g., employees who manufacture, repair, modify, recondition, or test packagings and do not actually offer for transportation or transport hazardous materials in commerce).
Section 173.315	Conforming change with the new document incorporated by reference in Section 171.7. Remove reference to specific PRD drawings and adds general reference to CI Pamphlet 49 for authorized safety release valves.
Section 178.337–1(d)	Allow the use of external coverings other than paint that meet reflectivity requirements for CTMVs.
Section 180.407(a)(7)	Allow for the use of video cameras or video optics equipment for cargo tank inspections or tests.

3.3 Alternatives Dismissed From Further Consideration

Proposed Rule Alternative (NPRM)

PHMSA assessed an alternative that would have finalized the requirements as proposed in the NPRM. This alternative includes adoption of the 2017 RSAC proposals for rail transportation; revision to the approval process for tank car designs and Quality Assurance Programs (QAPs); miscellaneous amendments to highway cargo tank specification and requalification requirements; and an amendment to cargo tank marking requirements for the transportation of petroleum distillate fuels. This alternative applies to the transportation of hazardous materials by highway, rail, and vessel. The potential environmental effects of the NPRM as proposed are described in detail in the Draft Environmental Assessment (DEA), which is incorporated here by reference.⁴⁰

PHMSA is no longer considering this alternative and instead is moving forward with the six amendments specifically identified in the final rule. These amendments were selected because they align with the Administration's priorities of unleashing American energy and reducing other unnecessary regulatory burdens constraining interstate commerce. PHMSA will continue to evaluate the other provisions included in the NPRM and may choose to address them at a later date.

4. Affected Environment

The final rule amends certain provisions of the HMR to increase regulatory clarity and consistency; to update requirements to reflect changing conditions and trends; and to improve the safe transportation of hazardous materials. The final rule would apply to the transport of hazardous materials by various transportation modes that occur nationwide.

5. Environmental Consequences

5.1 No Action Alternative

The No Action Alternative would not adopt enhanced and clarified regulatory requirements expected to maintain the high level of safety in transportation of hazardous materials provided by the HMR. If PHMSA were to select the No Action Alternative, the HMR would remain unchanged, and no new provisions would be amended or added. There would be no new environmental impacts from adopting the No Action Alternative, and any additional regulatory clarity and flexibility, their associated efficiencies, and economic benefits gained through these amendments would not be realized.

5.2 Selected Alternative (Final Rule)

The changes under the Proposed Action Alternative will maintain the high safety standards currently achieved under the HMR. The reasonably foreseeable environmental impacts are described by section below.

A. Section 172.336

PHMSA is revising the identification number marking requirements for cargo tanks transporting multiple petroleum distillate fuels in the current or previous business day, which is defined as a day that the operator of the cargo tank motor vehicle is open and operating in commerce. This amendment authorizes a carrier to display the marking of the identification number for the petroleum distillate fuel with the lowest flashpoint transported in that cargo tank during the current or previous business day. For example, a cargo tank used to transport gasoline on Day 1, and diesel fuel only on Day 2, may display "1203" on Day 2, because gasoline has a lower flash point than diesel fuel.

This change to markings for petroleum distillate fuels was previously permissible under the HMR and HM–118⁴¹ from 1980 until the publication of HM–219⁴² in 2013. The HMR allowed a cargo tank transporting more than one petroleum distillate fuel in different trips to display the identification number for the petroleum

distillate fuel with the lowest flash point. PHMSA's removal of this exception in HM–219 was unintentional, as discussed in section III.A of the Final Rule. PHMSA requested comments related to safety and environmental impacts of this amendment in the DEA and received no incident data in the time frame the exception was allowed. PHMSA is unaware of any significant increase in hazardous materials incidents involving petroleum distillate fuels resulting in injuries to first responders in that time frame. Similarly, PHMSA is unaware of any decrease in hazardous materials incidents involving petroleum distillate fuels resulting in injuries to first responders. In addition, PHMSA's Emergency Response Guidebook (ERG) provides the same initial emergency response instructions for all petroleum distillate fuels (Guide 128).⁴³ This amendment is discussed in full detail in section III of the Final Rule.

There is no evidence of an increase in the risk of an incident nor a delay in emergency response to incidents as a result of this amendment. This amendment would improve efficiency during fuel deliveries, as operators would no longer be required to change the identification number displayed inside the placard. Thus, there are no reasonably foreseeable impacts to the human or natural environment.

B. Part 107 Subpart F

PHMSA is amending part 107 subpart F of the HMR to allow for electronic submission procedures under the cargo tank facility registration requirements. This would be in addition to the existing procedure of mailing a hard copy of the registration statement to FMCSA. This amendment provides flexibility, has no impact on the high level of safety provided in the HMR, and has no reasonably foreseeable impacts to the human or natural environment.

C. Section 171.7

PHMSA is amending section 171.7 to replace the current incorporation by

⁴⁰ 89 FR 85590, Section V.H (Oct. 28, 2024).

⁴¹ 45 FR 74640 (Nov. 10, 1980).

⁴² 78 FR 14702 (Mar. 7, 2013).

⁴³ PHMSA, *Emergency Response Guidebook* (2024), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-04/ERG2024-Eng-Web-a.pdf>.

reference of CI drawings with the entire CI Pamphlet 49, which would include the use of Midland Type PRD for chlorine cargo tanks in section 173.315, as Midland manufacturing entered the market after the requirements of section 173.315(i) were established. This amendment does not delete the specific limitations of the type of PRD authorized, and PHMSA will continue to work with CI to develop generally applicable specifications for PRDs used on cargo tanks transporting inhalation hazards. Thus, this amendment provides regulatory flexibility, maintains the current level of safety, and has no reasonably foreseeable impacts to the human or natural environment.

D. Section 172.704

PHMSA is amending section 172.704(a)(4) to remove security awareness training for hazmat employees who perform hazmat activities related only to packagings. These employees are responsible for manufacturing, repairing, modifying, reconditioning, or testing packagings and do not offer or transport hazardous materials. PHMSA is also expanding the eligibility of hazmat employees excepted from safety and security trainings to include package “manufacturers.” Though these changes broaden the population of persons excepted from safety and security awareness training, the primary focus of the training is related to the offering or transportation of hazardous materials. This amendment will maintain the current level of safety of the HMR and has no reasonably foreseeable impacts to the human or natural environment.

E. Section 173.315

PHMSA is amending section 173.315(i)(13) to conform with the changes made in Section 171.7. This change replaces the reference to specific PRD drawings with a general reference to CI Pamphlet 49 for authorized safety release valves. Similarly to the section 171.7 amendment, this amendment does not delete the specific limitations of the type of PRD authorized. PHMSA will continue to work with CI to develop generally applicable specifications for PRDs used on cargo tanks transporting inhalation hazards. Thus, this amendment provides regulatory flexibility, maintains the current level of safety, and has no reasonably foreseeable impacts to the human or natural environment.

F. Section 178.337–1(d)

PHMSA is amending section 178.337–1(d) to allow the use of other external

coverings besides paint, such as reflective vinyl wraps, to meet reflectivity requirements. Uninsulated tanks are required to have a reflective metal surface or a reflecting color to limit heat transfer to the contents of the tank. This amendment would still require uninsulated MC–311 tanks to be a white, aluminum, or similar reflecting color on the upper two-thirds area of the cargo tank. Thus, this amendment will provide regulatory flexibility, maintain the current level of safety of the HMR, and has no reasonably foreseeable impacts to the human or natural environment.

G. Section 180.407(a)(7)

PHMSA is amending section 180.407(a)(7) to allow for the use of video cameras or video optics equipment for cargo tank inspections or tests provided that all of the required areas and elements that need to be tested or inspected can be viewed and evaluated in accordance with part 180 subpart E. Under current regulations, a human must enter a cargo tank to inspect the interior visually. There are risks associated with the current practice, such as injury from slipping and falling and exposure to residual fumes or hazardous materials. This amendment allows operators to avoid these risks, while still performing the inspections to an equal standard. Thus, this amendment will provide regulatory flexibility, maintain the current level of safety of the HMR, and has no reasonably foreseeable impacts to the human or natural environment.

6. Public Involvement

PHMSA issued a DEA with the NPRM on October 28, 2024, which proposed to revise the HMR to adopt several modal-specific amendments to enhance safe transportation of materials in commerce.⁴⁴ These include RSAC proposals for rail transportation; revisions to the approval process for tank car designs and QAPs; miscellaneous amendments to highway cargo tank specification and requalification requirements; and an amendment to cargo tank marking requirements for the transportation of petroleum distillate fuels.

The comment period for the NPRM and DEA closed on April 28, 2025. PHMSA received 37 sets of comments, of which nine are relevant to the issues addressed in this final rule. Three comments received discussed general environmental concepts, none of which are covered by the scope of this final rule. No comments were related to the

environmental effects analysis of the NPRM as described in the DEA. All relevant comments are discussed in detail in Section III.C and Section IV of this final rule.

7. Agencies and Persons Consulted During the Consideration Process

PHMSA has coordinated with FAA, FMCSA, FRA, and the United States Coast Guard in the development of this rulemaking. The NPRM was also made available to other Federal agencies within the interagency review process contemplated under E.O. 12866. No E.O. 12866 meetings were requested.

8. Finding of No Significant Impact

Based on the analysis summarized in this EA, RIA, and the accompanying final rule, PHMSA finds that the Selected Alternative (final rule) will not have a significant impact on the human or natural environment. A majority of the amendments are administrative in nature and allow for greater regulatory flexibility in the HMR. They will reduce unnecessary burdens associated with the safe transportation of hazardous materials, including energy products, in commerce and will maintain the high level of safety required by the HMR.

9. List of Preparers and Reviewers

Preparers: Lydia Wang, PHMSA.
Reviewers: Travis Mast, USDOT Volpe Center, Carolyn Nelson, P.E., PHMSA.
PHMSA Finding of No Significant Impact Approval:

Carolyn Nelson, P.E., Agency Environmental Coordinator.	Date.
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J. Privacy Act

In accordance with 5 U.S.C. 553(c), PHMSA solicits comments from the public to inform its rulemaking process. PHMSA posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>. The complete Privacy Act Statement in the **Federal Register** published on April 11, 2000,⁴⁵ or on DOT’s website at <http://www.dot.gov/privacy>.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (*Promoting International Regulatory Cooperation*)⁴⁶ requires that agencies must consider whether the impacts associated with significant variations between domestic and

⁴⁵ 65 FR 19475 (Apr. 11, 2000).

⁴⁶ 77 FR 26413 (May 4, 2012).

⁴⁴ 89 FR 85590 (Oct. 28, 2024).

international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to the Trade Agreements Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public. PHMSA has assessed the effects of this rulemaking to ensure that it does not cause unnecessary obstacles to foreign trade. While the rulemaking would clarify and elaborate on existing PHMSA regulations, PHMSA expects the rulemaking will result in cost savings and greater regulatory flexibility for entities engaged in international commerce. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies. This rulemaking adopts one voluntary

consensus standard published by CI that is discussed in the discussion on § 171.7. See “Section IV. Section-by-Section Review; Section 171.7” for further details.

M. Energy-Related Executive Orders 13211, 14154, and 14156

E.O. 13211 (*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*)⁴⁷ requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” E.O. 13211 defines a “significant energy action” as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule or regulation that (1)(i) is a significant regulatory action under E.O. 12866 or any successor order and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy (including a shortfall in supply, price increases, and increased use of foreign supplies); or (2) is designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) as a significant energy action.

This final rule is not a “significant energy action” under E.O. 13211 because it is not likely to have a significant adverse effect on supply, distribution, or energy use. In addition, because this is not a “significant energy action” under E.O. 13211, it is therefore not necessary to consider the requirements of E.O. 14154 (*Unleashing American Energy*)⁴⁸ and E.O. 14156 (*Declaring a National Energy Emergency*).⁴⁹ For additional discussion of the anticipated economic impact of this rulemaking, please review the RIA in the rulemaking docket.

N. Cybersecurity and Executive Order 14028

E.O. 14028 (*Improving the Nation's Cybersecurity*)⁵⁰ expressed the Administration policy that “the prevention, detection, assessment, and remediation of cyber incidents is a top priority and essential to national and economic security.” E.O. 14028 directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the final rule and has determined that its proposed regulatory amendments would not materially affect

the cybersecurity risk profile for transportation of hazardous materials.

O. Severability

The purpose of this final rule is to operate holistically in addressing different issues related to safety and environmental hazards associated with the transportation of hazardous materials. However, PHMSA recognizes that certain provisions focus on unique topics. Therefore, PHMSA finds that the various provisions of this rule are severable and able to function independently if severed from each other. Thus, in the event a court were to invalidate one or more of this final rule's unique provisions, the remaining provisions stand and continue in effect.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

⁴⁷ 66 FR 28355 (May 22, 2001).

⁴⁸ 90 FR 9065 (Feb. 6, 2025).

⁴⁹ 90 FR 10583 (Feb. 25, 2025).

⁵⁰ 86 FR 26633 (May 17, 2021).

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

■ 2. In § 107.502, revise paragraph (d) to read as follows:

§ 107.502 General registration requirements.

* * * * *

(d) Persons registering with the Department may submit their registration statement and all of the information required by this subpart, in English, electronically at <https://portal.fmcsa.dot.gov/UrsRegistrationWizard/>, or in hard copy form to: FMCSA Hazardous Materials Division—MC—ECH, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 3. The authority citation for Part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 4. In § 171.7,

■ a. Revise the introductory text of paragraph (l);

■ b. Revise paragraph (l)(3); and

■ c. Remove and reserve paragraph (l)(4).

The amendments read as follows:

§ 171.7 Reference material.

* * * * *

(l) *Chlorine Institute, Inc.*, 1300 Wilson Boulevard, Arlington, VA 22209; phone: (703) 894–4140; email: info@CL2.com; web: www.chlorineinstitute.org.

* * * * *

(3) Pamphlet 49, Recommended Practices for Handling Chlorine Bulk Highway Transports, Edition 10, December 2016, into § 173.315.

(4) [Reserved]

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 5. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. In § 172.303, add paragraph (b)(4) to read as follows:

§ 172.303 Prohibited marking.

* * * * *

(b) * * *

(4) Identification number markings on a cargo tank motor vehicle containing a petroleum distillate fuel in accordance with § 172.336(c).

■ 7. In § 172.336, designate as table 1 and revise newly designated table 1 in paragraph (c) to read as follows:

§ 172.336 Identification numbers; special provisions.

* * * * *

(c) * * *

TABLE 1 TO PARAGRAPH (c)—IDENTIFICATION NUMBERS ARE NOT REQUIRED

Packaging:	When:	Then the alternative marking requirement is:
On the ends of portable tanks, cargo tanks, or tank cars.	They have more than one compartment and hazardous materials with different identification numbers are being transported therein.	The identification numbers on the sides of the tank are displayed in the same sequence as the compartments containing the materials they identify.
On cargo tanks	They contain only gasoline	The tank is marked “Gasoline” on each side and rear in letters no less than 50 mm (2 inches) high or is placarded in accordance with § 172.542(c).
On cargo tanks	They contain only fuel oil	The cargo tank is marked “Fuel Oil” on each side and rear in letters no less than 50 mm (2 inches) high, or is placarded in accordance with § 172.544(c).
On one end of nurse tanks if that end contains valves, fittings, regulators, or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.	They meet the provisions of § 173.315(m) of this subchapter.	N/A.
On each compartment of compartmented cargo tanks or compartmented tank cars.	The cargo tank or tank car contains more than one petroleum distillate fuel.	The identification number for the liquid petroleum distillate fuel having the lowest flash point in any one compartment is displayed. However, if a cargo tank or tank car compartment contains gasoline and alcohol fuel blends consisting of more than 10% ethanol the identification number “3475” or “1987,” as appropriate, must also be displayed for that compartment.
On cargo tanks (including compartmented cargo tanks).	They transport more than one petroleum distillate fuel in different trips on the previous or current business day.	The identification number for the liquid petroleum distillate fuel having the lowest flash point transported in that previous or current business day is displayed. If the cargo tank contains gasoline and alcohol fuel blends consisting of more than 10% ethanol, the identification number, “3475” or “1987,” as appropriate, must also be displayed, and the identification numbers “3475” or “1987,” may only be displayed if the material is present in the cargo tank during transportation.

* * * * *

■ 8. In § 172.704, revise paragraph (e)(1) to read as follows:

§ 172.704 Training requirements.

* * * * *

(e) * * *

(1) A hazmat employee who manufactures, repairs, modifies, reconditions, or tests packagings, as

qualified for use in the transportation of hazardous materials, and who does not perform any other function subject to the requirements of this subchapter, is not subject to the training requirements of paragraphs (a)(3) and (a)(4) of this section.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 9. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 10. In § 173.315, revise paragraph (i)(13) to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

* * * * *

(i) * * *

(13) A pressure relief device on a chlorine cargo tank must conform to one of the drawings in Chlorine Institute, Inc. Pamphlet 49, “Recommended Practices for Handling Chlorine Bulk Highway Transports” (IBR, see § 171.7 of this subchapter).

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 11. The authority citation for Part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 12. In § 178.337–1, revise paragraph (d) to read as follows:

§ 178.337–1 General Requirements.

* * * * *

(d) *Reflective design.* Every uninsulated cargo tank permanently attached to a cargo tank motor vehicle shall, unless covered with a jacket made of aluminum, stainless steel, or other bright non-tarnishing metal, be white, aluminum, or a similar reflecting color on the upper two-thirds of area of the cargo tank.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 13. The authority citation for Part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 14. In § 180.407, add paragraph (a)(7) to read as follows:

§ 180.407 Requirements for test and inspection of specification cargo tanks.

(a) * * *

(7) The use of video cameras or fiber optic equipment is authorized for any test or inspection, or portion thereof, provided all the required areas and elements can be viewed and evaluated in accordance with this subpart.

* * * * *

Issued in Washington, DC, on January 12, 2026, under authority delegated in 49 CFR 1.97.

Paul J. Roberti,
Administrator.

[FR Doc. 2026–00578 Filed 1–13–26; 8:45 am]

BILLING CODE 4910–60–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1022

[Docket No. EP 716 (Sub-No. 11)]

Civil Monetary Penalties—2026 Adjustment

AGENCY: Surface Transportation Board.
ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective January 14, 2026.

FOR FURTHER INFORMATION CONTACT: Amanda Gorski at (202) 915–8453. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74, 701, 129 Stat. 584, 599–601, requires agencies to adjust their civil penalties for inflation annually, beginning on July 1, 2016, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for October of the previous year and the October CPI-U of the year before that. Penalty level adjustments should be rounded to the nearest dollar. Due to the lapse in Federal government appropriations from October 1, 2025, through November 12, 2025, the Bureau of Labor Statistics,

which is responsible for production of the CPI-U, did not release a CPI-U for October 2025. Therefore, the Board is basing its annual inflation adjustment for 2026 on the percent change between the CPI-U for November 2025 and the CPI-U for November 2024. Should additional guidance or data relevant to this calculation be released following the issuance of this decision, the Board will issue an amended decision, as appropriate.

II. Discussion

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A); Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B); and Pipeline Carriers (Part C) provisions of the Interstate Commerce Act, as amended. The Board’s civil (and criminal) penalty authority related to rail transportation is codified at 49 U.S.C. 11901–11908. The Board’s penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14916. The Board’s penalty authority related to pipeline carriers is codified at 49 U.S.C. 16101–16106.¹ The Board has regulations at 49 CFR part 1022 that codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board’s jurisdiction.

As set forth in this final rule, the Board is amending 49 CFR part 1022 to make an annual inflation adjustment to the civil monetary penalties in conformance with the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations that occur after the effective date of this regulation.

The annual adjustment adopted here is calculated by multiplying each current penalty by a cost-of-living adjustment factor of 1.02735, which reflects the percentage change between the November 2025 CPI-U (324.122) and the November 2024 CPI-U (315.493). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the adjusted statutory civil penalty level for 2025, and the adjusted statutory civil penalty level for 2026.

III. Final Rule

The final rule set forth at the end of this decision is being issued without notice and comment pursuant to the

¹ The Board also has various criminal penalty authority, enforceable in a federal criminal court. Congress has not, however, authorized federal agencies to adjust statutorily prescribed criminal penalty provisions for inflation, and this rule does not address those provisions.

rulemaking provision of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), which does not require that process “when the agency for good cause finds” that public notice and comment are “unnecessary.” Here, Congress has mandated that the agency make an annual inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties because the amount of the inflation adjustment must be calculated in accordance with the statutory formula.² Given the absence of discretion, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

IV. Regulatory Flexibility Statement

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on

a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

V. Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801–808, the Office of Information and Regulatory Affairs has designated this rule as a non-major rule, as defined by 5 U.S.C. 804(2).

VI. Paperwork Reduction Act

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

It is ordered:

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on its date of publication in the **Federal Register**.

Decided: January 9, 2026.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

List of Subjects in 49 CFR Part 1022

Administrative practice and procedures, Brokers, Civil penalties,

Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

Jeffrey Herzig,
Clearance Clerk.

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 1022 continues to read as follows:

Authority: 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 14916, 16101, 16103.

■ 2. Revise § 1022.4(b) to read as follows:

§ 1022.4 Cost-of-living adjustments of civil monetary penalties.

* * * * *

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

TABLE 1 TO PARAGRAPH (b)

U.S. Code citation	Civil monetary penalty description	2025—Penalty amount	2026—Adjusted penalty amount ¹
		EP 716 10 (2025)	EP 716 11 (2026)
Rail Carrier			
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	9,970	10,243
49 U.S.C. 11901(b)	For each violation under sec. 11124(a)(2) or (b)	998	1,025
49 U.S.C. 11901(b)	For each day violation continues	51	52
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under secs. 10901–10906.	9,970	10,243
49 U.S.C. 11901(d)	For each violation under sec. 11123 or 11124(a)(1)	198–998	203–1,025
49 U.S.C. 11901(d)	For each day violation continues	100	103
49 U.S.C. 11901(e)(1), (4)	For each violation under secs. 11141–11145, for each day	998	1,025
49 U.S.C. 11901(e)(2), (4)	For each violation under sec. 11144(b)(1), for each day	198	203
49 U.S.C. 11901(e)(3)–(4)	For each violation of reporting requirements, for each day	198	203
Motor and Water Carrier			
49 U.S.C. 14901(a)	Minimum penalty for each violation and for each day	1,365	1,402
49 U.S.C. 14901(a)	For each violation under sec. 13901 or 13902(c)	13,647	14,020
49 U.S.C. 14901(a)	For each violation related to transportation of passengers	34,116	35,049
49 U.S.C. 14901(b)	For each violation of the hazardous waste rules under sec. 3001 of the Solid Waste Disposal Act.	27,293–54,586	28,039–56,079
49 U.S.C. 14901(d)(1)	Minimum penalty for each violation of household good regulations, and for each day.	1,992	2,046
49 U.S.C. 14901(d)(2)	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	19,941	20,486
49 U.S.C. 14901(d)(3)	Minimum penalty for each instance of transportation of household goods without being registered.	49,848	51,211
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	3,988	4,097

² As noted above, the Board is using November CPI-U data because October CPI-U data for 2025

was not available by the January 15 statutory deadline for this decision.

TABLE 1 TO PARAGRAPH (b)—Continued

U.S. Code citation	Civil monetary penalty description	2025—Penalty amount	2026—Adjusted penalty amount ¹
		EP 716 10 (2025)	EP 716 11 (2026)
49 U.S.C. 14901(e)	Minimum penalty for each additional violation	9,970	10,243
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	199,408	204,862
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	398	409
49 U.S.C. 14904(a)	For all subsequent violations	500	514
49 U.S.C. 14904(b)(1)	Maximum penalty for first violation for undercharges by freight forwarders.	998	1,025
49 U.S.C. 14904(b)(1)	Maximum penalty for subsequent violations	3,988	4,097
49 U.S.C. 14904(b)(2)	Maximum penalty for other first violations under sec. 13702	998	1,025
49 U.S.C. 14904(b)(2)	Maximum penalty for subsequent violations.	3,988	4,097
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of sec. 14103(a), and knowingly authorizing, consenting to, or permitting a violation of sec. 14103(a) or (b).	19,941	20,486
49 U.S.C. 14906	Minimum penalty for first attempt to evade regulation	2,730	2,805
49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation	6,823	7,010
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	9,970	10,243
49 U.S.C. 14908(a)(2)	Maximum penalty for violation of sec. 14908(a)(1)	3,988	4,097
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each violation, for each day.	998	1,025
49 U.S.C. 14915(a)(1)–(2)	Minimum penalty for holding a household goods shipment hostage, for each day.	15,846	16,279
49 U.S.C. 14916(c)(1)	Maximum penalty for each knowing violation under sec. 14916(a) for unlawful brokerage activities.	13,647	14,020
Pipeline Carrier			
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	9,970	10,243
49 U.S.C. 16101(b)(1), (4)	For each recordkeeping violation under sec. 15722, each day	998	1,025
49 U.S.C. 16101(b)(2), (4)	For each inspection violation liable under sec. 15722, each day	198	203
49 U.S.C. 16101(b)(3)–(4)	For each reporting violation under sec. 15723, each day	198	203
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	1,992	2,046

¹ Because October 2025 Consumer Price Index data was not available by the January 15 statutory deadline for publishing adjusted penalty amounts, the cost-of-living adjustment for 2026 reflects the percentage by which the November 2025 Consumer Price Index exceeds the November 2024 Consumer Price Index.

[FR Doc. 2026–00535 Filed 1–13–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 260109–0027; RTID 0648–XR124]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Olympic Peninsula Steelhead Distinct Population Segment Under the Endangered Species Act

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

ACTION: Notification of 12-month petition finding.

SUMMARY: We, NMFS, have completed a comprehensive status review for the

Olympic Peninsula (OP) Distinct Population Segment (DPS) of steelhead, *Oncorhynchus mykiss*, in response to a petition to list this species as threatened or endangered under the Endangered Species Act (ESA). We have determined that OP steelhead is a DPS under the ESA and that listing is not warranted at this time. Accordingly, NMFS will continue to monitor the OP steelhead DPS status, including working closely with Tribal and State co-managers.

DATES: This finding was made available on January 14, 2026.

ADDRESSES: The petition, status review, Federal Register notices, and the list of references can be accessed electronically online at: <https://www.fisheries.noaa.gov/species/steelhead-trout>. The peer review plan and charge to peer reviewers are available at <https://www.noaa.gov/information-technology/biological-status-of-olympic-peninsula-steelhead-distinct-population-segment-dps-id478>.

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SUPPLEMENTARY INFORMATION:

Background

On August 1, 2022, we received a petition from The Conservation Angler and Wild Fish Conservancy (hereafter, the Petitioners) to list the OP steelhead (*Oncorhynchus mykiss*) DPS as a threatened or endangered species under the ESA. On February 10, 2023, we published a positive 90-day finding (88 FR 8774) announcing that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted. We also announced the initiation of a status review of the species, as required by section 4(b)(3)(A) of the ESA, and requested information to inform the agency's decision on whether this species warrants listing as threatened or endangered.

Listing Species Under the Endangered Species Act

To make a determination whether a species is threatened or endangered under the ESA, we first consider whether it constitutes a “species” as defined under section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS) adopted a joint policy for recognizing DPSs under the ESA (DPS Policy; 61 FR 4722). The DPS Policy adopted criteria similar to those in the evolutionarily significant unit (ESU) policy (ESU Policy; 56 FR 58612, November 20, 1991) for determining when a group of vertebrates constitutes a DPS: the group must be discrete from other populations, and it must be significant to its taxon (species or subspecies). A group of organisms is discrete if it is “markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, and behavioral factors.” Significance is measured with respect to the taxon. Considerations for significance include but do not necessarily require the following:

1. Persistence of the DPS in an ecological setting unusual or unique for the taxon,
2. Evidence that loss of the DPS would result in a significant gap in the range of a taxon,
3. Evidence that the DPS represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range, or
4. Evidence that the DPS differs markedly from other populations of the species in its genetic characteristics.

In 2006, NMFS changed its previous practice of applying the ESU Policy to delineate species of *O. mykiss* and instead applied the joint DPS Policy (71 FR 834, January 5, 2006). NMFS determined that the use of the ESU Policy—originally intended for Pacific salmon—should not continue to be extended to *O. mykiss*, a type of salmonid with characteristics not typically exhibited by Pacific salmon. A court ruling in 2001 (*Alesea Valley Alliance v. Evans*, 161 F. Supp. 2d 1154 (D. Or. 2001)) determined that listing only a subset of a species or ESU/DPS, such as the anadromous portion of *O.*

mykiss, was not allowed under the ESA. Because of this court ruling, NMFS conducted updated status reviews for ESA-listed west coast steelhead ESUs that took into account those non-anadromous populations below dams and other major migration barriers that were considered to be part of the steelhead ESUs (Good *et al.*, 2005). Subsequently, NMFS used the joint USFWS–NMFS DPS Policy to delineate steelhead-only DPSs rather than ESUs that included both steelhead and the related non-anadromous forms (71 FR 833, January 5, 2006). OP steelhead (the petitioned entity) were not addressed in the 2005 status review (Good *et al.*, 2005) nor in subsequent listings (71 FR 833, January 5, 2006).

Section 3 of the ESA defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range” and a threatened species as one “which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Thus, in the context of the ESA, we interpret an endangered species to be one that is presently in danger of extinction, while a threatened species is not currently in danger of extinction but is likely to become so in the foreseeable future. The primary statutory difference between a threatened and endangered species is the timing of when a species is in danger of extinction, either presently (endangered) or not presently but within the foreseeable future (threatened).

When we consider whether a species qualifies as threatened under the ESA, we must consider the meaning of the term “foreseeable future.” This is described in 50 CFR 42.11(d) as follows: “In determining whether a species is a threatened species, the Services must analyze whether the species is likely to become an endangered species within the foreseeable future. The foreseeable future extends as far into the future as the Services can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. The Services will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat-projection timeframes, and environmental variability. The Services need not identify the foreseeable future in terms of a specific period of time.”

Section 4(a)(1) of the ESA requires us to determine whether a species is endangered or threatened as a result of any one, or a combination of, the following factors: (A) the present or

threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence (16 U.S.C. 1533(a)(1)). We are also required to make listing determinations based solely on the best scientific and commercial data available, after conducting a review of the species’ status and after taking into account efforts, if any, being made by any state or foreign nation (or subdivision thereof) to protect the species (16 U.S.C. 1533(b)(1)(A)).

Life History of West Coast Steelhead

Steelhead is the name commonly applied to the anadromous form of the biological species *O. mykiss*. The present distribution of steelhead extends from Kamchatka in Asia, east to Alaska, and down to the U.S.-Mexico border (Busby *et al.*, 1996; 67 FR 21586, May 1, 2002). *O. mykiss* exhibit perhaps the most complex suite of life history traits of any species of Pacific salmonid. They can be anadromous (steelhead) or freshwater residents (rainbow or redband trout) and, under some circumstances, yield offspring of the alternative life-history form. Those that are anadromous can spend up to 7 years in freshwater prior to smoltification (the physiological and behavioral changes required for the transition to salt water) and then spend up to 3 years in salt water prior to first spawning. *O. mykiss* is also iteroparous, meaning individuals may spawn more than once (steelhead that survive spawning and return to the ocean are known as kelts), whereas other Pacific salmonid species are principally semelparous (meaning individuals predominately spawn once and die).

Within the range of west coast steelhead, spawning migrations occur throughout the year, with seasonal peaks of activity. In a given river basin, there may be one or more peaks in migration activity known as “runs,” which are usually named for the season in which the peak occurs. Rivers can contain one or more runs of winter-, spring-, summer-, or fall-run steelhead. In basins with both summer-run and winter-run steelhead, the summer run generally occurs where habitat is not fully utilized by the winter run or where a temporal hydrologic barrier, such as a waterfall, separates them. Summer-run steelhead usually spawn farther upstream than winter-run steelhead (Withler 1966; Roelofs 1983; Behnke 1992; Myers *et al.*, 2015).

Previous Status Review

In 1996, NMFS completed a comprehensive status review of coastal and inland steelhead populations in Washington, Oregon, Idaho, and California (Busby *et al.*, 1996). As part of this review, which was prior to the practice of using the DPS Policy to delineate steelhead populations, NMFS identified an OP steelhead ESU comprised of populations that occupy “river basins of the Olympic Peninsula, Washington, west of the Elwha River and south to, but not including, the rivers that flow into Grays Harbor on the Washington coast.” The OP steelhead ESU was primarily made up of winter-run steelhead but also included several summer-run steelhead populations (Busby *et al.*, 1996). At the time, NMFS included the resident *O. mykiss* below long-standing natural barriers in the ESU because of the opportunity for residents to interbreed with anadromous life history forms. In determining OP steelhead as an ESU, Busby *et al.* (1996) stated:

Genetic data collected by Washington Department of Fish and Wildlife support the hypothesis that, as a group, steelhead populations from the Olympic Peninsula are substantially isolated from those in other regions of western Washington. The Olympic Peninsula ESU is further characterized by habitat, climatic, and zoogeographical differences between it and adjacent ESUs. The Olympic Peninsula includes coastal basins that receive more precipitation than any other area in the range of west coast steelhead. Topography on the Olympic Peninsula is characterized by much greater relief than that to the south (Willapa Hills); the Olympic Mountains range from 1,200 to 2,400 meters above sea level. This affects precipitation quantity and river-basin hydrography. The result is “copious amounts of rain and over 100 inches of snow during the winter months” as well as substantial summer precipitation (Jackson 1993, p. 50–51) [Figure 3, Figure 4]. One manifestation of the ecological difference between Puget Sound and the Olympic Peninsula is the shift in vegetation zone, respectively, from western hemlock (*Tsuga heterophylla*) to Sitka spruce (*Picea sitchensis*) (Frenkel 1993).

NMFS concluded that the OP steelhead ESU was not in danger of extinction or likely to become endangered in the foreseeable future (Busby *et al.*, 1996). However, NMFS was concerned about the overall health of the ESU and specific populations. Although the majority of abundance trends for winter-run OP steelhead were

positive at the time of the 1996 review, including for three of the four largest populations, several other populations had downward trends, and for three populations this decline was statistically significant. NMFS noted concerns that hatchery fish were widespread, and interbreeding between natural and hatchery fish could reduce the genetic diversity of natural-origin OP steelhead. NMFS also stated that there was a great deal of uncertainty about the overall health of the ESU because little information exists about the summer-run steelhead stocks, including run size trends in the Olympic Peninsula and the amount of interaction between hatchery and natural stocks. Informed by the status review (Busby *et al.*, 1996), NMFS concluded that the OP steelhead ESU did not warrant listing under the ESA (61 FR 41541, August 9, 1996).

Updated Status Review

To ensure that our review was based on the best available and most recent scientific information, we solicited information during a 60-day public comment period regarding the DPS structure and extinction risk of, and efforts being made to protect, OP steelhead (88 FR 8774, February 10, 2023). We also convened a status review team (SRT) to review the best available scientific and commercial information regarding the DPS structure and extinction risk of steelhead in the areas previously identified as the range of OP steelhead and consistent with the scope of the listing petition. Specifically, the SRT addressed (1) if the population fits the definition of a DPS and whether the geographic boundaries previously identified in the past NMFS review (Busby *et al.*, 1996) warrant re-delineation or refinement, (2) the relation of hatchery programs propagating steelhead to the defined DPS, (3) current threats faced by the DPS, and (4) the level of extinction risk of the DPS throughout all or a significant portion of its range. The status review presents the SRT’s professional judgment of the extinction risk facing OP steelhead but makes no recommendation as to the listing status of the species. The status review (OP Steelhead SRT 2024) is available electronically (see **ADDRESSES**).

The status review was subject to independent peer review pursuant to the Office of Management and Budget Final Information Quality Bulletin for Peer Review (M–05–03; December 16, 2004). The status review was peer-reviewed by two independent scientists selected from the academic and scientific community with expertise in

salmonid biology, conservation, and management, and specific knowledge of steelhead. Guidance suggests three reviewers (59 FR 34270; July 1, 1994), and we contacted multiple other experts in the field, but all were not available. The peer reviewers were asked to evaluate the adequacy, appropriateness, and application of data used in the status review, as well as the findings made in the “Risk Assessment” section of the report. Peer reviewer comments were addressed prior to finalizing the status review.

We subsequently reviewed the status review, its cited references, and peer review comments, and concluded that the status review upon which this determination is based, with additions from more recent publications and updated data (including a recent report completed by Tribal and State co-managers), provides the best available scientific and commercial information on OP steelhead. Much of the information discussed below on the DPS configuration, demographics, threats, and extinction risk is attributable to the status review (OP Steelhead SRT 2024). We have applied the statutory provisions of the ESA, including evaluation of the factors set forth in section 4(a)(1)(A)–(E), our regulations regarding listing determinations, and relevant policies identified herein in making the listing determination. In the sections below, we provide information from the report (supplemented with updates since the publication of the status review) regarding threats to and the status of OP steelhead.

Review of ‘Species’ Delineation

Steelhead in the Olympic Peninsula exhibit two distinct anadromous life history strategies: summer-run (stream maturing) and winter-run migrations, in addition to estuarine and freshwater resident life histories (Kendall *et al.*, 2015). We relied upon the Salmon and Steelhead Stock Inventory (Washington Department of Fisheries *et al.*, 1993), Busby *et al.* (1996), and information from State and Tribal co-managers (COPSWG 2023) to provide a provisional list of winter-run and summer-run populations for analysis. The SRT identified 11 summer-run populations and 30 winter-run steelhead populations in the previously defined range of OP steelhead (see table 2 in OP Steelhead SRT 2024). Winter-run steelhead are found throughout the OP in smaller independent streams that drain directly into the Strait of Juan de Fuca and in larger rivers and their tributaries that drain into the Pacific Ocean (including Queets, Hoh, Quinault, and Quillayute). In the

Olympic Peninsula, winter-run steelhead predominate. Summer-run steelhead are currently reported for portions of the largest four river systems draining into the Pacific Ocean:

Quinault (East Fork, North Fork, and main stem), Queets (mainstem, Clearwater), Hoh (South Fork Hoh), and Quillayute (Bogachiel, Sol Duc, Sitkum, and Calawah) (Cram *et al.*, 2018).

Summer-run steelhead are not currently reported for rivers along the Strait of Juan de Fuca. Historically there was a population reported in the Lyre River (McHenry *et al.*, 1996; Goin 2009).

The SRT concluded that the best available scientific information did not warrant a reconsideration of the previously described geographic boundaries for OP steelhead. Busby *et al.* (1996) defined OP steelhead to include watersheds to the west of the Elwha River and north of Grays Harbor. The data contributing to the findings evaluating the genetic diversity in *O. mykiss* in Busby *et al.* (1996) were from a combination of studies that used genetic variation to delineate patterns of diversity and differentiation among *O. mykiss* from California to British Columbia, including both inland and coastal collections. A number of studies have been published since that time (Phelps *et al.*, 1997; Kassler *et al.*, 2010, 2011), and by request from the SRT, WDFW and the Northwest Indian Fisheries Commission (NWIFC) embarked on an updated analysis of all genetic data that have been collected to date on *O. mykiss* in the range of OP steelhead (Seamons and Spidle 2023). Samples analyzed by Seamons and Spidle (2023) ranged from collections taken from 1994 through 2021 and included both hatchery and natural-origin steelhead, and many collections that had been previously analyzed (Kassler *et al.*, 2010, 2011; Phelps *et al.*, 1997). Though the major coastal streams in the range of OP steelhead are represented in the data, many of the collections used for analyses are decades old, and some of the smaller streams located on the coast and in the Strait of Juan de Fuca, as well as most of the summer-run steelhead-occupied streams, are not represented.

Seamons and Spidle (2023) evaluated the genetic relationships between *O. mykiss* populations on the Olympic Peninsula and surrounding regions. Generally, the natural-origin OP steelhead genetic collections from streams sampled show very little genetic differentiation from one another. The major coastal streams along the Pacific coast, which have the best coverage of samples, particularly show little to no significant genetic differentiation. This

finding supports the idea that there is a genetic exchange between populations on the coast and is consistent with results from other studies (Kassler *et al.*, 2010 and 2011; Phelps *et al.*, 1997; Reisenbechler and Phelps 1985). Based on genetic data, the southern boundary of OP steelhead, north of Grays Harbor (previously defined by Busby *et al.*, 1996), is supported by genetic differentiation from populations in southwest Washington. Very few samples from within the range of OP steelhead have been collected from the small streams draining into the Strait of Juan de Fuca; only the Pysht and Lyre River collections from the 1990s have been used for genetic analyses. Though there is clear genetic differentiation between OP steelhead and the Puget Sound steelhead DPS overall, more recent collections would be needed to get a definitive understanding of the genetic differentiation among steelhead populations on the Olympic Peninsula and, in particular, the genetic differentiation in the Strait of Juan de Fuca between the streams to the west of the Elwha River and the Elwha River and east (in the Puget Sound DPS). Therefore, we have no new genetic information that would indicate that the current boundaries for OP steelhead should be modified from those determined by Busby *et al.* (1996). A resident population of *O. mykiss* exists in Lake Crescent, isolated by a series of impassable cascades, and is notably genetically different from all other *O. mykiss* sampled. This endemic local form of resident rainbow trout, known as the Beardslee trout (see Brenkman *et al.*, 2014 for a review), was not considered by the SRT as part of the OP steelhead populations.

Findings from the SRT (OP Steelhead SRT 2024) and from Busby *et al.* (1996) directly inform our species delineation under the joint DPS Policy. First, Busby *et al.* (1996) found that the OP is characterized by habitat, climatic, and zoogeographical differences between it and the adjacent regions of western Washington and that genetic data collected supported the hypothesis that, as a group, steelhead populations from the OP are substantially isolated from populations in other regions. More recent genetic information reviewed by the SRT (OP Steelhead SRT 2024) continues to indicate that OP steelhead are isolated from other regions (as discussed above). These observations regarding separation/isolation similarly satisfy the discreteness criterion under the joint DPS Policy, as OP steelhead are markedly separated from other such

populations of *O. mykiss* due to physical and ecological factors.

Similar factors also satisfy the significance criterion of the DPS Policy. As stated above, Busby *et al.* (1996) described the unique ecological region occupied by OP steelhead, including that the Olympic Peninsula receives more precipitation than any other area in the range of west coast steelhead. Occupation of a unique ecological region satisfies a DPS criterion for significance. Loss of steelhead from the OP region would also represent a significant gap in the range of the species. Finally, as discussed above, OP steelhead are genetically distinct from the steelhead found in neighboring regions in Southwest Washington and the Puget Sound. Therefore, the loss of OP steelhead would be a significant loss to the genetic diversity of the taxon.

Based on the SRT's findings on new genetic information summarized above, the previous considerations of OP steelhead as an ESU, and our considerations under the joint DPS Policy, we conclude that OP steelhead meet the significance and discreteness criteria and warrant delineation as a DPS. Consistent with previous findings under the ESU policy, the geographic boundaries of the OP steelhead DPS continue to include winter- and summer-run steelhead runs occupying river basins of the Olympic Peninsula, Washington, west of the Elwha River (excluded) and south to Grays Harbor (excluded) on the Washington coast.

DPS Membership of Resident O. mykiss

The SRT concluded that the contribution of resident (non-migratory) *O. mykiss* to the productivity and genetic diversity in anadromous *O. mykiss* is currently unknown for OP steelhead, and there is no existing information on the genetic diversity and differentiation of resident versus migratory *O. mykiss* in OP steelhead range. Studies of *O. mykiss* in the southern portion of the species' range have identified a major genome region associated with migration and residency in *O. mykiss* (Nichols *et al.*, 2008; Hale *et al.*, 2014; Pearse *et al.*, 2019), but later research on *O. mykiss* in the Elwha River contradicted these earlier studies, finding no association between genetic variation at this region and migration or residency (Fraik *et al.*, 2021). Diversity in this region of the genome has not been examined in OP steelhead. The association of this part of the genome with migration and residency is not consistent across the range northward and inland, where the resident DNA variant for this genome region increases in frequency in both anadromous

(migratory) and resident *O. mykiss* (Pearse *et al.*, 2019; Weinstein *et al.*, 2019). However, there is additional evidence for genetic differences between resident and anadromous *O. mykiss* related to smolt transformation (Nichols *et al.*, 2008), metabolism (Sloat and Reeves 2014), and growth (Kelson *et al.*, 2020), and further evidence for genetic divergence between the two life history forms (Narum *et al.*, 2004).

Resident and anadromous forms can interbreed, but the extent to which this occurs in the Olympic Peninsula is unknown. It has been demonstrated that below long-standing barriers, resident fish can contribute to the anadromous population, and the resident form can be derived from the anadromous form (Zimmerman and Reeves 2000; Pascual *et al.*, 2011; Thrower *et al.*, 2004, Kendall *et al.*, 2015). Resident fish are known to be present in the watersheds of the Olympic Peninsula, but there have been limited efforts to quantify their abundance and demographic relationship with the anadromous form across the OP region. Notably, the DPS Policy says, “the standard adopted [for discreteness] does not require absolute separation of a DPS from other members of its species, because this can rarely be demonstrated in nature for any population of organisms. . . . [T]he standard adopted allows for some limited interchange among population segments considered to be discrete, so that loss of an interstitial population could well have consequences for gene flow and demographic stability of a species as a whole” (61 FR 4722, 4724; February 7, 1996).

Physical, physiological, ecological, and behavioral differences between resident and anadromous life forms continue to be apparent, as similarly detailed in previous steelhead listings. The 2006 listing of multiple steelhead DPSs (71 FR 834; January 5, 2006) detailed fundamental biological differences between resident and anadromous forms of steelhead, including differences in prey, predators, size (anadromous are larger), fecundity (anadromous produce more eggs), smoltification process, and migratory strategy. A primary difference between the two life forms is that the resident fish complete their life cycle solely in freshwater while the anadromous fish migrate to the ocean. Additionally, work in a limited number of rivers in the Olympic Peninsula found that the two life history forms varied in their arrival timing in spawning reaches, with anadromous males primarily entering in late winter/early spring and resident males in late spring/early summer (McMillan *et al.*, 2007). Resident males

were more common than anadromous males in upper reaches (though both overlapped in time and space with anadromous females), and the two life forms showed differences in mating behavior tactics. Also, the genetic differences related to growth and metabolism result in physical and physiological differences (larger size at a younger age in resident fish, higher metabolic costs in anadromous fish; see review by Kendall *et al.*, 2015).

Based on the best available information, the SRT found, and we agree, that the resident and anadromous forms are markedly separate in physical, physiological, and ecological factors. There is some evidence of genetic differences between anadromous and resident populations, though this has not been studied specifically in the range of OP steelhead. Additionally, though there can be physical overlap between the two forms, and interbreeding and gene flow can occur, discreteness under the DPS Policy does not require no overlap whatsoever. Therefore, under the DPS Policy, the resident form is discrete from the anadromous form and is not part of the OP steelhead DPS.

DPS Membership of Hatchery-Origin Steelhead

On July 28, 2005, NMFS released a policy on the inclusion of hatchery-origin fish in the ESA listing determinations for Pacific salmon and steelhead ESUs [or DPS in the case of steelhead but not specified] (70 FR 37204). This policy states that “[i]n delineating an ESU [or DPS] to be considered for listing, NMFS will identify all components of the ESU, including populations of natural fish (natural populations) and hatchery stocks that are part of the ESU. Hatchery stocks with a level of genetic divergence relative to the local natural population(s) that is no more than what occurs within the ESU: (a) are considered part of the ESU; (b) will be considered in determining whether an ESU should be listed under the ESA; and (c) will be included in any listing of the ESU.”

The SRT summarized what is currently known about the genetic distinction between natural-origin and hatchery-origin steelhead in the Olympic Peninsula. Few studies have been undertaken to specifically evaluate the influence of hatchery stocks on natural-origin steelhead in the Olympic Peninsula. Kassler *et al.* (2010, 2011) used DNA sequences in an evaluation of the genetic diversity among natural- and hatchery-origin steelhead from coastal collections of OP steelhead, including

the Hoh, South Fork Hoh, Sol Duc, Calawah, and Bogachiel Rivers, as well as hatchery-origin steelhead from four Olympic Peninsula hatcheries. For the most part, Kassler *et al.* (2010, 2011) failed to find significant introgression (transfer of genetic material from one population to another) of hatchery steelhead with natural-origin OP steelhead, except in the 2008 South Fork Hoh River winter collection, which shows evidence of interbreeding with the Cook Creek hatchery collection. This same finding was reported by Seamons and Spidle (2023) in a reanalysis of the samples with newer data (but note some of these data are outdated and not comprehensive for the entire DPS). Furthermore, samples were taken from sites with minimal hatchery influence to be more representative of natural populations. In the 2009 and 2010 Hoh River winter collections, these steelhead were more similar to other OP natural-origin steelhead collections (see Seamons and Spidle 2023). Also, DNA analyses (Kassler *et al.*, 2010, 2011; Seamons *et al.*, 2017) showed presumed natural-origin population samples with mixed ancestry (that includes genetic information from non-native early-winter and early-summer run steelhead) however, natural-origin fish were still overall genetically distinct from hatchery broodstock.

Seamons and Spidle (2023), in their more recent genetic analysis, included three hatchery stocks that currently propagate and release juvenile steelhead in Olympic Peninsula streams: Chambers Creek early winter steelhead (Puget Sound origin), Skamania early hatchery summer steelhead (Lower Columbia River origin), and Cook Creek early winter steelhead (putatively Olympic Peninsula origin). The majority (9 of 11) of hatcheries are operated as segregated programs, so they should retain their own genetic identity. While the early winter Chamber Creek Hatchery and early summer Skamania Hatchery stocks are derived from out-of-DPS sources and are therefore genetically distinct and not considered part of the DPS, the origin of the Cook Creek/Quinalt National Fish Hatchery stock is unclear. There are limited data on if Cook Creek stock is similar to natural stocks. Furthermore, although current sampling for genetic analysis provides limited coverage of the DPS, there is some indication that hatchery stocks in the Queets and Quinalt Rivers are not representative of the natural populations in those watersheds (HSRG 2004; Kassler *et al.*, 2012; Seamons *et al.*, 2017). For the two integrated programs (Quinalt Lake and

Salmon River), the broodstocks were founded by Quinault Lake winter-run steelhead, but with uncertainty about origin (see OP Steelhead SRT 2024; Marston and Huff 2022). In Seamons and Spidle (2023), none of the hatchery stock samples grouped with samples taken from presumptive natural-origin OP steelhead in a cluster analysis (statistical analysis where samples are grouped based on genetic similarity). This analysis also showed some evidence of hatchery influence on the natural-origin steelhead in OP streams in historical collections. Individuals collected from the Lyre and Pysht Rivers (in 1995 and 1994, respectively) in the Strait of Juan de Fuca are similar to Chambers Creek hatchery winter steelhead, and individuals collected from the Hoh River in 2008 appear to have been influenced by Skamania summer steelhead hatchery individuals (Seamons and Spidle 2023). Newer collections would be needed to assess the influence of past and extant hatchery releases on the genetic diversity and provenance of natural-origin *O. mykiss*, particularly since the termination of or modification of hatchery programs and releases that occurred relatively recently. Finally, out-of-DPS hatchery stocks were possibly selected by local resource managers because of differences in the run and spawn timing between the hatchery broodstocks and the native populations; therefore, the hatchery-origin steelhead exhibit a unique life history compared to the natural-origin steelhead.

Based on the SRT's conclusions, we conclude that where genetic information is available, hatchery steelhead stocks are genetically distinct from co-occurring natural-origin steelhead populations, indicating a level of genetic divergence relative to local natural populations greater than what occurs within the OP steelhead DPS. The SRT also found that the best available information suggests the hatchery stocks were founded with out-of-DPS stocks and/or out-of-DPS stocks were incorporated later, and, therefore, we conclude that the hatchery stocks are not included as part of the DPS.

Determination of "Species"

Based on the best available information, we find that natural-origin steelhead (anadromous life history) occupying river basins of the Olympic Peninsula, Washington, west of the Elwha River (excluded) and south to Grays Harbor (excluded) on the Washington coast, are a DPS and constitute a species under the ESA. Furthermore, we find that none of the

steelhead hatchery stocks within the geographic range of OP steelhead meets the criteria to be considered part of the OP steelhead DPS.

Assessment of Extinction Risk

The SRT synthesized the best scientific and commercial data available regarding the DPS's status, which includes its life history, demographic trends, and susceptibility to threats, and evaluated the extinction risk of the DPS. The SRT included in its assessment an evaluation of the likely effects of hatchery-origin fish on the viability of the DPS. Additionally, the SRT assessed demographic components and threats that contribute to the uncertainty of the status of OP steelhead. Here we summarize information of status and threats, identifying uncertainties throughout. Following publication of the Status Review report (OP Steelhead SRT 2024), the Tribal and State co-managers provided a review of the SRT report, highlighting additional uncertainties in the status and threats related to OP steelhead.

Demographic Risk Analysis

The SRT identified 11 summer-run populations and 30 winter-run populations in the DPS (see table 2 in OP Steelhead SRT 2024). Steelhead on the Olympic Peninsula are most abundant in the major Pacific coastal basins of the Quinault, Quillayute, Queets, and Hoh Rivers (collectively, the "four major basins"), and less abundant in rivers along the Strait of Juan de Fuca. Winter-run steelhead, presently and historically, are more abundant in the smaller drainages and are distributed more ubiquitously throughout the Olympic Peninsula than summer-run steelhead (Houston and Contour 1983; Scott and Gill 2008; Cram *et al.*, 2018).

The SRT, utilizing data previously provided by Washington State and Tribal co-managers (collectively, "co-managers"), estimated that total run size (abundance) for winter-run in the four major basins has decreased by 42 percent, from 32,556 (1991–1995) to 18,821 (2018–2022). Using combined escapement estimates as additional information on abundance, escapement in the four major basins has decreased by 16 percent from 18,597 (1991–1995) (Busby *et al.*, 1996) to a current level of 15,653 (2018–2022). Adequate escapement data (*i.e.*, more than a few years of dispersed data) were not available to complete trend analysis for all winter-run populations. Of the 14 populations for which adequate escapement data were available for trend analysis (of 30 total winter-run

populations), 1 had a stable trend and 13 were negative (10 significantly negatively different from 0). Analysis of the four major basins by WDFW indicated that total run size had nearly halved in size from the late 1970s and 1980s to 2022, while the trend in escapements was slightly declining or stable (Harbison *et al.*, 2022). Notably, adequate information was not available for 16 of 30 winter-run populations.

The most recent 15-year spawner abundance trend estimates (2008–2022) indicate that 5 of the 15 populations that we have 15-year trend estimates for across the entire range had negative trends, mainly for the larger rivers that account for the largest proportion of the DPS. Of those negative trends, 4 were significantly different from 0, including the larger Queets River and Bogachiel River (part of the Quillayute River system) winter-run populations. Positive recent 15-year trends were observed in 8 of the 15 populations. The positive trends in two of the populations were significant, specifically the trends for the smaller Pysht River and East Twin River winter-run populations along the Strait of Juan de Fuca. Under dramatically reduced harvest conditions experienced in the last 3 years for winter-run populations in the four major basins, total run size appears to have stabilized or increased slightly. Though recent years may exhibit some stabilization in the 15-year spawner abundance estimates, the long-term trends still suggest long-term decline.

Factors related to how these abundances are estimated lead to biases and uncertainty in the estimates. Escapement abundance was estimated using redd (salmon nests) counts from after March 15 only, assuming that redds after March 15 are produced by natural-origin, not hatchery-origin, fish. However, steelhead spawn prior to March 15, and evidence suggests that both natural-origin (unmarked) and hatchery-origin steelhead contribute to this pre-cutoff date production (Marston and Huff 2022). Overall, from an abundance perspective, current estimates of escapement may underestimate natural production, and early natural-origin spawners may represent an additional 10 percent increase in overall abundance (Marston and Huff 2022). The relative contribution of hatchery-origin versus natural-origin spawners prior to March 15 varies with changes in harvest effort and timing and the intensity, location, and timing of hatchery releases, creating variable bias in abundance estimates depending on the year and/or river basin. Further, there is uncertainty in

the use of redd counts to derive spawner abundances, specifically regarding assumptions of redd-to-adult ratios and the accuracy of redd observations, which can bias estimates either high or low (see Gallagher *et al.*, 2007, 2010; Dauphin *et al.*, 2010; Murdoch *et al.*, 2018). The WDFW coastal steelhead proviso plan (Harbison *et al.*, 2022) also points out other information about redd spawning surveys that could over- or under-estimate spawner abundances.

There was less data available for summer-run steelhead in the OP steelhead DPS. Information was limited to past and present harvests (based on run timing, we assumed that steelhead caught between April and October were summer-run steelhead) and intermittent snorkel surveys carried out in the last two decades. It is possible that some of the fish caught in the spring are winter-run kelts (repeat spawners). Likewise, fish caught in October could be very early returning winter-run fish. Summer-run steelhead are currently present in the Quillayute (Sol Duc, Calawah, and Bogachiel Rivers), Hoh, Queets, and Quinault Rivers. Based on historical summer-run harvest data, it appears that, prior to the releases of hatchery-origin summer-run fish, many of the rivers supported runs of several hundred natural-origin summer-run fish. Further, it is unclear if a remnant summer-run population still exists in the Lyre River (McHenry *et al.*, 1996; Goin 2009).

Based on snorkel surveys, recent summer-run steelhead abundances in individual rivers likely range from less than a hundred to a few hundred adults, though potentially into the thousands for Sol Duc River and Quinault River, with considerable uncertainty in these estimates. Based on riverscape surveys, the average estimated abundance across rivers was 66 breeding fish per year, or roughly a breeding population size of approximately 260 per river, assuming a 4-year generation time. The co-managers also developed abundance estimates for summer steelhead populations in the Hoh, Quillayute, and Quinault River systems and estimated summer-run median abundance at 90 to over 550 individuals per river but with ranges extending from low hundreds to approximately 1,350 depending on the river (Co-Manager OP Steelhead Working Group [COPSWG] 2023; and see table 8 in the status review). Therefore, there is substantial uncertainty in the current abundances of summer-run populations, but they are likely at low abundance.

Few measures of productivity are available for natural populations. Modeling conducted by the SRT

indicates that in most years fishing mortality in the four major basins was greater than the intrinsic growth rate (natural population growth based on births minus natural deaths), which will result in declining populations. Only a small minority of years in each population were judged to have population growth greater than zero. Estimates of population growth rate for the smaller populations along the Strait also indicate that, on average, past harvest was depressing growth rates. However, the effect of past harvest was more subtle than in the four major basins on the coast; these Strait populations have not rebounded in the 10 or so years since harvest was terminated. The four major basins (Queets, Hoh, Quinault, and Quillayute), which contain the majority of the DPS abundance, exhibited diminished productivity as indicated by below-replacement population growth rates in most years and declining short- and long-term trends in natural-origin escapement and total run size.

Smolt survival (both natural and hatchery) has decreased since the 1980s (Harbison *et al.*, 2022). Certain analyses point to correlations with oceanographic processes and other environmental factors (COPSWG 2023; Ohlberger *et al.*, 2025), but those correlations were studied only in the four major basins within the DPS range. Similarly, the survival of kelts in the four major basins has declined by nearly half since the 1980s, with some evidence pointing to similar factors as with the smolt declines (COPSWG 2023).

OP steelhead currently occupy nearly their entire historical range because they lie in a region of the west coast that is not impacted by dams or other major artificial passage blockages, though there are multiple smaller culverts and barriers. State, county, and forest road stream crossings may block or impair passage at culverts, which may reduce spatial structure. However, in general, road culverts block tributary access to relatively small areas of spawning and rearing habitats, and collectively they do not appear to be a major limitation on habitat. Impassable culverts on state roads are required to be upgraded under the 2013 U.S. District Court Injunction (*U.S. v. WA Culvert Case*), whereas forestry road culverts are covered under the Road Maintenance and Abandonment Plan (RMAP). Considerable progress has been made in replacing culverts in the past decade, especially under the RMAP process where over 80 percent of culverts are now fish-passable. Still, some additional culverts exist that are not included within the RMAP (NWIFC 2020).

Consequently, the SRT generally viewed current population connectivity as good; *i.e.*, no barriers that prevent access to significant juvenile rearing or adult spawning habitat.

The potential exists for future restrictions in spatial structure with present and future environmental variability due to low summer flows that may limit passage to headwater areas. Future projections for flow and temperature into the foreseeable future suggest that low-flow or high water-temperature barriers may develop and create temporal passage blockages, which would disproportionately affect spatial extent for summer-run steelhead. Changes in summer flows, with some reaches going dry, directly affect summer-run steelhead in their ability to reach their headwater spawning reaches. The upstream spatial extent of the DPS is influenced by the presence of summer-run populations in the larger river systems. Generally, but not necessarily, summer-run steelhead return-timing is coordinated with river flow patterns and temporal flow windows that allow access to headwater spawning areas; thus, summer-run steelhead access some spawning and rearing habitat that is unavailable to winter-run steelhead. However, over 99.3 percent of summer-run habitat is also winter-run habitat. In other words, of the habitat utilized by summer-run, only about 0.7 percent is summer-run only. Given the generally good connectivity and lack of anthropogenic barriers overall, as well as that summer-run spatial extent largely overlaps with winter-run, the SRT concluded the risk to the viability of OP steelhead from reduced spatial structure ranges from very low to low.

Available historical harvest information reviewed by the SRT indicated that the winter-run steelhead return timing was historically earlier than is currently expressed. McLachlan (1994) found a contraction in run timing in the Quillayute River, with a decrease in the proportion of the run return before January 1 from 35 percent of the run to 20 percent of the run. McMillan *et al.* (2022) estimated that peak run-timing has shifted 1 to 2 months later for winter-run steelhead in the Hoh and Quillayute, and run timing is up to 26 days shorter for some populations. Large numbers of winter-run steelhead were harvested from November to January (in some years fish were harvested in October, although these numbers may include summer-run steelhead) prior to and following the initiation of hatchery programs in the range of the OP steelhead DPS. With the beginning of hatchery programs in the DPS utilizing

early-returning winter-run steelhead (*i.e.*, Chambers Creek Hatchery Stock from south Puget Sound), there was a directed harvest of the early-returning portion of the run targeting hatchery fish. As a consequence of this continued harvest, it is likely that a proportion of the early-returning (November–January) natural-origin winter-run steelhead were and continue to be harvested, even if incidentally (OP Steelhead SRT 2024).

Hatcheries in the region utilize out-of-DPS stocks, and there is concern about the potential impacts on natural-origin steelhead genetic diversity from the use of out-of-DPS broodstock in most hatcheries (namely, Chambers Creek and Skamania origin). Though the use of out-of-DPS stocks prevents natural-origin runs from being taken for broodstock, there can be negative impacts if non-native hatchery steelhead interbreed with natural-origin steelhead. Non-native broodstocks are presumed to be more adapted to the ecology of their watershed of origin and, therefore, express life history traits that are not necessarily adapted to the watershed to which they are transferred. If non-native hatchery-origin steelhead are present on native spawning grounds, maladaptive genotypes (because the out-of-DPS stocks are not adapted to this environment) may be integrated into the naturally spawning native population through interbreeding with hatchery fish (known as introgression).

Information on the amount of interbreeding between hatchery-origin and natural-origin steelhead is limited. Some genetic data show the likely influence of non-native stocks on natural-origin OP steelhead, but in the absence of systematic genetic sampling and spawner surveys, it was not possible for the SRT to quantitatively assess this risk. DNA analyses (Kassler *et al.*, 2010, 2011; Seamons *et al.*, 2017) show presumed Olympic Peninsula natural-origin population samples with mixed ancestry that includes genetics from non-native early-winter steelhead and early-summer steelhead, though natural-origin fish were still overall distinct from hatchery broodstock. Also, while early-winter run hatchery steelhead females may generally spawn earlier than the natural-origin females, there is a tendency for hatchery-origin males to remain on the spawning grounds for extended periods, increasing the likelihood of hybridizing with natural-origin female steelhead (though hatcheries select for different spawn timing compared to natural-origin to help reduce spawning overlap).

There are limited releases of summer-run hatchery steelhead in the range of OP steelhead DPS and releases have

been eliminated in many tributaries on the Strait. Even with limited releases, snorkel surveys for summer-run steelhead observed that natural-origin and hatchery-origin fish often co-occurred within the same kilometer of river channel in the Hoh, Bogachiel, and Sol Duc Rivers. Natural populations along the Strait and Cape Flattery are at relatively low abundances and, although hatchery releases in many tributaries draining to the Strait were eliminated almost a decade ago, past and continuing releases are more likely to have a significant effect on abundance and genetic composition because of their small population size.

There are circumstances that also help limit interactions and limit genetic impacts from hatchery-origin steelhead. There have been changes in hatchery operations to reduce off-station releases in order to increase the proportion of fish returning to the hatchery and decrease the number of hatchery-origin fish straying and spawning naturally (including eliminated off-station release in the Hoh River). Co-managers have made changes to reduce negative effects; for example, releases of winter-run and summer-run fish have been eliminated from the Clallam River, Goodman Creek, Lyre River, Pysht River, and Sol Duc River (COPSWG 2023). Also, larger rivers draining to the Pacific Ocean have larger natural populations and greater spatial structure; thus, despite the large size of many of the corresponding hatchery programs, it is possible that there is somewhat limited interaction and introgression between the hatchery- and natural-origin populations. Resident *O. mykiss*, multiple spawner ages, and repeat spawners all contribute to bolstering the number of effective spawners and provide some buffering against inbreeding. Additionally, the relative nearness of the populations within the DPS to each other allows for the continued exchange of individuals between populations, and helps maintain genetic diversity.

Threats Assessment

As described above, section 4(a)(1) of the ESA and NMFS' implementing regulations (50 CFR 424.11(c)) state that we must determine whether a species is endangered or threatened because of any one or a combination of the 4(a)(1) factors: (A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued

existence (16 U.S.C. 1533(a)(1)). We evaluated whether and the extent to which each of the foregoing factors contributes to the overall extinction risk of the DPS, identifying uncertainties throughout.

Related to listing factor (A), while cumulative impacts of land-use practices have been large over space and time, the four major basins still exhibit fundamental natural watershed processes and associated habitat characteristics. These include a large, forested floodplain, relative to other watersheds, which is still intact and functioning. The SRT noted moderate-to-good conditions in river and riparian habitat, large percentages of forest cover, and declines in timber harvest activity (see NWIFC 2020), especially those rivers with substantial portions being located within Olympic National Park (ONP) or headwaters in the ONP (mainly the four major basins). OP steelhead currently occupy nearly all of their historical range because they lie in a region of the West Coast that is not impacted by dams or other major in-stream artificial passage blockages. For steelhead watersheds outside the ONP the majority of land use is for timber harvest and despite recent habitat improvement efforts, the legacy of past industrial logging practices will continue to negatively affect steelhead productivity in a number of rivers for the foreseeable future. Still, several restoration programs to retire forest roads, repair culverts, and supplement woody debris, amongst other things, were also seen as having improved habitat. Generally, habitat in many of the rivers has improved since the review by Busby *et al.* (1996), although it was recognized that the natural recovery from past timber harvest events and stream “clearing” practices takes decades. Despite some legacy effects of forestry and land use practices, habitat quality and connectivity are generally good within the DPS due to declining timber harvest activity, especially within the ONP, and the absence of dams or other major artificial passage blockages in the region.

For listing factor (B), utilization in the form of harvest of OP steelhead has declined within the last decade (particularly the last few years) and varies greatly by region (Strait vs. the four major basins). Annual harvest rates of OP steelhead in the four major basins have declined in most recent years (2021–2024). Estimates of harvest rate for the DPS and the four major basins average across population prior to 2014 were 25.6 percent and 36.5 percent, respectively (Cram *et al.*, 2018). Based on data from the co-managers, between

2014 and 2020, rates averaged across years for each of the four major basins ranged from 21 percent to 41 percent. Most recently (2021–2024), based on data including co-manager provided data since publication of the status review, harvest rate estimates for the four major basins have ranged from 7 percent to 25 percent. While harvest rates have declined recently, as stated above, modeling by the SRT with data through 2022 indicates that in most past years fishing mortality in the four major basins was greater than intrinsic natural growth, resulting in continued declines in populations (a small minority of years had growth above zero) (OP Steelhead SRT 2024). Population estimates associated with the most recent harvest rates have yet to be determined since the progeny of those brood years have not yet fully returned to spawn. Increases in abundance in the last couple of years in certain basins are promising, and it will take several years to detect a response signal from such recent actions.

For most rivers along the Strait, harvest was terminated in various years between 2005 and 2020 (see OP Steelhead SRT 2024). Population growth rate patterns considered by the SRT appear very similar among streams, including in streams where fishing continues. Therefore, it appears that other non-harvest factors (such as freshwater and/or ocean conditions) may also be influencing trends in Strait populations.

Multiple factors lead to uncertainty in harvest rates, which leads to difficulty in determining the level of threat under factor (B). Rivers within the OP steelhead range with recreational fishing have been catch and release since 2016, and the state assumes a 10 percent hooking mortality for all state-wide steelhead sport fisheries. Certain commenters on the 90-day Petition finding questioned this estimate and believe the hooking mortality rate to be lower, citing research from river systems not in the Olympic Peninsula, and there are no known data to precisely calculate hooking mortality rates for rivers within the OP DPS range. For the harvest estimates presented above, a hooking mortality estimate is included for only the Hoh River sport fishery harvest rate; therefore, rates for other basins are likely higher if incorporating catch and release mortality. Additionally, evidence suggests a sport angler encounter rate of 1.14 for natural-origin steelhead, implying some steelhead are caught and released more than once (Bently 2017; Harbison *et al.*, 2022). Estimates of the effect of multiple captures on hooking mortality are not

available, but, presumably, multiple captures would increase hooking mortality. Winter-run harvest rates include all steelhead caught between management week 45 (approximately November 1) and week 18 (April) no matter the target fishery, but not any steelhead caught outside that time period (pers. comm. Jim Scott on behalf of co-managers, July 17, 2024), leading to additional uncertainty in harvest rates if any late returning fish are caught after week 18. Finally, harvest typically occurs from November to May, while escapement is calculated from counts of redds created after March 15 when it is assumed that all the fish present are natural-origin steelhead, resulting in a potential underestimate of run sizes and an overestimate of harvest rate. All in all, there are factors that both underestimate and overestimate harvest rates/mortality.

For summer-run steelhead, since 1992, catch-and-release regulations have been in place in state waters and the ONP. Fisheries data show low, limited harvest (and/or catch and release mortality) of summer-run steelhead in recent years (see OP Steelhead SRT 2024, including appendix B). It is difficult to interpret an impact of catch given the level of uncertainty associated with summer-run abundance, but available information suggests that the directed harvest of natural-origin summer-run steelhead has declined since the 1996 status review. Contributing further to the uncertainty, data on indirect harvest of summer-run steelhead in fisheries targeting other Pacific salmon were not available for review.

For listing factor (C), as detailed in the status review, most of all known disease cases are in hatchery fish populations, and little information exists on the impacts to natural-origin steelhead in the Olympic Peninsula as natural-origin steelhead are less commonly sampled (Breyta *et al.*, 2013; data from Tony Capps, WDFW). To accurately assess the potential threat of disease in this population, we would need annual pathology reports from each hatchery to effectively assess the presence/prevalence of pathogens, viruses, and bacteria. Because most known disease outbreaks have been in hatchery-origin steelhead, most hatcheries are segregated from natural-origin, and hatchery fish are not part of the DPS, the status review team considered disease to be a very low-risk threat for natural-origin OP steelhead.

Though the consumption of salmonids by predators, especially marine mammals, has increased, we have little information on the

consumption of OP steelhead. Recent research suggests that predation pressure on salmon and steelhead from marine mammals has been increasing in the northeastern Pacific over the past few decades (Chasco *et al.*, 2017 a, b; Couture *et al.*, 2024; Rub *et al.*, 2018), but this work mainly focused on predation on Chinook salmon (Couture *et al.* (2024) also discuss other salmonids but there is limited mention of steelhead). Also, predation from marine mammals likely is not a primary cause of the lack of salmonid population recovery in Washington state (WSAS 2022). Studies have found that pinnipeds can have a significant predation impact on outmigrating juvenile steelhead in Puget Sound (Moore *et al.*, 2021, 2024; Moore and Berejikian 2022), winter adult steelhead at the Ballard Locks in Lake Washington (NMFS 1995), and other adult salmonids (see Rub *et al.*, 2018). Scordino *et al.* (2022) found consumption of multiple sizes of steelhead in coastal Washington by Steller and California sea lions based on scat samples (though most consumption was on Coho salmon [*O. kisutch*]). Seabirds are present in the Olympic Peninsula watersheds and consume juvenile salmonids, but we are unaware of any unusual or excessive predation events by seabirds or hotspots of seabird predation (based on pers. Comm. with Thomas Good, 15 October 2023, NMFS NWFSC). Invasions of non-native fish species pose threats to native fish fauna, but little is known about the extent or effects on OP steelhead.

Anthropogenic habitat alterations, including dams, irrigation diversions, fish ladders, and human-created islands, have the potential to create sites that may increase predation opportunities on adult and juvenile salmonids (Antolos *et al.*, 2005; Evans *et al.*, 2012; Hostetter *et al.*, 2012; Moore & Berejikian 2022; Collins *et al.*, 1976). However, there are no large dams or barriers in the OP steelhead range. While increases in predation associated with increases in pinniped populations along the West Coast are possible, we have no specific information to indicate that predation has increased for OP steelhead and no quantitative information on predation over time. Also, less is known about predation of steelhead in the marine environment. Tribal managers in the area have voiced concern about pinniped predation on these populations, but we lack quantitative data about the level of threat or if predation is a factor limiting the viability of OP steelhead specifically.

Therefore, the SRT concluded that predation was a low risk.

Related to listing factor (D), various Federal and State protection measures exist across the Olympic Peninsula and the state of Washington to protect forests and salmonid habitat. Many provide protection to the species and its habitat. These include the Northwest Forest Plan (NWFP) and the associated Aquatic Conservation Strategy, the General Management Plan for the ONP, the Washington Forest Practices Act, the Washington State Forest Practices Rules, the DNR Habitat Conservation Plan, and state legislation to remove fish passage barriers. Additionally, multiple rivers and streams where OP steelhead occur have been designated as bull trout (*Salvelinus confluentus*) critical habitat (75 FR 63875–63978, October 18, 2010) and other ESA-listed species like Lake Ozette sockeye salmon (*Oncorhynchus nerka*), marbled murrelet (*Brachyramphus marmoratus*), and Northern spotted owl (*Strix occidentalis caurina*) occur on the peninsula. NMFS and USFWS have conducted biological opinions under section 7 of ESA for Federal actions in this region, including for the forest management activities in the Olympic National Forest, that lead to the prevention of activities that may jeopardize listed species and/or adversely modify their critical habitat. However, it is difficult to assess if these actions are adequate to conserve OP steelhead. Progress towards habitat protection is hard to measure since any ongoing efforts related to habitat restoration may take decades (if not longer) to show an effect. There is a spectrum of regulatory mechanisms protecting and restoring habitat, and the degree of protection depends on the entity with regulatory authority and the specific land activities in each area.

Regulations related to harvest and hatcheries within Washington State also affect OP steelhead. OP steelhead fisheries are collectively managed by WDFW (State waters outside of the ONP) and Treaty Tribes (in their usual and accustomed fishing areas) and also by the ONP (in the park). The Treaty Tribes regulate commercial and subsistence fisheries and on-reservation sport and tribal-guided fisheries. Martin (2023) notes that sustainable harvest management is a core principle of traditional resource management and is embedded into the tribes' societal roles. Salmon and steelhead have been managed since time immemorial during a time when steelhead thrived (including their habitat), and this management included both traditional hatchery practices and harvest practices. Strategies have been implemented since

the 1990s to support sustainable fishing including: prohibiting retention of natural-origin winter-run steelhead for recreational fisheries in state waters (since 2016, recreational fishing on certain tribal lands allows for retention of natural-origin), harvest restrictions (such as bag limits), shorter seasons, and gear restrictions (limits on hooks, prohibiting bait, prohibiting fishing from boats in certain rivers) in the face of declining natural-origin steelhead populations (Harbison *et al.*, 2022). In recent years, recreational fisheries have been closed inside and outside of the ONP for certain rivers due to low returns. As noted above, reductions in harvest rates, with large reductions in tribal harvest rates, have occurred in recent years (2021, 2022, and 2023–2024 season). For most rivers along the Strait, steelhead-directed harvest has been prohibited since between 2005 and 2020 (depending on the river).

The state of Washington has proposed, but not yet implemented, the 2022 WDFW Coastal Steelhead Proviso Implementation Plan (“Proviso”) (Harbison *et al.*, 2022) and has begun the process for updating state harvest regulations (<https://wdfw.wa.gov/fishing/management/steelhead/coastal>). The Proviso outlines management strategies for the future of OP steelhead and other coastal steelhead populations. The Proviso Plan is based on existing state policies and does not represent a change in policy. It was developed as a response to recent declines in coastal steelhead and the need for adaptive management strategies to address these declines. There are additional plans by the State to update coastal steelhead management, though there are limited details on the plan at this time (<https://wdfw.wa.gov/fishing/management/steelhead/coastal>). Finally, as noted throughout, the Tribal and State co-managers actively monitor and have a policy of protectively managing the species. The co-managers have also committed to changes to hatchery and harvest regulations (see Co-manager Olympic Steelhead Working Group 2025), most notably efforts to mark all hatchery fish, testing of natural-derived broodstock in the Quillayute, evaluation of the March 15 management cut-off date, updating catch-and-release mortality, and expanding methods for abundance estimation. NMFS will continue to work with the co-managers to evaluate the effectiveness of the existing regulatory mechanisms and the future impact of these commitments on the species' status.

WDFW operation of hatcheries is currently subject to the Statewide Steelhead Management Plan and the

Anadromous Salmon and Steelhead Hatchery Policy C–3624 (2021), superseding the policy from 2009 (Hatchery and Fishery Reform Policy C–3619). This policy provides general guidelines and notes that Hatchery Monitoring Plans (HMPs) will be developed for all state hatcheries. We did not find any evidence of completed HMPs at this point. This policy applies to state hatcheries and not to Federal or Tribal facilities. The C–3624 policy is not an enforceable regulation, but a guiding policy. However, the co-managers are currently working to develop hatchery management plans for hatchery facilities within the Olympic Peninsula (Harbison *et al.*, 2022).

Extensive hatchery programs have been implemented throughout the range of west coast steelhead. While some programs may have succeeded in providing harvest opportunities and increasing the total number of naturally spawning fish, the programs have also likely increased risks to natural populations, though this can depend on specific management and if measures are taken to reduce impacts to native runs. Hatchery operations, especially those utilizing non-native broodstocks, could introduce maladapted life history traits through interbreeding between natural-origin and hatchery-origin fish (introgression). We cannot currently quantitatively estimate the level of reproductive exchange between natural-origin and hatchery-origin steelhead in the Olympic Peninsula. Estimates of the proportion of hatchery-origin spawners (pHOS) and genetic data give some insight into the level of possible introgression but were only available for a limited proportion of the DPS, and many were not from recent years. Available information suggests some introgression, and the continued use of non-native broodstocks presents ecological and genetic risks, though this risk varies with the specifics of the particular hatchery program and natural population. There have been changes in hatchery operations to reduce straying. NMFS will continue to work with the co-managers to evaluate the impacts of hatchery operations and the effectiveness of efforts to reduce risks to OP steelhead.

Finally, for listing factor (E) scientists predict the rising temperatures and associated ecosystem changes caused by environmental variation to impact Pacific salmon by a variety of mechanisms throughout their life cycle (Crozier *et al.*, 2008, 2019, Isaak *et al.*, 2022, Crozier and Siegel 2023). These impacts are complex and vary among species, DPSs, and habitats. For U.S. West Coast salmon and steelhead,

expected changes to freshwater habitats include increased air and stream temperatures and changes in seasonal (but not necessarily annual mean) rainfall patterns, with larger and more extreme storms and droughts. These increased temperatures will result in more winter precipitation falling as rain than snow at intermediate elevations, which alters both seasonal streamflow and water temperatures.

Many changes in temperature and stream flow have already been observed in the Olympic Peninsula watersheds (see OP Steelhead SRT 2024). Additionally, multiple papers have already documented extensive glacier losses in the Olympic Mountains; between 1980 and 2015, 35 glaciers and an additional 16 perennial snowfields disappeared from the Olympic Mountains (Fountain *et al.*, 2022; Riedel *et al.*, 2015; NWIFC 2020). Increases in summer stream temperatures especially pose risks to steelhead due to extended freshwater rearing; *i.e.*, juvenile steelhead that spend up to 2 or 3 years in freshwater (Halofsky *et al.*, 2011; Climate Impacts Group 2009). Winter-run steelhead predominate in the Olympic Peninsula and are expected to be somewhat less susceptible to risks from changing stream temperatures than summer-run steelhead. Low summer stream flows can affect summer-run steelhead migration by dewatering stream reaches or limiting the accessibility of waterfalls or cascades (Halofsky *et al.*, 2011). Future increases in flows at other times of year can displace juvenile fish and/or reduce the availability of suitable slow-water habitats for young fish. However, winter-run steelhead generally spawn after peak flow events and are less susceptible to redds being scoured (Halofsky *et al.*, 2011). Still, future increases in streamflow can increase the magnitude and frequency of streambed mobilization and scour, impacting eggs and embryos, while warmer temperatures may result in more rapid incubation leading to earlier timed and smaller individuals at emergence (Dalton *et al.*, 2016).

Environmental variability now and into the future will also likely impact steelhead in the marine environment. Modeling analysis predicted an 8 to 43 percent contraction of steelhead species' marine habitat due to changing thermal conditions between the 2020s and 2080s, depending on time period (Abdul-Aziz *et al.*, 2011). The assessment by the co-managers (COPSWG 2023) and subsequent publication (Ohlberger *et al.*, 2025) suggested that interannual variation in recruitment and kelt survival were both

partially explained by summer sea surface temperatures (SST) with lower recruitment and kelt survival with warmer summer SST. Models showed that pink salmon abundance as well as North Pacific Gyre Oscillation (NGPO) also influence recruitment (Ohlberger *et al.*, 2025). There is uncertainty in how smolt survival and recruitment and kelt survival will change over time, but kelt survival has already declined since the 1980s.

There may be positive impacts from environmental variability, particularly temperature, such as possible longer rearing seasons due to temperature increases at certain times of the year, increased productivity within the food web, and more rapid growth at certain times and life stages (Halofsky *et al.*, 2011; Dalton 2016). Warmer conditions in summer would likely reduce growth, but warmer temperatures at other times of the year could increase growth rates (Dalton *et al.*, 2016) and improve rearing conditions for juveniles, especially in the lower river reaches. However, warmer temperatures also potentially increase susceptibility to disease and increase competition with other species or predation, through the increased presence of non-native piscivorous species.

At the population level, the ability of organisms to genetically adapt to environmental variability depends on how selection on multiple traits interact and whether those traits are linked genetically. Factors that affect genetic diversity can limit the ability of a population to adapt to variability in environmental conditions. These factors include, but are not limited to, small population size, domestication in hatchery environments, and/or introgression by introduced non-native stocks. Also, future environmental changes are likely to happen much faster than normal adaptation processes can respond.

Rangewide Risk of Extinction

The SRT's determination of rangewide extinction risk to the OP steelhead DPS used the categories of high, moderate, or low risk of extinction. The risk levels are defined as:

(1) *High risk*: A species or ESU with a high risk of extinction is at or near a level of abundance, productivity, diversity, and/or spatial structure that places its continued existence in question. The demographics of a species or ESU at such a high level of risk may be highly uncertain and strongly influenced by stochastic and/or compensatory processes. Similarly, a species or ESU may be at high risk of

extinction if it faces clear and present threats (*e.g.*, confinement to a small geographic area; imminent destruction, modification, or curtailment of its habitat; disease epidemic) that are likely to create such imminent demographic risks.

(2) *Moderate risk*: A species or ESU is at moderate risk of extinction if it exhibits a trajectory indicating that it is more likely than not to reach a high level of extinction risk in the foreseeable future. A species or ESU may be at moderate risk of extinction due to projected threats and/or declining trends in abundance, productivity, spatial structure, or diversity. The appropriate time horizon for evaluating whether a species or DPS is more likely than not to become at high risk in the future depends on various case- and species-specific factors. For example, the time horizon may reflect certain life-history characteristics (*e.g.*, long generation time or late age-at-maturity) and may also reflect the timeframe or rate over which identified threats are likely to impact the biological status of the species or ESU (*e.g.*, rate of disease spread). The appropriate time horizon is not limited to the period that status can be quantitatively modeled or predicted within predetermined limits of statistical confidence.

(3) *Low risk*: A species or ESU is at low risk if it is not at moderate or high risk of extinction.

The SRT considered the "foreseeable future" to be a time period of approximately 40 to 60 years. Following Stout *et al.* (2012), the shorter end of this timeframe corresponds to roughly 10 steelhead generations, which the SRT concluded was a reasonable value over which to consider current demographic trends. The longer end of this timeframe corresponds to a timeframe over which scientific studies of the impacts of environmental variability on salmonid freshwater and ocean habitat are available. For example, the SRT utilized analyses of predicted future stream temperatures and stream flow in the years 2040 and 2080 and marine studies for *O. mykiss* that center on the 2040s and 2080s (Abdul-Aziz *et al.*, 2011).

The SRT used a likelihood point method to account for uncertainty in the overall extinction risk by allocating ten risk points across the low, moderate, and high-risk categories. In their overall evaluation of the DPS status, the majority of the SRT members put the majority of their 10 allocated risk likelihood points in the moderate extinction risk category leading to an average of 5.5 in moderate, 4 in low, and 0.5 in high. A minority of members (2%) put either equal points between low and

moderate extinction risk or the majority of points in low extinction risk category (six points in low, four in moderate). SRT members with the majority of points in low extinction risk concluded that the overall DPS abundance was still relatively moderate compared to other steelhead DPSs and that the major threats, other than environmental variability, could be addressed directly through management actions. Therefore, there was uncertainty across the members about the level of risk facing OP steelhead (not unanimous).

In consideration of the factors identified in 4(a)(1) of the ESA and our analysis of the viability of the DPS, including any uncertainties, we are unable to find the DPS faces a high or moderate risk of extinction now or in the foreseeable future. Despite some legacy effects of forestry and land use practices, habitat quality and connectivity are generally good within the DPS due to declining timber harvest activity, especially within the ONP, and the absence of dams or other major artificial passage blockages in the region. OP steelhead habitat has also benefitted from several restoration programs including efforts to repair culverts, retire forest service roads, and supplement woody debris. Additionally, under existing regulatory mechanisms, the co-managers have implemented improved harvest management strategies and harvest of OP steelhead has declined within the last decade, particularly the last few years. There have also been changes in hatchery operations to reduce straying. Abundance trends suggest populations have declined over the long-term; however, increases in abundance in the last couple of years in certain basins are promising, and overall DPS abundance is still relatively moderate compared to other steelhead DPSs. The co-managers and NMFS will continue monitoring populations for response signals from recent and future conservation management actions. While information is limited, disease risk to natural-origin OP steelhead is considered very low risk. Some evidence suggests introgression between hatchery-origin and native fish, though data regarding the current levels of genetic mixing are limited. The extent to which predation may be limiting the viability of OP steelhead is uncertain, although pinniped predation is not considered a primary threat to steelhead in these ecosystems. Predicted variation in stream temperatures and flows, changes to the marine environment, and alterations in seasonal rainfall patterns are likely to negatively impact the DPS

in the foreseeable future; however, some beneficial impacts are also possible, and there remains considerable uncertainty about the localized effects of environmental variation to OP steelhead populations. Based on the foregoing, we have determined the DPS is not at a high risk of extinction or near a level of abundance, productivity, diversity, and/or spatial structure that places its continued existence in question; nor does the DPS exhibit a trajectory indicating that it is more likely than not to reach a high level of extinction risk in the foreseeable future.

Significant Portion of Its Range Analysis

As noted in the introduction above, the definitions in section 3 of the ESA of both “threatened species” and “endangered species” contain the term “significant portion of its range” (SPR), which we interpret to refer to an area smaller than the entire range of the species. As indicated by these definitions, we can list a species based on their status in all of their range or based on their status in a SPR. The range of a species is considered to be the general geographical area within which that species can be found at the time NMFS or USFWS makes any particular status determination. This range includes those areas used throughout all or part of the species’ life cycle, even if they are not used regularly (*e.g.*, seasonal habitats). (79 FR 37578, 37583, July 1, 2014).

In construing the statutory definitions of threatened species and endangered species, we are thus required to give some independent meaning to the SPR phrase to avoid rendering it superfluous to the “throughout all” language (See *Defenders of Wildlife v. Norton*, 258 F.3d 1136 (9th Cir. 2001)). Under the 2014 policy regarding the interpretation of the phrase “significant portion of its range” (SPR Policy), which was issued jointly by NMFS and USFWS, first we evaluate the status of the species throughout its range and, unless we find the species is endangered based on the rangewide analysis, we must go on to consider whether the species may have a higher risk of extinction in an SPR (79 FR 37578, July 1, 2014). The assessment consisted of identifying and evaluating portions of the DPS that are potentially at high risk of extinction and are important to the overall DPS’s long-term viability, yet not so important as to be determinative of its current or foreseeable status. In other words, the goal of the SPR analysis was to determine if there are biologically important portions of the DPS that are currently at higher risk than the DPS

rangewide but that are not so important that their status would lead to the entire DPS being currently at higher risk.

Because a species’ range can theoretically be divided into an infinite number of portions, the SRT first discussed and identified several sub-DPS portions that had a reasonable likelihood of being at higher risk of extinction than the DPS rangewide and a reasonable likelihood of being biologically significant to the species. Unless a portion meets both conditions, they will not be further considered in the SPR analysis (as they could not form the basis for a proposed listing). In evaluating whether a portion was biologically significant, the SRT considered whether the species within that portion was important to the DPS’s long-term viability but not so important that their status would drive current or foreseeable DPS-wide extinction risk. After considering multiple possibilities, the SRT settled on a more detailed evaluation of two types of strata based on geography or adult run-timing.

In this case, the geographic units considered include steelhead populations in rivers that drain to the Strait and steelhead populations in rivers that drain to the Pacific Ocean. These two regions were identified as potential portions due to the hydrological and geographic distinctiveness of the rivers supporting Strait populations and coastal populations. The majority of the SRT members assigned a majority of their 10 allocated points in the not biologically significant category for populations in rivers draining to the Strait. The SRT concluded that populations in the Strait portion may express distinct life-history strategies, however, there are coastal populations in streams ecologically similar to those in the Strait, and over the long term it is likely that the rivers on the Strait could be recolonized by coastal OP steelhead runs. So, though these runs are important to diversity and spatial structure, they are not so important as to be biologically significant relative to the overall long-term viability of the species. Because the SRT determined that the Strait populations did not meet the agency’s criteria for significance, the Strait portion of the range is not considered to be an SPR. Coastal populations are the most numerous and widespread portion of the DPS. The status of the coastal component is determinative of the rangewide status of the DPS and is therefore not a valid SPR.

The team also considered whether the variation in adult run-timing might form the basis for identifying alternative portions. In general, summer- and

winter-run steelhead utilize spatially different freshwater habitats, particularly during the adult freshwater migration and spawning portions of the life cycle. Generally, summer-run steelhead tend to spawn in the upper portions of river systems. Sometimes these areas are above temporal flow barriers that are only accessible during high spring flows (Withler 1966; Myers *et al.*, 2015; Waples *et al.*, 2022), thus not utilized by winter-run and leading to a different geographic extent for summer-run.

However, we have determined the summer-run stratum does not qualify as a valid portion of the OP steelhead range because, consistent with the ESA and the 2014 SPR Policy (79 FR at 37583), the selection of portions for consideration should be premised at least in part on a geographically oriented rationale. Here, the summer-run component lacks sufficient spatial segregation from the winter-run to be considered a valid portion of the DPS's range for the purposes of SPR analysis under the ESA. A review of spawning and rearing habitat utilized by summer-run steelhead, found only 0.7 percent of the habitat was used solely by summer-run steelhead. In other words, >99.3 percent of summer-run geography is shared with winter-run fish. Therefore, the summer-run component does not qualify as a valid portion of the OP steelhead range.

Additionally, the SRT concluded that the summer-run portion did not meet the criteria to be considered biologically significant to the DPS's long-term viability. The SRT concluded that summer-run populations contribute to genetic diversity and spatial structure diversity of the DPS. However, the SRT ultimately concluded the summer-run fish to be not significant because summer-run steelhead currently are not and historically were not a major contributor to overall DPS abundance, winter-run and summer-run populations in the same watershed are not reproductively isolated and have generally been found to be genetically very similar (thus there is some possibility for reestablishment if a summer-run population is lost), and summer-run specific habitat (predominantly just for spawning) represents a minor fraction of the total accessible spatial structure. Summer-run steelhead was voted to have a higher risk than the DPS range-wide, but given that summer-run steelhead did not meet the agency's criteria to be considered significant and a valid portion, this grouping is not considered an SPR.

Finally, winter-run populations are the most numerous and widespread portion of the DPS. The status of the winter-run component is determinative of the rangewide status of the DPS and is therefore not a valid SPR. We conclude that there are no portions of the DPS's range that are both significant and at higher risk of extinction than the DPS as a whole.

Final Determination

Section 4(b)(1) of the ESA requires that we make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and taking into account those efforts, if any, being made by any State or foreign nation, or political subdivisions thereof, to protect and conserve the species. We have independently reviewed the best available scientific and commercial information, including references cited in the petition, public comments submitted on the 90-day finding (88 FR 8774; February 10, 2023), the status review report, and information provided by co-managers, and we have consulted with species experts and individuals familiar with steelhead.

Based on the foregoing information, we determine OP steelhead do not warrant listing at this time. Primary factors leading to this conclusion include: habitat quality and connectivity are generally good within the DPS and are benefitting from ongoing restoration efforts; spatial distribution is good; State and Tribal co-managers have implemented improved harvest and hatchery practices and reduced harvest significantly in recent years; abundance trends suggest declining populations, but the response to recent management actions has yet to be seen; and while environmental variation is expected to have some negative impacts on the DPS, there could also be positive impacts while the precise localized effects are unclear. Additionally, we did not identify any portions of the DPS that were both significant and facing a higher level of extinction risk than the DPS rangewide. Therefore, we determine listing is not warranted. NMFS intends to continue to monitor the status of the OP steelhead DPS and work closely with the State and Tribal co-managers.

References

A complete list of all references cited herein is available upon request (See **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2026–00581 Filed 1–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XF429]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Angling Category Southern Area Trophy Fishery for 2026

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the Angling category southern area fishery for large medium and giant (“trophy” (*i.e.*, measuring 73 inches (185 centimeters (cm)) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels when fishing recreationally.

DATES: Effective 11:30 p.m., local time, January 13, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., larry.redd@noaa.gov, or Ann Williamson, ann.williamson@noaa.gov, by email, or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT

and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

Every year, the BFT fishing year starts on January 1 and ends on December 31. The Angling category opens on January 1 and continues through December 31 or until the applicable quota or subquota is reached or projected to be reached, whichever comes first. As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Angling category baseline quota is 297.4 mt, of which 9.2 mt (3.1 percent of the annual Angling category quota) is sub-allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 2.3 mt (25 percent of the annual large medium and giant BFT Angling category quota) allocated for each of the following areas: north of 42° N latitude (lat.) (the Gulf of Maine area); south of 42° N lat. and north of 39°18' N lat. (the southern New England area); south of 39°18' N lat. and outside of the Gulf of America (the southern area); and the Gulf of America region. Trophy BFT measure 73 inches (185 cm) curved fork length or greater. This closure action applies to the southern area.

Separate from this action, NMFS is working on a rulemaking that would implement the 2025 ICCAT recommendation (Recommendation 25–05) regarding western BFT management. Consistent with that recommendation, the separate rulemaking action would consider increasing the baseline U.S. BFT quota from 1,316.14 mt to 1,509.98 mt and adjusting any subquotas as

needed accordingly. In the next few months, NMFS expects to issue a proposed rule regarding the overall quota increase and resulting subquota calculations. Any final rule implementing ICCAT Recommendation 25–05 would likely be effective in mid-2026 or later.

Angling Category Trophy Bluefin Tuna Southern Area Fishery Closure

Based on landings data from the NMFS Automated Catch Reporting System, as well as average catch rates and anticipated fishing conditions, NMFS has determined the Angling category southern area trophy BFT subquota has been reached and exceeded. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT south of 39°18' N lat. and outside of the Gulf of America by persons aboard HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on January 13, 2026. This closure will remain effective through December 31, 2026. This action applies to HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent further overharvest of the Angling category southern area trophy BFT subquota. The Angling category BFT trophy fisheries for the Gulf of America, Southern New England, and Gulf of Maine areas remain open.

If needed to ensure available quotas or subquotas are not exceeded or to enhance fishing opportunities, subsequent Angling category adjustments or closures will be published in the **Federal Register** per § 635.27(a)(7) and § 635.28(a)(1). Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm), and any further Angling category adjustments, is available at <https://hmspermits.noaa.gov>. During a closure, fishermen aboard HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally may continue to catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional

information on safe handling, see the “Careful Catch and Release” brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/>.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(c)(1), HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the Angling category southern area trophy BFT fishery subquota has been reached and exceeded. Delaying this action could result in further excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the southern area trophy BFT fishery before additional landings of these sizes of BFT occur. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: January 12, 2026.

Kelly Denit,

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

[FR Doc. 2026–00580 Filed 1–12–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 9

Wednesday, January 14, 2026

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 781

RIN 0560-A170

Agricultural Foreign Investment Disclosure Act: Revisions to Reporting Requirements; Correction

AGENCY: Office of the Secretary, U.S. Department of Agriculture.

ACTION: Advanced notice of proposed rulemaking; correction.

SUMMARY: This document corrects the Docket ID number that appeared in an advanced notice of proposed rulemaking published in the **Federal Register** on December 29, 2025, that is seeking public comment for the Agricultural Foreign Investment Disclosure Act: Revisions to Reporting Requirements. USDA is requesting a correction to the Docket ID Number FSA-2024-0005. Docket ID should be read as USDA-2026-0001.

SUPPLEMENTARY INFORMATION:

Correction

In proposed rule FR Doc. 2025-23830, beginning on page 60581 in the issue of December 29, 2025, make the following correction: On page 60581, in the first column, the Docket Number is corrected to read “USDA-2026-001”; on page 60581, in the second column Docket ID is corrected to read “USDA-2026-001”.

Done at Washington, DC.

Natalie Popovic,

Senior Program Analyst, Office of the General Counsel.

[FR Doc. 2026-00536 Filed 1-13-26; 8:45 am]

BILLING CODE 3411-E2-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket ID OCC-2025-0768]

RIN 1557-AF47

National Bank Chartering; Correction

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** of January 12, 2026, regarding National Bank Chartering. This correction document addresses a docket number typographical error, fixes a footnote citation, and clarifies agency references. We are placing a corrected copy of the proposed rule in the docket.

DATES: The proposed rule published on January 12, 2026, at 91 FR 1098 is corrected as of January 14, 2026. Comments must be received by February 11, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Crawford, Acting Assistant Director; Marjorie Dieter, Counsel, Chief Counsel’s Office, 202-649-5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

Correction

In proposed rule FR Doc. 2026-00372, beginning on page 1098 in the issue of January 12, 2026, make the following corrections:

1. In the **ADDRESSES** section, on page 1098, in column 2, in line 8, remove “OCC-2025-0174” and add in its place “OCC-2025-0768”.

2. In the **SUPPLEMENTARY INFORMATION** section:

a. On page 1100, in column 1, in line 14, remove “agencies have” and add in its place “OCC has”.

b. On page 1100, in footnote 20, remove “*Id*” and add in its place “5 U.S.C. 601-612”.

c. On page 1100, in column 3, in line 14, remove “agencies” and add in its place “OCC”.

d. On page 1100, in column 3, in line 28, remove “agencies” and add in its place “OCC”.

e. On page 1101, in column 1, in line 7, remove “agencies” and add in its place “OCC”.

Dated: January 12, 2026.

Adam J. Cohen,

Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2026-00603 Filed 1-13-26; 8:45 am]

BILLING CODE 4810-33-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133-AF81

Chartering and Field of Membership for Federal Credit Unions—Interpretive Rulings and Policy Statements

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board proposes to rescind its Interpretative Ruling and Policy Statement 08-2 (IRPS 08-2). Rescinding IRPS 08-2 would ease the compliance burden on Federal credit unions (FCUs) by limiting the number of sources that FCUs must check to ensure compliance with applicable chartering and field of membership (FOM) requirements.

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (Please send comments by one method only):

- **Federal eRulemaking Portal:** <https://www.regulations.gov/>. The docket number for the proposed IRPS rescission is NCUA-2026-0035. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov/), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the [regulations.gov](https://www.regulations.gov/) docket. A plain language summary of the proposed rescission is also available on the docket website.

- **Mail:** Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration,

1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: Please follow the search instructions on <https://www.regulations.gov> to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT:

Keisha Brooks, Attorney-Advisor, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Since 1979, the NCUA Board (Board) has issued interpretive rulings and policy statements (IRPS) to address various generally applicable interpretive and policy matters in the **Federal Register**. The first NCUA IRPS was published in April 1979 to set forth the agency's policy on how existing credit union service corporations could comply with the NCUA's new credit union service organizations regulation.¹ The topics covered by IRPS have ranged from interpretations on FCU share accounts to guidelines for compliance with the federal Bank Bribery Act. In issuing IRPS, the Board has often, but not always, used notice-and-comment procedures comparable to those it uses for codified regulations. While the IRPS are not codified in the Code of Federal Regulations (CFR), the NCUA does make the currently effective IRPS available on its public website at <https://ncua.gov/regulation-supervision/rules-regulations/interpretive-rulings-policy-statements>.

B. Legal Authority

Under the Federal Credit Union Act (the FCU Act), the NCUA is the chartering and supervisory authority for FCUs and the Federal supervisory

authority for federally insured credit unions (FICUs).² The FCU Act grants the Board broad general rulemaking authority over FCUs and to govern their chartering and FOM within the confines of the FCU Act.³ Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the NCUA Board to prescribe rules and regulations for the administration of the FCU Act.⁴

The NCUA Board is issuing this proposed rule pursuant to its rulemaking authority under Section 109 of the FCU Act.⁵ Section 109 of the FCU Act establishes the chartering and FOM framework for FCUs.⁶ Section 109(d)(3) directs the Board to issue guidelines or regulations, after notice and opportunity for comment, setting forth the criteria that the Board will apply in determining under this subsection whether or not an additional group may be included within the FOM category of an existing multiple common bond FCU.⁷ Sections 109(a) and 109(f)(2)(E) reference more general rulemaking authority with respect to associational groups and FCU FOMs.⁸ Pursuant to its authority under the FCU Act, the Board implements these statutory requirements through its Chartering and Field of Membership Manual, incorporated as Appendix B to part 701 of its regulations (Chartering Manual).⁹

II. Proposed Rule

In 1989, the Board issued its Chartering and Field of Membership Policy (IRPS 89–1), which consolidated FOM guidance.¹⁰ The Board also incorporated IRPS 89–1 by reference into § 701.1 of the NCUA's regulations.¹¹ Over the years, the Board periodically updated the Chartering Manual through IRPS and amended § 701.1 to reference the updated IRPS.¹² While copies of the IRPS were available to the public, the text of the IRPS did not appear in the CFR.¹³

² 12 U.S.C. 1752–1775.

³ 12 U.S.C. 1751, 1766(a), 1787(b)(1), 1789(a)(11).

⁴ 12 U.S.C. 1766(a).

⁵ 12 U.S.C. 1751 *et seq.*

⁶ 12 U.S.C. 1753(5), 1754, 1759.

⁷ 12 U.S.C. 1759.

⁸ 12 U.S.C. 1759.

⁹ 12 CFR part 701, App. B. The Chartering Manual addresses all aspects of chartering FCUs. In that respect, it is like the regulations of the Office of the Comptroller of the Currency applicable to the chartering of national banks or federal savings associations. 12 CFR part 5.

¹⁰ 54 FR 31165 (July 27, 1989).

¹¹ 12 CFR 701.1.

¹² See IRPS 99–1, 63 FR 71998 (Dec. 30, 1998), as amended by IRPS 00–1, 65 FR 64512 (October 27, 2000) and IRPS 02–2, 67 FR 20013 (Apr. 24, 2002).

¹³ See *e.g.*, IRPS 03–1, 68 FR 18334 (Apr. 15, 2003), as amended by IRPS 06–1, 71 FR 36667 (June 28, 2006).

In 2008, after notice and consideration of public comment, the Board issued a final rule publishing IRPS 08–2 as Appendix B to part 701.¹⁴ In 2010, the Board amended § 701.1 to remove references to IRPS 08–2 and establish Appendix B as the Chartering Manual.¹⁵ Accordingly, the Chartering Manual (as published in Appendix B to part 701) sets forth the NCUA's current FOM policies and procedures.¹⁶ Because the current FOM rules are stated in the Chartering Manual, IRPS 08–2 is no longer necessary.

The Board proposes to rescind IRPS 08–2. In the 2008 final rule, the Board updated and clarified the NCUA's operational policies for serving “underserved areas.”¹⁷ The current requirements for service to underserved areas are stated in Chapter 3 of the Chartering Manual.¹⁸ This proposed rescission would not add, remove, clarify, or otherwise change the substantive requirements already established in the FCU Act and the Chartering Manual.

The NCUA invites the public to review IRPS 08–2 and solicits comment on any issue, concern, or suggestion that the public may have regarding the proposed rescission. The NCUA seeks comments on issues relevant to the proposed rescission. A copy of IRPS 08–2 is available to all FICUs on the NCUA's public website, therefore the IRPS has not been set out in full text in this proposal.¹⁹

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and

¹⁴ 73 FR 73392, 73301 (Dec. 2, 2008).

¹⁵ 75 FR 36263 (June 25, 2010).

¹⁶ See 12 CFR part 701, App. B.

¹⁷ 73 FR 73392 (Dec. 2, 2008).

¹⁸ See 12 CFR part 701, App. B. Ch. 3, § III.

¹⁹ NCUA, Interpretive Rulings and Policy Statements, <https://ncua.gov/regulation-supervision/rules-regulations/interpretive-rulings-policy-statements> (page last visited October 1, 2025).

¹ 44 FR 21762 (Apr. 12, 1979).

interim-final rules that request comment despite invoking “good cause” to forgo such notice and public procedure. The Board, however, has elected to address the Act’s requirement in these types of documents in the interests of administrative consistency and transparency.

In summary, the Board proposes to rescind IRPS 08–2. Rescinding IRPS 08–2 would ease the compliance burden on FCUs by limiting the number of sources that FCUs must check to ensure compliance with applicable chartering and FOM requirements.

The proposal and the required summary can be found at <https://www.regulations.gov>.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.²⁰ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.²¹ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f)(1) of Executive Order 12866. Further, the proposal is consistent with Executive Order 13563. The rescission should reduce confusion by focusing FCUs principally on applicable statutes and codified regulations.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.²² This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act²³ generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.²⁴ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.²⁵ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed rescission is intended to ease the compliance burden on FCUs by limiting the number of sources that FCUs of all sizes must check to ensure compliance with laws and regulations. The rescission should also reduce confusion by allowing FCUs to focus on applicable statutes and codified regulations. The proposed rescission would not impose any new requirements that would result in FCUs (irrespective of size) incurring an economic cost. To the extent the proposed rescission has any economic impact, it will be indirect by reducing the staff time and other resources FCUs currently devote to checking potentially duplicative sources to ensure compliance with existing requirements codified in the Chartering Manual.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number.

The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the IRPS do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This proposed rescission would only affect FCUs. The NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. The proposed rescission would clarify the existing regulations and guidance applicable solely to FCUs and is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions. The rulemaking would therefore not have direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.²⁶ The proposed rescission relates to the chartering and FOM requirements for FCUs, and any effect on family well-being is expected to be indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 9th day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2026–00592 Filed 1–13–26; 8:45 am]

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²⁰ 58 FR 51735 (Oct. 4, 1993).

²¹ 76 FR 3821 (Jan. 21, 2011).

²² 90 FR 9065 (Feb. 6, 2025).

²³ 5 U.S.C. 601 *et seq.*

²⁴ 5 U.S.C. 605(b).

²⁵ 80 FR 57512 (Sept. 24, 2015).

²⁶ Public Law 105–277, 112 Stat. 2681 (1998).

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133-AF85

Nondiscrimination Requirements

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is publishing this proposed rule to remove a redundant and outdated regulation regarding nondiscrimination in lending. While the regulation was intended to summarize the Fair Housing Act (FHA) prohibitions on discrimination related to real estate related loans, appraisals, and advertising, the Board's last substantive amendment to the regulation was finalized in 2001. Thus, the regulation may not reflect all case law or regulatory developments under the FHA, a statute that primarily falls under the jurisdiction of the Department of Housing and Urban Development (HUD) and continues to apply to federal credit unions (FCUs) regardless of the NCUA's regulations. Thus, the Board believes the current regulation may cause confusion and unnecessary burden because it has not kept up with changes in FHA interpretation and implementation. For these reasons, the Board is proposing to remove this regulation in its entirety.

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: You may submit written comments by any of the following methods identified by RIN (Please send comments by one method only):

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for Docket Number NCUA–2026–0034.

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mail address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: All public comments are available on the Federal eRulemaking Portal at <https://www.regulations.gov> as submitted, except when impossible for technical reasons. Public comments will not be edited to remove any identifying or contact information. If you are unable to access public comments on the internet, you may contact the NCUA for

alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Gira Bose, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Section 701.31 was first promulgated in 1972, and its purpose was to summarize in one place the lending discrimination requirements applicable to FCUs. The regulation includes nondiscrimination requirements for loans and appraisals; advertising, notices, and logos related to nondiscrimination; and guidelines for compliance with the FHA.¹ While § 701.31 has been updated periodically in an effort to keep up with changes to the FHA, it has not kept pace with regulatory and case law changes regarding lending discrimination or fair housing. Changes made to the regulation in the 1980s reiterated the agency's original intent for § 701.31 to “summarize in one place the prohibitions on discrimination in real estate lending activities.”² The preamble to the 1989 final rule stated, the “NCUA is not required by either the Fair Housing Act or the Equal Credit Opportunity Act to promulgate regulations. However, the Board believes it helpful to Federal credit unions to have the nondiscrimination regulation in [one] place.”³ In the intervening years, however, the agency has not kept pace with this intent.

B. Legal Authority

The Federal Credit Union Act (FCUA or the Act) authorizes the Board to adopt such regulations as it deems appropriate to administer the Act.⁴ The FCUA does not require the agency to promulgate regulations to assist credit unions in their compliance with the FHA or ECOA. Neither the FHA nor ECOA require any such NCUA rulemaking. Thus, the Board has determined that § 701.31 may exist beyond the scope of statutory requirements and should be rescinded.

II. Proposed Rule

It is not current agency practice to (1) issue regulations that attempt to synthesize and interpret statutes

primarily administered and enforced by other agencies, or (2) embed guidance within the text of a regulation which, considering the agency's position that guidance is nonbinding, may cause unnecessary confusion.

Section 701.31 is duplicative of other, more comprehensive, federal laws—principally the FHA and the Equal Credit Opportunity Act (ECOA)—and their implementing regulations, such as the Consumer Financial Protection Bureau's (CFPB) Regulation B. FCUs are obligated to comply with these laws. Maintaining a separate NCUA regulation designed to align with these sources creates unnecessary redundancy and a risk of inconsistency if the NCUA's regulation is not perfectly aligned. This creates unnecessary burden as FCUs attempt to determine what is current law.

As already noted, it is not the agency's current practice to embed guidelines into the text of regulations. To add to the confusion, some of the content in § 701.31 is presented as guidelines but may be required under nondiscrimination laws. These guidelines have not been updated since they were initially adopted and may not be as helpful today or focus the reader on the most current lending discrimination issues. For these reasons, the Board believes § 701.31 should be removed in its entirety. This proposed action would eliminate a redundant regulation without weakening anti-discrimination protections.

As an alternative to the proposed rule, which fully rescinds § 701.31, the agency considered retaining §§ 701.31(c) *Nondiscrimination in appraisals* and 701.31(d) *Nondiscrimination in advertising*. Subsection 701.31(c) precludes an FCU from relying on an appraisal that it knows or should know is based upon prohibited characteristics or criteria that generally have a discriminatory effect. The Board considered retaining § 701.31(c) but determined that it would be unnecessarily duplicative of the FHA prohibitions on discrimination in appraisals and ECOA, which prohibits discrimination in every aspect of a credit transaction. The regulation has also become somewhat disjointed since the transfer of ECOA rulemaking authority to the CFPB. Under ECOA's implementing regulation, Regulation B, creditors must provide applicants with free copies of all appraisals and other written valuations developed for credit applications secured by a first lien on a dwelling. This requirement regarding appraisals on first liens was previously expressed in the NCUA's regulations along with the reference to appraisals on

¹ Title VIII of the Civil Rights Act of 1968; 42 U.S.C. 3601–3619.

² 54 FR 46222 (Nov. 2, 1989).

³ *Id.*

⁴ 12 U.S.C. 1766.

subordinate liens. The Board considered keeping the remaining requirement in § 701.3(c) for FCUs to make available an appraisal used in connection with a subordinate lien on a dwelling. While the Board believes it is still good practice for FCUs to offer this service, the Board does not believe it is necessary to maintain the regulation solely for this purpose. The Board invites commenters to provide feedback on its determination.

Subsection 701.31(d) governs the notice that FCUs must provide if they engage in real estate lending. With respect to written and visual advertisements, the regulation includes a template of the notice to be placed in the lobby of the FCU and in the public area of each office where such loans are made. This notice is intended to (1) notify the public that the FCU is an equal housing lender under the FHA and does not discriminate in any credit transaction in compliance with ECOA, and (2) provide the NCUA's contact information in the event someone believes they have been discriminated against and wishes to file a complaint. This notice is also often referred to as the Fair Housing poster and is required by HUD regulation.⁵ The NCUA's notice requirement or poster also references the broader ECOA prohibition on discriminating in any credit transaction.

The Board is proposing the removal of § 701.31(d) because the requirement to display a fair housing poster is rooted in HUD's regulation interpreting the FHA. While HUD's regulation includes an express waiver permitting lenders to substitute a poster prescribed by a federal financial regulatory agency, a category that includes the NCUA, the Board believes that compliance with the HUD regulation is sufficient to meet the FHA requirement and does not need to be duplicated in the NCUA's regulations. Neither ECOA nor Regulation B require lenders to display a poster or notice akin to the HUD regulation. If the agency were to maintain this provision, it would likely need updating because the NCUA now offers credit union members the opportunity to submit complaints online, an option that is not included in the current § 701.31(d) notice.

The Board invites commenters to provide feedback on whether retaining the current regulation's reference to the fair housing and ECOA poster is a preferable approach and, if so, why.

⁵ 24 CFR 110.25.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the NCUA is publishing this proposal to remove § 701.31 regarding nondiscrimination in lending. While the rule follows the FHA's prohibition on discrimination related to real estate loans, appraisals, and advertising, the Board last substantively amended the regulation in 2001. Thus, it may not reflect all case law or regulatory developments under the FHA, a statute that primarily falls under the jurisdiction of HUD. Furthermore, the Board believes that the current regulation may cause confusion because it has not kept up with FHA interpretation and implementation.

The proposed rule and the required summary are available at <https://www.regulations.gov>.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 ("Regulatory Planning and Review"), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order. OMB has determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f)(1) of Executive Order 12866.

Executive Order 13563 ("Improving Regulations and Regulatory Review") directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This proposed rule will reduce the unnecessary burden of FCUs having to determine which

elements of the regulation are consistent with HUD's current interpretation of the FHA. This proposed rule is consistent with Executive Order 13563.

Executive Order 14192, entitled "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.⁶ If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.⁷ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets.⁸ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed rule would repeal § 701.31, which may be outdated, and, thus, would simplify FCU compliance with the FHA. An FCUs' obligations under the FHA and HUD's regulations would stay the same. Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a

⁶ 5 U.S.C. 601 *et seq.*

⁷ 5 U.S.C. 605(b).

⁸ 80 FR 57512 (Sept. 24, 2015).

reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the proposed rule do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Analysis on Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule is limited in application to FCUs. It is intended to reduce the burden on FCUs by removing a potential source of confusion. Thus, it is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999. The proposed rule relates to FCUs' lending programs, and any effect on family well-being is expected to be indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 9th day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

For the reasons stated above, the NCUA Board proposes to remove 12 CFR 701.31 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. Revise the authority citation for part 701 to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Remove and reserve § 701.31.

§ 701.31 [Removed and reserved]

[FR Doc. 2026–00591 Filed 1–13–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF82

Chartering and Field of Membership for Federal Credit Unions—Interpretive Rulings and Policy Statements

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) proposes to rescind its Interpretative Ruling and Policy Statement 10–1 (IRPS 10–1), which was issued as an amendment to IRPS 08–2. Rescinding IRPS 10–1 would ease the compliance burden on federal credit unions (FCUs) by limiting the number of sources that FCUs must check to ensure compliance with applicable chartering and field of membership (FOM) requirements.

DATES: Comments must be received on or before March 16, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (Please send comments by one method only):

- **Federal eRulemaking Portal:** <https://www.regulations.gov/>. The docket number for the proposed IRPS rescission is NCUA–2026–0036. Follow the “Submit a comment” instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov/), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the [regulations.gov](https://www.regulations.gov/) docket. A plain language summary of the proposed rescission is also available on the docket website.

- **Mail:** Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- **Hand Delivery/Courier:** Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: Please follow the search instructions on <https://www.regulations.gov/> to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want

publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Keisha Brooks, Attorney-Advisor, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Since 1979, the Board has issued interpretive rulings and policy statements (IRPSs) to address various generally applicable interpretive and policy matters in the **Federal Register**. The first NCUA IRPS was published in April 1979 to set forth the agency’s policy on how existing credit union service corporations could comply with the NCUA’s new credit union service organizations regulation.¹ The topics covered by IRPSs have ranged from interpretations on FCU share accounts to guidelines for compliance with the federal Bank Bribery Act. In issuing IRPSs, the Board has often, but not always, used notice-and-comment procedures comparable to those it uses for codified regulations. While the IRPSs are not codified in the Code of Federal Regulations (CFR), the NCUA does make the currently effective IRPSs available on its public website at <https://ncua.gov/regulation-supervision/rules-regulations/interpretive-rulings-policy-statements>.

B. Legal Authority

Under the Federal Credit Union Act (the FCU Act), the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for federally insured credit unions (FICUs).² The FCU Act grants the Board broad general rulemaking authority over FCUs and to govern FCUs’ chartering and FOM within the confines of the FCU Act.³ Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.⁴

The Board is issuing this proposed rule pursuant to its rulemaking

¹ 44 FR 21762 (Apr. 12, 1979).

² 12 U.S.C. 1752–1775.

³ 12 U.S.C. 1751, 1766(a), 1787(b)(1), 1789(a)(11).

⁴ 12 U.S.C. 1766(a).

authority under section 109 of the FCU Act.⁵ Section 109 of the FCU Act establishes the chartering and FOM framework for FCUs.⁶ Section 109(d)(3) directs the Board to issue guidelines or regulations, after notice and opportunity for comment, setting forth the criteria that the Board will apply in whether an additional group may be included within the FOM category of an existing multiple common bond FCU.⁷ Sections 109(a) and 109(f)(2)(E) reference more general rulemaking authority with respect to associational groups and FCU FOM.⁸ Pursuant to its authority under the FCU Act, the Board implements these statutory requirements through its Chartering and Field of Membership Manual, incorporated as Appendix B to part 701 of its regulations (Chartering Manual).⁹

II. Proposed Rule

In 1989, the Board issued its Chartering and Field of Membership Policy (IRPS 89–1), which consolidated FOM guidance.¹⁰ The Board also incorporated IRPS 89–1 into § 701.1 of the NCUA's regulations by reference.¹¹ Periodically, the Board updated the Chartering Manual through IRPSs and amended § 701.1 to reference the updated IRPSs.¹² While copies of the IRPSs were available to the public, the text of the IRPSs did not appear in the CFR.¹³

In 2008, after notice and consideration of public comment, the Board issued a final rule publishing IRPS 08–2 as Appendix B to part 701.¹⁴ In 2010, the Board amended § 701.1 to remove references to IRPS 08–2 and establish Appendix B as the Chartering Manual.¹⁵ Accordingly, the Chartering Manual (as published in Appendix B to part 701) sets forth the NCUA's current FOM policies and procedures.¹⁶ Because the current FOM rules are

stated in the Chartering Manual, IRPS 10–1 is no longer necessary.

The Board proposes to rescind IRPS 10–1. In 2010, Board issued a final rule amending § 701.1 of the NCUA's regulations in the form of IRPS 10–1.¹⁷ IRPS 10–1 amended the Chartering Manual to update its community chartering policies. The NCUA's current community chartering policies are set forth in the Chartering Manual. This proposed rescission would not add, remove, clarify, or otherwise change the substantive requirements already established in the FCU Act and the Chartering Manual.

The NCUA invites the public to review IRPS 10–1 and solicits comment on any issue, concern, or suggestion that the public may have regarding the proposed rescission. The NCUA seeks comments on relevant issues concerning the proposed rescission. A copy of IRPS 10–1 is available to all FICUs on the NCUA's public website, therefore the IRPS has not been set out in full text in this proposal.¹⁸

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and interim-final rules that request comment despite invoking “good cause” to forgo such notice and public procedure. The Board, however, has elected to address the Act's requirement in these types of documents in the interests of administrative consistency and transparency.

In summary, the Board proposes to rescind IRPS 10–1, which was issued as an amendment to IRPS 08–2. Rescinding IRPS 10–1 would ease the compliance burden on FCUs by limiting the number of sources that FCUs must check to

ensure compliance with applicable chartering and FOM requirements.

The proposal and the required summary can be found at <https://www.regulations.gov>.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order.¹⁹ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.²⁰ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f)(1) of Executive Order 12866. Further, the proposal is consistent with Executive Order 13563. The rescission should reduce confusion by allowing FCUs to focus on applicable statutes and codified regulations.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.²¹ This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act²² generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.²³ For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in

⁵ 12 U.S.C. 1751 *et seq.*

⁶ 12 U.S.C. 1753(5), 1754, 1759.

⁷ 12 U.S.C. 1759.

⁸ 12 U.S.C. 1759.

⁹ 12 CFR part 701, App. B. The Chartering Manual addresses all aspects of chartering FCUs. In that respect, it is similar to the regulations of the Office of the Comptroller of the Currency applicable to the chartering of national banks or federal savings associations. 12 CFR part 5.

¹⁰ 54 FR 31165 (July 27, 1989).

¹¹ 12 CFR 701.1.

¹² See IRPS 99–1, 63 FR 71998 (Dec. 30, 1998), as amended by IRPS 00–1, 65 FR 64512 (October 27, 2000) and IRPS 02–2, 67 FR 20013 (Apr. 24, 2002).

¹³ See *e.g.*, IRPS 03–1, 68 FR 18334 (Apr. 15, 2003), as amended by IRPS 06–1, 71 FR 36667 (June 28, 2006).

¹⁴ 73 FR 73392, 73301 (Dec. 2, 2008).

¹⁵ 75 FR 36263 (June 25, 2010).

¹⁶ See 12 CFR part 701, App. B.

¹⁷ 75 FR 36257 (June 25, 2011).

¹⁸ NCUA, Interpretive Rulings and Policy Statements, <https://ncua.gov/regulation-supervision/rules-regulations/interpretive-rulings-policy-statements> (page last visited October 1, 2025).

¹⁹ 58 FR 51735 (Oct. 4, 1993).

²⁰ 76 FR 3821 (Jan. 21, 2011).

²¹ 90 FR 9065 (Feb. 6, 2025).

²² 5 U.S.C. 601 *et seq.*

²³ 5 U.S.C. 605(b).

assets.²⁴ The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

As discussed in this preamble, the proposed rescission is intended to ease the compliance burden on FCUs by limiting the number of sources that FCUs of all sizes must check to ensure compliance with laws and regulations. The rescission should also reduce confusion by allowing FCUs to focus on applicable statutes and codified regulations, including the Chartering Manual. The proposed rescission would not impose any new requirements that would result in FCUs (irrespective of size) incurring an economic cost. To the extent the proposed rescission has any economic impact, it will be indirect, as removing a duplicative source for ensuring compliance with FOM requirements will save FCU staff time and resources.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes addressed in this notice does not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This proposed rescission would only affect FCUs. The NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. The

proposed rescission would clarify the existing regulations and guidance applicable solely to FCUs and is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions. The rulemaking would therefore not have direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.²⁵ The proposed rescission relates to duplicative chartering and FOM requirements for FCUs, and any effect on family well-being is expected to be indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 9th day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2026-00594 Filed 1-13-26; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 704

RIN 3133-AF84

Corporate Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is issuing for public comment a proposal to rescind its Interpretive Ruling and Policy Statement (IRPS) 11-02, which addresses chartering corporate credit unions, because it is redundant to the Federal Corporate Credit Union Chartering Manual. This action will eliminate potential confusion.

DATES: Comments must be received by March 16, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (Please send comments by one method only):

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. The docket number for this proposed rule is NCUA-2026-0037. Follow the "Submit a comment" instructions. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green "SUBMIT A PUBLIC COMMENT" button beneath this rulemaking's title to submit a comment to the [regulations.gov](https://www.regulations.gov) docket. A plain language summary of the proposed rule is also available on the docket website.

- **Mail:** Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

- **Hand Delivery/Courier:** Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: Please follow the search instructions on <https://www.regulations.gov> to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518-6540 or emailing OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Rachel Ackmann, Senior Attorney, Office of General Counsel, at (703) 548-2601 or at the above address.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Board issued IRPS 11-02 in 2011 following the 2008-2009 financial crisis and the restructuring of the corporate credit union system. As part of that restructuring, the Board believed some groups of consumer credit unions would form new corporate credit unions. The Board sought to provide uniform requirements for prospective new corporate federal credit unions (FCUs) and the NCUA's standards for evaluating applications. On September 24, 2010, the Board issued a proposed

²⁴ 80 FR 57512 (Sept. 24, 2015).

²⁵ Public Law 105-277, 112 Stat. 2681 (1998).

IRPS setting forth the requirements and process for chartering corporate FCUs because previous corporate chartering guidance had been withdrawn.¹ After reviewing public comments, a final IRPS was issued on February 24, 2011.² The final IRPS set forth requirements for prospective new corporate FCUs and the NCUA's standards for evaluating applications. It also included detailed timelines for processing charter applications. The NCUA also issued the Federal Corporate Credit Union Chartering Manual (chartering manual) as a companion resource to IRPS 11–02.³

Following the issuance of IRPS 11–02 and the chartering manual, the NCUA chartered a new corporate FCU as part of restructuring the corporate system. The NCUA, however, has not chartered any new corporate FCU in the last 10 years.

B. Legal Authority

The Board is issuing this rule pursuant to its authority under the Federal Credit Union Act (FCU Act).⁴ Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for federally insured credit unions (FICUs). The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe regulations for the administration of the FCU Act.⁵ Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA to issue regulations necessary or appropriate to carry out its role as share insurer for all FICUs.⁶ The FCU Act also includes an express grant of authority for the Board to subject federally chartered central, or corporate, credit unions to such rules, regulations, and orders as the Board deems appropriate.⁷

II. Proposed Rule

The Board is proposing to rescind IRPS 11–02 because it is no longer needed. The Board believes that it is reasonable to rely on the chartering manual for NCUA guidance and procedure on corporate FCU chartering. The Board expects the rescission of IRPS 11–02 to reduce regulatory burden

generally by limiting the number of sources that FCUs must check to ensure compliance with laws and regulations.

The Board solicits comments on all aspects of this proposal.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

The Board is issuing for public comment a proposal to rescind IRPS 11–02 regarding chartering corporate credit unions.

The proposal and the required summary can be found at <https://www.regulations.gov>.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (“Regulatory Planning and Review”), a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive Order.⁸ Executive Order 13563 (“Improving Regulation and Regulatory Review”) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.⁹ This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a “significant regulatory action” as defined in section 3(f) of Executive Order 12866.

Executive Order 14192 (“Unleashing Prosperity Through Deregulation”) requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.¹⁰ This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification. For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in assets. The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions. There are no corporate credit unions under \$100 million in assets. Also, the Board finds it unlikely that prospective corporate credit unions would be under that threshold.

Therefore, the Board certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

D. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the IRPS do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rescission would remove guidance regarding procedures and timelines for chartering federal corporate credit unions and does not impact state-chartered corporate credit unions. The rulemaking would therefore

¹ 75 FR 60651 (Oct. 1, 2010).

² 76 FR 10209 (Feb. 24, 2011).

³ Available on NCUA's website, <https://ncua.gov/files/publications/FederalCorporateCUCharteringManual.pdf>.

⁴ 12 U.S.C. 1751 *et seq.*

⁵ 12 U.S.C. 1766(a).

⁶ 12 U.S.C. 1789.

⁷ 12 U.S.C. 1766(a).

⁸ 58 FR 51735 (Oct. 4, 1993).

⁹ 76 FR 3821 (Jan. 21, 2011).

¹⁰ 90 FR 9065 (Feb. 6, 2025).

not have direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.¹¹ The proposed rescission is exclusively concerned with chartering federal corporate credit unions. While the proposed rule is intended to maintain a strong corporate system to support consumer credit unions in their provision of financial services to members, the potential positive effect on family well-being, including financial well-being is, at most, indirect.

By the National Credit Union Administration Board, this 9th day of January, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2026-00595 Filed 1-13-26; 8:45 am]

BILLING CODE 7535-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2025-3718; Airspace
Docket No. 25-ASW-11]

RIN 2120-AA66

Amendment of Class D Airspace and Establishment of Class E Airspace; Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace and establish Class E airspace at Fort Worth, TX. The name and geographic coordinates of Fort Worth Meacham International Airport, Fort Worth, TX, and the name of Fort Worth NAS¹ JRB (Carswell Field), Fort Worth, TX, would also be updated to coincide with the FAA's aeronautical database. The FAA is proposing these actions to accommodate a U.S. Navy request to change the Fort Worth NAS JRB (Carswell Field) Class D airspace from

full-time to part-time and establish part-time Class E surface airspace; the associated airspace reviews conducted to accommodate this request; and a biennial airspace review of the Perot Field/Fort Worth Alliance Airport, Fort Worth, TX. These actions will bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before March 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2025-3718 and Airspace Docket No. 25-ASW-11 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the

authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and establish Class E airspace to support IFR operations at the affected airports.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice (DOT/ALL-14FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through

¹¹ Public Law 105-277, 112 Stat. 2681 (1998).

¹ NAS in this context means Naval Air Station.

the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class D and E airspace is published in paragraphs 5000 and 6002 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, 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 Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would make several modifications to the Class D and establish Class E airspace in the Fort Worth, TX, area as the result of a U.S. Navy request to change the Fort Worth NAS JRB (Carswell Field), Fort Worth, TX, Class D airspace from full-time to part-time and establish part-time Class E surface airspace; the associated airspace review affected by the request; and a biennial airspace review of Perot Field/Fort Worth Alliance Airport, Fort Worth, TX.

For the Perot Field/Fort Worth Alliance Airport, Fort Worth, TX, Class D airspace, the proposal would: (1) expand the radius from 4.5 miles to 5.4 miles; (2) expand the exclusion area around Stage Coach Hills Airport, Westlake, TX, from 0.5 miles to 1.5 miles; (3) add exclusion areas of 1 mile around Aero Valley Airport, Roanoke, TX, and 1 mile around Hicks Airfield, Fort Worth, TX; and (4) remove the part-time language from the legal description to correct an administrative oversight.

For the Fort Worth Meacham International Airport, Fort Worth, TX, Class D airspace, the proposal would: (1) expand the radius from 4.2 miles to

5 miles; (2) remove the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; and (3) update the geographic coordinates and the name of the airport from Fort Worth Meacham Airport to Fort Worth Meacham International Airport to coincide with the FAA's aeronautical database.

For the Fort Worth NAS JRB (Carswell Field), Fort Worth, TX, Class D airspace, the proposal would: (1) increase the radius from 4.5 miles to 5.9 miles; (2) add an exclusion area within a 1-mile radius of Flying Oaks Airport; (3) remove the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R; (4) update the name of the airport from Fort Worth Naval Air Station JRB (Carswell Field) to Fort Worth NAS JRB (Carswell Field) to coincide with the FAA's aeronautical database; (5) remove the NAS JRB Fort Worth ILS Localizer North, the NAS JRB Fort Worth TACAN, the NAS JRB Fort Worth ILS Localizer South, and the associated extensions from the airspace legal description as they are no longer required; and (6) add part-time language to the legal description.

The proposal would establish a part-time Class E surface area at Fort Worth NAS JRB (Carswell Field) within a 5.9-mile radius of the airport excluding that airspace east of long 097°24'00" W and excluding that area within a 1-mile radius of Flying Oaks Airport.

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, "FAA

National Environmental Policy Act Implementing Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Fort Worth, TX [Amended]

Perot Field/Fort Worth Alliance Airport, TX
(Lat. 32°59'25" N, long 097°19'10" W)

Aero Valley Airport, TX
(Lat. 33°02'59" N, long 097°13'56" W)

Stage Coach Hills Airport, TX
(Lat. 32°58'00" N, long 097°14'01" W)

Hicks Field, TX
(Lat. 32°55'52" N, long 097°24'42" W)

That airspace extending upward from the surface to but not including 3,000 feet MSL within a 5.4-mile radius of Perot Field/Fort Worth Alliance Airport excluding that airspace within a 1-mile radius of Aero Valley Airport, and excluding that airspace within a 1.5-mile radius of Stage Coach Hills Airport, and excluding that airspace within a 1-mile radius of Hicks Field, and excluding that airspace within the Dallas/Fort Worth, TX, Class B airspace area.

ASW TX D Fort Worth, TX [Amended]

Fort Worth Meacham International Airport, TX

(Lat. 32°49'11" N, long 097°21'45" W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 5-mile radius of Fort Worth Meacham International Airport excluding the portion west of longitude 097°24'01" W.

ASW TX D Fort Worth, TX [Amended]

Fort Worth NAS JRB (Carswell Field), TX
(Lat. 32°46'09" N, long 097°26'30" W)

Flying Oaks Airport, TX
(Lat. 32°49'45" N, long 097°32'06" W)

That airspace extending upward from the surface up to and including 3,000 feet MSL

within a 5.9-mile radius of Fort Worth NAS JRB (Carswell Field) excluding that airspace east of longitude 097°24'00" W, and within a 1-mile radius of Flying Oaks Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASW TX E2 Fort Worth, TX [Amended]

Fort Worth NAS JRB (Carswell Field), TX
(Lat. 32°46'09" N, long 097°26'30" W)
Flying Oaks Airport, TX
(Lat. 32°49'45" N, long 097°32'06" W)

That airspace extending upward from the surface within a 5.9-mile radius of Fort Worth NAS JRB (Carswell Field) excluding that airspace east of longitude 097°24'00" W, and within a 1-mile radius of Flying Oaks Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in Fort Worth, Texas, on January 12, 2025.

Courtney E. Johns,

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

[FR Doc. 2026-00604 Filed 1-13-26; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 100

[Docket No. FR-6540-P-01]

RIN 2529-AB09

**HUD's Implementation of the Fair
Housing Act's Disparate Impact
Standard**

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: The Fair Housing Act prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities. Since 2013, HUD has issued three final rules for determining whether a given practice has an unjustified discriminatory effect under the Fair Housing Act, even where practices were not motivated by discriminatory intent. These rules formalized legal tests that

were not explicit in statute and imposed a presumption of unlawful discrimination when any variance in outcomes exists among protected classes, even without a showing of a facially discriminatory policy or discriminatory intent. Through this rulemaking, HUD is proposing to remove its discriminatory effects regulations and leaving to courts questions related to interpretations of disparate impact liability under the Fair Housing Act.

DATES: *Comment Due Date:* February 13, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule. All submissions must refer to the docket number and title. There are two methods for submitting public comments.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410-0500.

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Scott Knittle, Principal Deputy General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number (202) 402-2244 (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>.

SUPPLEMENTARY INFORMATION:

I. Background

Title VIII of the Civil Rights Act of 1968, as amended ("the Fair Housing Act" or "the Act"), prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin.¹ On

¹ 42 U.S.C. 3601-3619, 3631. This preamble uses the term "disability" to refer to what the Act and its implementing regulations term a "handicap." See, e.g., *Hunt v. Aimco Props., L.P.*, 814 F.3d 1213, n.1 (11th Cir. 2016) (noting the term disability is generally preferred over handicap).

February 15, 2013, at 78 FR 11460, HUD published a final rule entitled "Implementation of the Fair Housing Act's Discriminatory Effects Standard" ("the 2013 rule"). The 2013 rule established regulations in 24 CFR part 100 to formalize an interpretation that discriminatory effect, or disparate impact, liability is cognizable under the Act. It also codified a burden-shifting framework onto the defendant for analyzing disparate impact claims, relying in part on existing case law under the Fair Housing Act, decisions by HUD's administrative law judges, and Title VII of the Civil Rights Act of 1964 (which relates to employment discrimination).²

In 2015, the Supreme Court held that disparate impact claims are cognizable under the Fair Housing Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, (*Inclusive Communities*).³ In this case, the Court discussed the standards for, and constitutional questions and necessary limitations regarding, disparate impact claims. On June 20, 2018, at 83 FR 28560, HUD published an advance notice of proposed rulemaking ("ANPRM") inviting public comment on "what changes, if any" to the 2013 rule were necessary as a result of *Inclusive Communities*. Following the ANPRM and a subsequent proposed rule published on August 19, 2019, at 84 FR 42854, HUD published a final rule titled "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard" on September 24, 2020 ("the 2020 rule") at 84 FR 42854. The 2020 rule amended HUD's disparate impact regulations to implement the Supreme Court's decision in *Inclusive Communities* and to provide clarification regarding the application of the standard to State laws governing the business of insurance.

Prior to the effective date of the 2020 Rule, the U.S. District Court for the District of Massachusetts in *Massachusetts Fair Housing Ctr. v. HUD* issued a preliminary injunction staying the implementation and postponing the effective date of the 2020 Rule.⁴

Pursuant to a Presidential Memorandum issued on January 26, 2021, at 86 FR 7487, HUD published a proposed rule at 86 FR 33590 to

² See 24 CFR 100.500(c). In 2016, HUD also published a notice that supplemented its responses to certain comments made by the insurance industry during the rulemaking. See "Application of the Fair Housing Act's Discriminatory Effects Standard to Insurance," 81 FR 69012 (Oct. 5, 2016).

³ 576 U.S. 519, 519, 532-35 (2015).

⁴ *Mass. Fair Hous. Ctr. v. United States HUD*, 496 F. Supp. 3d 600, 611 (D. Mass. Oct. 25, 2020).

reinstate the 2013 rule, followed by a final rule titled “Reinstatement of HUD’s Discriminatory Effects Standard” on March 31, 2023 (“the 2023 rule”) at 88 FR 19450.

II. Justification for Rulemaking

Several factors have prompted HUD to reconsider its discriminatory effects regulations. On April 23, 2025, the President issued Executive Order 14281 titled “Restoring Equality of Opportunity and Meritocracy” (“E.O. 14281”).⁵ The Executive Order states that equal treatment under the law is a “bedrock principle of the United States” which “guarantees equality of opportunity, not outcomes.”⁶ The Order asserts that disparate impact liability “endangers this foundational principle” by creating a “near insurmountable presumption of discrimination” when there are any differences in outcomes, “even if there is no facially discriminatory policy or practice or discriminatory intent involved, and even if everyone has an equal opportunity to succeed.”⁷ As such, the Order established that “it is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.”⁸

E.O. 14281 instructs all federal agencies including HUD to, in coordination with the Attorney General, review existing regulations and rules that impose disparate impact liability and consider amendment or repeal of these regulations as appropriate under applicable law. Consistent with this, HUD has reviewed its disparate impact regulations and related prior rulemakings and determined they are unnecessary. HUD’s prior assertion, that its disparate impact regulations provided clarity and predictability for all parties engaged in housing transactions (78 FR 11460), is diminished by the facts that case law continues to develop and HUD’s regulation does not provide an up-to-date picture of the legal landscape. Furthermore, according to the Supreme Court’s decision in *Loper Bright Enterprises v. Raimondo* (“*Loper Bright*”),⁹ federal agency interpretations of statutes and agency actions that rely on them do not receive any judicial deference. The reviewing court itself

must determine the best interpretation of a statute and then assess whether the challenged agency action falls within the scope of that interpretation.¹⁰ A reviewing court is free to consider, or not, an agency’s interpretation, and in any case the court may not simply defer to the agency’s interpretations where the court finds the underlying statute to be ambiguous.¹¹ As a result, HUD’s prior disparate impact rulemakings, HUD’s interpretation of the Fair Housing Act, and the codification of that interpretation in regulations, do not carry deferential weight. A reviewing court may wholly reject HUD’s claims in prior rulemakings that the regulations provide greater clarity and predictability and may vacate or set aside HUD’s rules.¹² It is appropriate for courts, not a Federal agency, to make determinations related to the interpretation of disparate impact liability under the Fair Housing Act. Additionally, consistent with the current regulatory reform efforts and in accordance with Executive Order 14192 of January 31, 2025 (“Unleashing Prosperity Through Deregulation”), and Executive Order 14219 of February 19, 2025 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”), HUD is undertaking a comprehensive review of its regulations to reduce unnecessary regulatory burdens, enhance the effectiveness of those regulations that are necessary, and promote principles underlying the rule of law. Removing HUD’s disparate impact regulations is consistent with the principles of E.O. 14281 and regulatory reform efforts.

III. This Proposed Rule

Therefore, through this rulemaking, HUD is proposing to revise 24 CFR 100.5(b) and remove and reserve 24 CFR part 100, subpart G, which contains § 100.500. HUD is proposing to remove the second sentence of § 100.5(b), which states that illustrations of unlawful housing discrimination in 24 CFR part 100 may be established by a practice’s discriminatory effect, even if not motivated by discriminatory intent, consistent with the standards outlined in § 100.500. Section 100.500 states that liability may be established under the Fair Housing Act based on a housing practice’s discriminatory effect, as defined in paragraph (a) of § 100.500,

even if the practice was not motivated by discriminatory intent; that the practice may still be lawful if supported by a legally sufficient justification, as defined in paragraph (b); and that the paragraph (c) lays out the burdens of proof for establishing a violation under subpart G of part 100 of title 24 of the Code of Federal Regulations.

IV. Justification for Shortened Comment Period

For HUD rules issued for public comment, it is HUD’s policy to afford the public “not less than sixty days for submission of comments” (24 CFR 10.1). In cases in which HUD determines that a shorter public comment period may be appropriate, it is also HUD’s policy to provide an explanation of why the public comment period has been abbreviated.

This rule is a general statement of HUD’s policy regarding liability under the Fair Housing Act. Previously, § 100.500 laid out HUD’s policy regarding its interpretation and enforcement of discriminatory effects liability. HUD’s general statement of policy now is that this matter is best left to the courts. This document does not change any requirements or affect any rights or obligations.

Additionally, HUD has thoroughly solicited and reviewed public comments on the relevant topics and issues concerning disparate impact liability under the Fair Housing Act and related proposals for HUD’s discriminatory effects regulations. In 2011, HUD published a proposed rule that preceded HUD’s 2013 rule, and the 2011 proposed rule generated, and HUD reviewed, 96 public comments submitted by individuals, fair housing and legal aid organizations, state and local fair housing agencies, Attorneys General from several States, state housing finance agencies, public housing agencies, public housing trade associations, insurance companies, mortgage lenders, credit unions, banking trade associations, real estate agents, and law firms. In 2019, HUD published a proposed rule that preceded HUD’s 2020 rule, and that 2019 proposed rule generated, and HUD reviewed, approximately 45,758 comments from a similarly wide variety of individuals and entities. In 2021, HUD published another proposed rule to reinstate HUD’s 2013 rule. Prior to publishing this proposed rule, HUD once again reviewed the public comments received on the 2019 proposed rule in addition to HUD’s responses to those comments, legal precedent, and other relevant materials. The 2021 proposed rule then generated

⁵ Executive Order 14281 was published in the *Federal Register* at 90 FR 17537 on April 28, 2025

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ 603 U.S. 369 (2024) (hereinafter “*Loper Bright*”).

¹⁰ *Id.* at 395, 412–13.

¹¹ *See id.* at 413.

¹² E.g., *Env’t Def. Fund v. U.S. Env’t Prot. Agency*, 124 F.4th 1 (D.C. Cir. 2024) (final rule determined unlawful and parts of it vacated); *U.S. Sugar Corp. v. Env’t Prot. Agency*, 113 F.4th 984 (D.C. Cir. 2024) (per curiam) (final rule set aside in part).

another 10,113 public comments submitted by a wide variety of individuals and entities, which HUD reviewed prior to publishing the 2023 final rule. Public comments covered a vast array of topics and issues, and many comments raised legal concerns including, for example, relevant court opinions, State and local law concerns, and interpretations of underlying legal authorities.

Given that this rulemaking does not change any requirements or affect any rights or obligations, and given the volume of public comments already submitted, the scope of issues and topics raised by those comments, and HUD's thorough consideration of those comments and other relevant materials over the course of several rulemakings, HUD has determined that it is in the public interest to remove HUD's disparate impact regulations as expeditiously as possible. As such, while HUD seeks and values input in the form of public comments, HUD has determined that a shortened public comment period is justified. In this regard, HUD notes that interested members of the public are familiar with these regulations and should be able to respond effectively within the 30-day period.

V. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made regarding whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget in accordance with the requirements of the order. This proposed rule was determined to be a significant regulatory action under section 3(f) of Executive Order 12866, but not economically significant.

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. As previously discussed, this proposed rule removes unnecessary regulations and is consistent with Executive Order 13563.

Executive Order 14192, Regulatory Costs

Executive Order 14192, entitled “Unleashing Prosperity Through Deregulation,” was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This rule removes existing regulations and will impose no regulatory costs.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule simply removes regulations that interpret legal standards. As such, there is no change in burden for those involved in a challenged practice. Accordingly, the undersigned certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This proposed rule is a policy document that sets out nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this rule is categorically excluded from environmental review under the National Environmental Policy Act (42 U.S.C. 4321).

Federalism—Executive Order 13132

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has Federalism implications if the rule either: (i) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have Federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This proposed rule

does not impose any Federal mandates on any State, local, or Tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 100

Aged, Civil rights, Fair housing, Individuals with disabilities, Mortgages, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, HUD proposes to amend 24 CFR part 100 as follows:

PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

- 1. The authority citation for part 100 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—General

- 2. Revise § 100.5(b) to read as follows:

§ 100.5 Scope.

* * * * *

(b) This part provides the Department's interpretation of the coverage of the Fair Housing Act regarding discrimination related to the sale or rental of dwellings, the provision of services in connection therewith, and the availability of residential real estate-related transactions.

* * * * *

Subpart G—[Removed and Reserved]

- 3. Remove and reserve subpart G, consisting of § 100.500.

Scott Turner,

Secretary.

[FR Doc. 2026–00590 Filed 1–13–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 375

[Docket No. FISCAL–2025–0001]

Marketable Treasury Securities Redemption Operations

AGENCY: Bureau of the Fiscal Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Treasury (Treasury) proposes to amend the terms and conditions for marketable Treasury securities redemption (buyback) operations. These proposed amendments reflect expanded direct offer submission eligibility, update the

certification statements to participate in buyback operations, enhance clarity, and make conforming changes to several sections of the buyback regulations to reflect Treasury's current practices.

DATES: Written comments should be received on or before February 13, 2026.

ADDRESSES: All comments must include the agency name (Bureau of the Fiscal Service) and docket number (FISCAL-2025-0001) for this rulemaking. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. In general, comments will be published on *regulations.gov* without change, including any business or personal information provided. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. Due to mail processing delays, Fiscal Service strongly encourages the electronic submission of comments. Comments may be submitted as follows:

Electronic Submission: Fiscal Service strongly encourages all comments to be submitted through the Federal eRulemaking Portal, which provides the ability to comment on, search, and view rulemaking materials, including comments received on rules. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments.

Paper Submission: Paper comments that duplicate an electronic submission are not necessary and are discouraged. If you wish to mail a paper comment in lieu of an electronic comment, it should be sent to: Government Securities Regulations Staff, Room #7N103, Bureau of the Fiscal Service, 3201 Pennsy Drive, Building E, Landover, MD 20785-1603.

FOR FURTHER INFORMATION CONTACT: Fred Pietrangeli, Director, Office of Debt Management, at debt.management@treasury.gov for policy questions, or Lori Santamorena, Government Securities Regulations Staff, at govsecreg@fiscal.treasury.gov, 202-504-3632, for technical questions.

SUPPLEMENTARY INFORMATION:

Background

Section 3111 of Title 31 of the United States Code authorizes the Secretary of the Treasury to issue obligations under Chapter 31 of Title 31 to "buy, redeem, or refund, at or before maturity, outstanding bonds, notes, certificates of indebtedness, Treasury bills, or savings certificates of the United States government" and, under regulations of the Secretary of the Treasury, to use

money received from the sale of an obligation and other money in the general fund of the Treasury in making such purchases, redemptions, or refunds. In January 2000, Treasury issued regulations regarding Treasury buyback operations.¹ Buyback operation announcements also specify terms and conditions for buyback operations. If anything in a buyback operation announcement differs from the buyback regulations, the terms of the announcement control.

Treasury is proposing to update the buyback regulations for several reasons.

First, certain typical buyback operation announcement terms differ from, and supersede, the buyback regulations. Treasury is proposing amendments that would reflect those typical buyback operation announcement terms, to promote consistency between the buyback regulations and buyback operation announcements and thereby mitigate potential confusion.

Second, the proposed amendments would update the regulations to expand the scope of entities eligible to submit offers directly to Treasury in buyback operations.² On July 30, 2025, Treasury announced plans to expand direct offer submission eligibility to buyback operations to a limited number of additional counterparties based on their participation in Treasury auctions, to foster greater competition in the buyback process and broaden access to liquidity support.³ On September 19, 2025, Treasury published eligibility criteria for expanded direct offer submission eligibility.⁴

Third, the current buyback regulations do not expressly address the extent to which buyback participants are permitted to use buyback operation information from the Federal Reserve Bank of New York's FedTrade system as the basis for a transaction. Treasury expects buyback participants to maintain the highest standards in their market practices and comply with all applicable laws and regulations. Treasury is proposing to permit buyback

participants to use buyback operation information solely found in FedTrade as a basis for a transaction only in the case of a hedging transaction. A hedging transaction should reduce or mitigate a specific, identifiable risk related to the buyback operation. This proposal aims to prevent potential misuse of information found in FedTrade while preserving the ability of buyback participants to appropriately hedge risk.

Discussion

For the reasons described above, Treasury is proposing the following amendments to the buyback regulations:

1. Modify 31 CFR 375.0 to more closely reflect the statutory language in 31 U.S.C. 3111.

2. Modify 31 CFR 375.2 to change the defined term "Redemption amount" to "Maximum redemption amount" for additional clarity and add a new defined term, "FedTrade".

3. Remove references to the term "privately held amount" from 31 CFR 375.2 and 375.21, because Treasury does not include the privately held amount in buyback operation results.

4. Modify 31 CFR 375.11(a) to reflect the expanded direct buyback offer submission eligibility, as described above.

5. Modify 31 CFR 375.13(b) to remove the discussion of the format that submitters must use to specify offered prices.

6. Modify 31 CFR 375.13(c) to reflect, in accordance with typical practice, that a buyback operation announcement may specify a maximum number of offers per submitter per security.

7. Modify 31 CFR 375.14 to update the certification statements related to submitters' permissible uses of information from FedTrade.

8. Modify 31 CFR 375.21 to more accurately reflect the information that is typically contained in buyback operation results and to reflect that Treasury announces buyback operation results through its website, not necessarily through the issuance of press releases.

9. Modify 31 CFR 375.22(a) to state Treasury does not provide confirmation of rejections of offers, in accordance with typical Treasury practice.

10. Add a new 31 CFR 375.24 to inform the public that offers at the highest accepted price for a particular security may be accepted on a prorated basis.

11. Amend 31 CFR 375.31 to clarify that the enumerated actions that Treasury may take if someone does not fully comply with the buyback operation rules or fails to deliver

¹ 65 FR 3116 (Jan. 19, 2000); see 31 CFR part 375.

² Expanded direct offer submitters would access buyback operations via the Federal Reserve Bank of New York's trading system (FedTrade).

³ Quarterly Refunding Statement of Deputy Assistant Secretary for Federal Finance Brian Smith (July 2025). Available at <https://home.treasury.gov/news/press-releases/sb0212>.

⁴ See "FAQs about Treasury Securities Buybacks," available at <https://treasurydirect.gov/help-center/faqs/buyback-faqs>. See also "Remarks by PDO Assistant Secretary McMaster Before the 2025 Annual Primary Dealer Meeting at the Federal Reserve Bank of New York" (Sept. 2025), available at <https://home.treasury.gov/news/press-releases/sb0267>.

securities are not exclusive or mutually exclusive.

The proposed amendments also include certain nonsubstantive, ministerial, or conforming changes to the buyback regulations.

Treasury invites comments on all aspects of this proposal, including but not limited to (1) the proposed changes that would clarify the existing regulations or conform the regulations more closely to statutory language, (2) the scope of the proposed expansion of eligible submitters in buyback operations, (3) the proposed certification requirement, including whether the certification related to using information from FedTrade (or a successor platform) should instead permit types of transactions different than those described in proposed 31 CFR 375.14, and (4) the proposed description of actions Treasury may take if someone does not fully comply with the redemption operation rules or fails to deliver securities, including whether such remedies should be narrower or broader.

Procedural Requirements

Executive Order 12866. This proposed rule is not anticipated to be a significant regulatory action pursuant to Executive Order 12866 as amended.

Executive Order 14192. This proposed rule is anticipated to be an E.O. 14192 deregulatory action.

Administrative Procedure Act (APA). The APA generally imposes requirements on agency rulemakings related to notice, public comment, and delayed effective dates, under 5 U.S.C. 553. However, 5 U.S.C. 553(a)(2) exempts matters relating to contracts from those requirements. The buyback regulations relate to Treasury securities, which are contracts between Treasury and the owner of the security. Therefore, although we are issuing this rule in proposed form to benefit from public comment, the notice, public comment, and delayed effective date requirements of the APA do not apply to this proposal.

Regulatory Flexibility Act. The provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply to this proposed rule because, pursuant to 5 U.S.C. 553(a)(2), it is not required to be issued with notice and opportunity for public comment.

Paperwork Reduction Act. This proposed rule does not involve a collection of information. Therefore, the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply.

Congressional Review Act (CRA). This proposed rule is not anticipated to be a

major rule under the CRA, 5 U.S.C. 801 *et seq.*

List of Subjects in 31 CFR Part 375

Bonds, Federal Reserve System, Government securities.

Text of Amendments

For the reasons set forth in the preamble, we propose to revise and republish 31 CFR part 375 to read as follows:

PART 375—MARKETABLE TREASURY SECURITIES REDEMPTION OPERATIONS

Subpart A—General Information

- 375.0 What authority does the Treasury Department have to redeem its securities?
- 375.1 Where are the rules for the redemption operation located?
- 375.2 What special definitions apply to this rule?
- 375.3 What is the role of the Federal Reserve Bank of New York in this process?

Subpart B—Offering, Certifications, and Delivery

- 375.10 What is the purpose of the redemption operation announcement?
- 375.11 Who may participate in a redemption operation?
- 375.12 How do I submit an offer?
- 375.13 What requirements apply to offers?
- 375.14 Do I have to make any certifications?
- 375.15 Who is responsible for delivering securities?

Subpart C—Determination of Redemption Operation Results; Settlement

- 375.20 When will the Treasury Department decide which offers to accept?
- 375.21 How will the Treasury Department announce the redemption operation results?
- 375.22 Will I receive confirmations and, if I am submitting offers for others, do I have to provide confirmations?
- 375.23 How does the securities delivery process work?
- 375.24 Does the Treasury Department prorate offers at the highest accepted price for a particular security?

Subpart D—Miscellaneous Provisions

- 375.30 Does the Treasury Department have any discretion in this process?
- 375.31 What could happen if someone does not fully comply with the redemption operation rules or fails to deliver securities?

Authority: 5 U.S.C. 301; 31 U.S.C. 321; 31 U.S.C. 3111; 12 U.S.C. 391.

PART 375—MARKETABLE TREASURY SECURITIES REDEMPTION OPERATIONS

Subpart A—General Information

§ 375.0 What authority does the Treasury Department have to redeem its securities?

Section 3111 of Title 31 of the United States Code authorizes the Secretary of the Treasury to issue obligations under Chapter 31 of Title 31 to buy, redeem, or refund, at or before maturity, outstanding bonds, notes, certificates of indebtedness, Treasury bills, or savings certificates of the U.S. government and, under regulations of the Secretary of the Treasury, to use money received from the sale of an obligation and other money in the general fund of the Treasury Department in making such purchases, redemptions, or refunds.

§ 375.1 Where are the rules for the redemption operation located?

The provisions in this part and the redemption operation announcement govern the redemption of marketable Treasury securities under 31 U.S.C. 3111. (See § 375.10.)

§ 375.2 What special definitions apply to this rule?

The definitions in 31 CFR part 356 govern this part except as follows:

Accrued interest means an amount payable by the Treasury Department as part of the settlement amount for the interest income earned between the last interest payment date up to and including the settlement date.

Bank means the Federal Reserve Bank of New York.

Customer means a person or entity on whose behalf a submitter has been directed to submit an offer of a specified amount of securities in a specific redemption operation.

FedTrade means the Federal Reserve Bank of New York's proprietary electronic trading platform used to conduct redemption operations.

Maximum redemption amount means the maximum par amount of securities that we are planning to redeem through a redemption operation. We will state the maximum redemption amount in the redemption operation announcement.

Minimum offer amount means the smallest par amount of a security that may be offered to the Treasury Department. We will state the minimum offer amount in the redemption operation announcement.

Multiple means the smallest additional par amount of a security that may be offered to the Treasury Department. We will state the multiple

in the redemption operation announcement.

Offer means an offer to deliver for redemption a stated par amount of a specific security to the Treasury Department at a stated price.

Price means the dollar amount to be paid for a security expressed as a percent of its current par amount.

Redemption operation means a competitive process by which the Treasury Department accepts offers of marketable Treasury securities that by their terms are not immediately payable.

Security means an outstanding unmatured obligation of the United States Government that the Secretary of the Treasury is authorized to buy, redeem or refund under section 3111 of Title 31 of the United States Code.

Settlement means full and complete delivery of and payment for securities redeemed.

Settlement amount means the par amount of each security that we redeem, multiplied by the price we accept in a redemption operation, plus any accrued interest.

Settlement date means the date specified in the redemption operation announcement on which you must deliver a security to the Treasury Department for payment.

Submitter means an entity submitting offers directly to the Treasury Department for its own account, for the account of others, or both. (See § 375.11(a)).

Tender means a computer transmission or document submitted in a redemption operation that contains one or more offers.

We or *us* means the Secretary of the Treasury and his or her delegates, including the Treasury Department, the Bureau of the Fiscal Service, and their representatives. The term also includes the Federal Reserve Bank of New York, acting as fiscal agent of the United States.

You means a prospective submitter in a redemption operation.

§ 375.3 What is the role of the Federal Reserve Bank of New York in this process?

As fiscal agent of the United States, the Federal Reserve Bank of New York performs various activities necessary to conduct a redemption operation under this part. These activities may include but are not limited to:

- (a) Accepting and reviewing tenders;
- (b) Calculating redemption operation results;
- (c) Issuing notices of redemptions;
- (d) Accepting deliveries of Treasury securities at settlement; and
- (e) Processing the Treasury payment for securities delivered at settlement.

Subpart B—Offering, Certifications, and Delivery

§ 375.10 What is the purpose of the redemption operation announcement?

We provide public notice that we are redeeming Treasury securities by issuing a redemption operation announcement. This announcement lists the details of each proposed redemption operation, including the maximum redemption amount, the range of maturities of eligible securities, descriptions of the securities that fall within that maturity range, and the redemption operation and settlement dates. The redemption operation announcement and this part specify the terms and conditions of a redemption operation. If anything in the redemption operation announcement differs from anything in this part, the redemption operation announcement will apply. Accordingly, you should read the applicable redemption operation announcement along with this part.

§ 375.11 Who may participate in a redemption operation?

(a) *Submitters.* To be a submitter, you must be (1) an institution that the Federal Reserve Bank of New York has designated as a primary dealer or (2) an entity approved by the Treasury Department to participate directly in redemption operations.

(b) *Others.* A person or entity other than a submitter may participate only if it arranges to have an offer or offers submitted on its behalf by a submitter.

§ 375.12 How do I submit an offer?

As a submitter, you must submit an offer in a tender to the Treasury Department via the Federal Reserve Bank of New York. You must submit any tenders in an approved format and the Bank must receive them prior to the closing time stated in the redemption operation announcement. If we do not receive your tenders timely, we will reject them. Your tenders are binding on you after the closing time specified in the redemption operation announcement. You are responsible for ensuring that we receive your tenders on time. We will not be responsible in any way for any unauthorized tender submissions or for any delays, errors, or omissions in submitting tenders.

§ 375.13 What requirements apply to offers?

(a) *General.* You may only submit competitive offers (specifying a price). All offers must state the security description, par amount, and price of each security offered. All offers must equal or exceed the minimum offer amount, and be in the multiple, stated

in the redemption operation announcement.

(b) *Price format.* You must express offered prices in terms of price per \$100 of par amount.

(c) *Maximum number of offers.* We may specify a maximum number of offers per security in the redemption operation announcement. There is no limit on the number of eligible securities you may offer.

§ 375.14 Do I have to make any certifications?

By submitting a tender offering a security or securities for sale, you are deemed to certify to us that:

(a) You are in compliance with this part and the redemption operation announcement;

(b) You will not use any redemption operation information from FedTrade (or any successor platform) as a basis for any transaction unless:

(1) such information is available to you from another source at the time of the transaction, or

(2) such transaction is solely for the purpose of hedging specific, identifiable risks to you arising from the acceptance or rejection of your offers in a Treasury redemption operation or unwinding hedges of specific, identifiable risks to you arising from securities you redeem in a Treasury redemption operation; and

(c) You will not convey any redemption operation information from FedTrade (or any successor platform) to another person or entity except for the purpose of effectuating a transaction permitted under paragraph (b) of this section.

§ 375.15 Who is responsible for delivering securities?

As a submitter, you are responsible for delivering any securities we accept in the redemption operation, including any securities for which you submitted offers on behalf of others. (See § 375.23.) All securities you deliver must be free and clear of all liens, charges, claims, and any other restrictions.

Subpart C—Determination of Redemption Operation Results; Settlement

§ 375.20 When will the Treasury Department decide which offers to accept?

We will determine which offers or portions of offers to accept after the closing time for receipt of tenders. All such determinations will be final.

§ 375.21 How will the Treasury Department announce the redemption operation results?

We will make the redemption operation results available on our

website. For each security we redeem, the results generally will include information such as the amounts offered and accepted and pricing information.

§ 375.22 Will I receive confirmations and, if I am submitting offers for others, do I have to provide confirmations?

(a) *Confirmations to submitters.* We will provide a confirmation of acceptance in the form of a results message to submitters of offers by the close of the business day of the redemption operation. We will not provide confirmation of rejections of offers.

(b) *Confirmation of customer offers.* If you submit a successful offer for a customer, you are responsible for notifying that customer of the impending redemption.

§ 375.23 How does the securities delivery process work?

If any of the offers you submitted are accepted, you must transfer the correct book-entry Treasury securities in the correct par amount against the correct settlement amount on the settlement date. You must deliver the securities to the account specified in the redemption operation announcement.

§ 375.24 Does the Treasury Department prorate offers at the highest accepted price for a particular security?

Offers at the highest accepted price for a particular security may be accepted on a prorated basis.

Subpart D—Miscellaneous Provisions

§ 375.30 Does the Treasury Department have any discretion in this process?

(a) We have the discretion to:

- (1) Accept or reject any offers or tenders submitted in a redemption operation;
- (2) Redeem less than the maximum redemption amount specified in the redemption operation announcement;
- (3) Add to, change, or waive any provision of this part; or
- (4) Change the terms and conditions of a redemption operation.

(b) Our decisions under this part are final. We will provide a public notice if we change any redemption operation provision, term or condition.

§ 375.31 What could happen if someone does not fully comply with the redemption operation rules or fails to deliver securities?

(a) *General.* If a person or entity fails to comply with any of the redemption operation rules in this part, we will consider the circumstances and take what we deem to be appropriate action. This could include, but is not limited to, barring the person or entity from

participating in future redemption operations under this part and future auctions under 31 CFR part 356. We also may refer the matter to an appropriate regulatory agency.

(b) *Liquidated damages.* In addition to other remedies available to us, if you fail to deliver securities on time, we may require you to pay liquidated damages of up to 1% of your projected settlement amount.

Gary Grippo,

Acting Fiscal Assistant Secretary.

[FR Doc. 2026–00598 Filed 1–13–26; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 160 and 164

[Docket No.: HHS–OCR–0945–AA00]

Tribal Consultation on Proposed Modifications to the HIPAA Privacy Rule

AGENCY: Office of the Secretary, HHS.

ACTION: Notification of Tribal consultation.

SUMMARY: The U.S. Department of Health and Human Services will conduct a virtual Tribal consultation on the proposed rule “Modifications to the HIPAA Privacy Rule to Support, and Remove Barriers to, Coordinated Care and Individual Engagement.”

DATES: The Tribal consultation meeting will be held on February 6, 2026, at 2–3:30 p.m. eastern time.

ADDRESSES: Virtually through Zoom. To register, go to <https://hhs.gov.zoomgov.com/meeting/register/xrISmRO6SSWNEYAyq9zJqw#/registration>. The proposed rule can be accessed by searching for RIN number 0945–AA00 at www.federalregister.gov. If you need a paper copy of the proposed rule sent to you, please contact Krupa Singh at (202) 240–3110 or (800) 537–7697 (TDD), or by email at OCRPrivacy@hhs.gov. Public comments received on the proposed rule can be viewed at www.regulations.gov under Docket ID number HHS–OCR–2021–0006.

FOR FURTHER INFORMATION CONTACT:

Please contact Devin Delrow, Principal Advisor for Tribal Affairs, at (202) 868–0013 or at consultation@hhs.gov with any questions about the Tribal consultation.

SUPPLEMENTARY INFORMATION: On January 21, 2021 (86 FR 6446), the Department published a notice of proposed rulemaking (NPRM) to revise

the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule to strengthen individuals’ rights to access their own protected health information, improve care coordination, and reduce administrative burdens on HIPAA covered health care providers and health plans, while continuing to protect individuals’ health information privacy interests.

Pursuant to Executive Order 13175 (65 FR 67249), Consultation and Coordination with Indian Tribal Governments, and the Department of Health and Human Services’ Tribal Consultation Policy, the Office for Civil Rights solicits input from Tribal officials as the Department develops modifications to the HIPAA Privacy Rule at 45 CFR part 160 and subparts A and E of 45 CFR part 164. Among other topics, the consultation will address proposals in the NPRM to:

- Strengthen individuals’ rights to access their own protected health information, including electronic information.
- Improve information sharing for care coordination and case management for individuals.
- Facilitate greater family and caregiver involvement in the care of individuals experiencing emergencies or health crises.
- Enhance flexibilities for disclosures in emergency or threatening circumstances.
- Support the use of telecommunications relay services by individuals and workforce members of HIPAA covered entities and business associates who are deaf, hard of hearing, deaf-blind, or who have a speech disability.
- Expand the Privacy Rule permission to use and disclose protected health information of Armed Forces personnel for national readiness purposes so that it applies to all uniformed services personnel.

Paula M. Stannard,

Director, Office for Civil Rights, Department of Health and Human Services.

[FR Doc. 2026–00561 Filed 1–12–26; 4:15 pm]

BILLING CODE 4153–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 23–121; FCC 25–59; FR ID 325614]

Implementation of the Final Acts of the World Radiocommunication Conference (Sharm el-Sheikh, 2019) (WRC–19), Revision to Table Mountain Radio Quiet Zone Field Strength Limits

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) proposes to modify the Commission's rules to implement certain spectrum allocation decisions from the International Telecommunication Union's World Radiocommunication Conference's 2019 Final Acts concerning portions of the radio spectrum between 495 kHz and 50.9 GHz, make other allocation changes, and make related updates to our service rules in this frequency range. These proposals are designed to harmonize our spectrum allocations with and conform our rules to the World Radiocommunication's 2019 Final Acts to the extent that doing so would better meet domestic requirements.

DATES: Comments are due on or before February 13, 2026 and reply comments are due on or before March 16, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates provided in the **DATES** section of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). You may submit comments, identified by ET Docket No. 23–121, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.

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

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

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted

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

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

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

- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT:

Sebastian Garcia of the Office of Engineering and Technology, at Sebastian.Garcia@fcc.gov or 202–418–2932.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, in ET Docket No. 23–121; FCC 25–59, adopted on September 12, 2025, and released on December 9, 2025. The full text of this document is available for public inspection and can be downloaded at <https://docs.fcc.gov/public/attachments/FCC-25-59A1.pdf>.

Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Ex Parte Presentations. The proceeding this document initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's

written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible/potential impact of the rule and policy changes contained in the FCC document. The IRFA is found in Appendix B of the FCC document, <https://www.fcc.gov/document/fcc-adopts-proposals-wrc-19-implementation>. The Commission invites the general public, particularly small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the Notice of Proposed Rulemaking indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Initial Paperwork Reduction Act. This document may contain proposed or modified information collection requirements. Therefore, the Commission seeks comment on potential new or revised information collections subject to the Paperwork Reduction Act of 1995. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the general public and the Office of Management

and Budget to comment on the information collection requirements, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comments on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 1189–9, a summary of the Notice of Proposed Rulemaking will be available at <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

Introduction

The Notice of Proposed Rulemaking (*WRC–19 NPRM*) follows the WRC–19 Administrative Order, 88 FR 67514 (September 29, 2023), which made non-substantive, editorial revisions to the U.S. Table of Frequency Allocations (U.S. Table) and to other related rules to reflect International Telecommunication Union (ITU) decisions made at the 2019 World Radiocommunication Conference (WRC–19). In the *WRC–19 NPRM*, the Commission proposes to amend, as appropriate, parts 2 and 25 of the Commission’s rules to implement in the U.S. Table specific allocation decisions from the *WRC–19 Final Acts* concerning portions of the radio spectrum between 495 kHz and 50.9 GHz, make other allocation changes, and make related updates to its service rules in this frequency range. Many of these proposals are based on the National Telecommunications and Information Administration’s (NTIA) recommendations for national implementation of the *WRC–19 Final Acts*. Collectively, the Commission’s proposals are designed to harmonize its spectrum allocations with and conform its rules to the *WRC–19 Final Acts* to the extent that doing so would better meet domestic requirements.

Background

The International Telecommunications Union (ITU) convenes a World Radiocommunication Conference (WRC) typically every three to four years to address international spectrum use. Specifically, the ITU allocates frequency bands to various radio services generally on either a worldwide or regional basis and enters these radio services in its Table of Frequency Allocations (which is reflected in § 2.106 of its rules as the

International Table) as part of the ITU Radio Regulations.

The Commission conducted its primary preparations for WRC–19 via its 2019 World Radiocommunication Conference Advisory Committee (WAC), which held eight public meetings between August 2, 2016, and March 11, 2019, to evaluate and approve recommendations and preliminary views that it later submitted for Commission consideration. The ITU held a conference preparatory meeting (CPM) from February 18, 2019 through February 28, 2019, to prepare and approve a report on the technical, operational, and regulatory/procedural matters relevant to the WRC–19 agenda, which the Commission participated in. In addition, the United States worked with other nations to craft common proposals for Region 2 (North and South America). By August 1, 2019, the United States had provided its contributions to the Inter-American Telecommunication Commission (CITEL), which then provided the Region 2 proposals to WRC–19.

The ITU convened WRC–19 from October 28, 2019 to November 22, 2019, in Sharm el-Sheikh, Egypt, with 163 Member States, including the United States, participating. WRC–19 addressed 52 topics related to frequency allocation and frequency sharing for the efficient use of spectrum and orbital resources, and adopted allocation changes that affect both Federal and non-Federal entities. The ITU published the decisions made at WRC–19 as the *WRC–19 Final Acts* and subsequently revised the Radio Regulations to incorporate these decisions. On April 2, 2021, NTIA submitted its recommendations for national implementation of the *WRC–19 Final Acts* to the Commission.

On April 21, 2023, the Commission released the WRC–19 Administrative Order, which reflected the WRC–19 changes to the International Table and made other non-substantive, editorial changes to the Commission’s rules, including revisions to the Federal Table that did not require notice and comment.

The Commission is only addressing those WRC–19-related proposals that are specifically discussed in the *WRC–19 NPRM*. Any additional WRC-related actions, including those recommended by NTIA, have been or are anticipated to be addressed in separate proceedings or are no longer appropriate for further action at this time. The Commission nevertheless invite commenters to identify alternate ways it could give effect to those WRC–19 matters discussed in the FCC document.

In the *WRC–19 NPRM*, the Commission proposes to: (1) implement certain WRC–19 allocation decisions as discussed herein; (2) revise parts 2 and 25 of the rules reflect the allocation changes that it is proposing in the FCC document; and (3) make other allocation changes that are not related to WRC–19 implementation. The Commission first addresses satellite issues, followed by terrestrial issues.

Notice of Proposed Rulemaking

A. Satellite Issues

Use of Space Operation Service by Non-Geostationary Satellites Below 1 GHz for Short-Duration Missions

The Commission proposes to make the space operation service in the 137–138 MHz space-to-Earth (downlink) band and the 148–149.9 MHz Earth-to-space (uplink) band available to space stations in non-geostationary orbits (NGSO) with short-duration (3 years or less) missions by adding references to three international footnotes (5.203C, 5.209A, 5.218A) to particular sub-bands in the Federal and non-Federal Tables of the U.S. Table of Frequency Allocations.

As background, the 137–138 MHz and 148–149.9 MHz bands are Federal/non-Federal shared bands. Under the Commission’s rules, the 137–138 MHz band is allocated on a primary basis to the space operation, meteorological-satellite, and space research services (all space-to-Earth) for Federal and non-Federal use; the 137–137.025 MHz and 137.175–137.825 MHz sub-band is also allocated on a primary basis to the mobile-satellite service (MSS) (space-to-Earth) for Federal and non-Federal use; and the 137.025–137.175 MHz and 137.825–138 MHz sub-bands are allocated to the MSS (space-to-Earth) on a secondary basis for Federal and non-Federal use. The 148–149.9 MHz band is allocated to the fixed and mobile services and the MSS (Earth-to-space) service on a primary basis for Federal use; and to the MSS (Earth-to-space) service on a primary basis for non-Federal use. The demand for suitable spectrum for NGSO satellites with short duration missions is growing due to the increasing number of these types of satellite missions. These types of missions provide affordable options for scientific and commercial space purposes and are increasingly used by new entrants in the space sector taking advantage of decreasing costs associated with launch.

The Commission specifically proposes to add the following footnotes to the Federal and non-Federal portions of the U.S. Table to align it with the changes made in the *WRC–19 Final*

Acts. First, the Commission proposes to add footnote 5.203C to the 137–137.025 MHz, 137.025–137.175 MHz, 137.175–137.825 MHz, and 137.825–138 MHz sub-bands. Footnote 5.203C states that: (1) the use of the space operation service (space-to-Earth) with NGSO satellite short duration mission systems in the 137–138 MHz band is subject to Resolution 660 (WRC–19); (2) Resolution 32 (WRC–19) applies; and (3) these systems must not cause harmful interference to, or claim protection from, the existing services to which the band is allocated on a primary basis. Resolution 660 limits the use of space operation service (space-to-Earth) NGSO systems with short-duration missions in the 137–138 MHz frequency range to the 137.025–138 MHz sub-band and limits the power flux-density at any point on the Earth's surface produced by a space station of such non-GSO systems used for short-duration missions to -140 dB(W/(m² · 4 kHz)). Resolution 32 (WRC–19) states that the maximum period of operation and validity of frequency assignments of a NGSO network or system identified as short-duration mission must not exceed three years from the date of bringing into use of the frequency assignments, without any possibility of extension, after which the recorded assignments shall be cancelled; and that the total number of satellites in a NGSO network or system identified as a short-duration mission shall not exceed 10 satellites. The Commission seeks comment on this proposal.

The Commission also proposes to add footnote 5.209A in the 137.175–137.825 MHz sub-band. Footnote 5.209A overrides the coordination requirement in much (650 kilohertz) of the spectrum to which footnote 5.203C (above) applies, *i.e.*, it states that the use of the 137.175–137.825 MHz band by NGSO satellite systems in the space operation service identified as a short-duration mission in accordance with Appendix 4 is not subject to No. 9.11A. The Commission seeks comment on this proposal.

The Commission also proposes to add footnote 5.218A in the 148–149.9 MHz sub-band. Footnote 5.218A states that, in the 148–149.9 MHz band, the space operation service (Earth-to-space) may be used by NGSO systems with short-duration missions; that such systems used in accordance with Resolution 32 (discussed above) are not subject to agreement under No. 9.21, that such systems must not cause unacceptable interference to, or claim protection from, existing primary services within this frequency band, or impose additional constraints on the space

operation and mobile-satellite services, and that earth stations in such systems must ensure that the power flux-density does not exceed -149 dB(W/(m² · 4 kHz)) for more than 1% of time at the border of the territory of 16 specified countries. Finally, footnote 5.218A states that, at the stage of coordination with other administrations, the provisions of Nos. 9.17 and 9.18 also apply. The Commission requests comment on this proposal.

If the proposed use of the 137–138 MHz and 148–149.9 MHz bands by the space operation service is adopted, the Commission requests additional comment on how incumbent services operating in the proposed bands would be protected from interference due to increased short-duration NGSO usage of the band, outside of the limits proposed in Resolution 660. The Commission also seeks comment on whether it should require applicants in the space operation service operating short-duration NGSO's below 1 GHz to coordinate with MSS licensees already operating in those bands. Lastly, the Commission seeks comment on the general parameters of the application and licensing process applicable to short-duration NGSO operations in the space operations service in the 137–138 MHz and 148–149.9 MHz bands.

The Commission notes the Commission's ongoing In-Space Servicing and Manufacturing Notice of Proposed Rulemaking (ISAM Notice), in which the Commission reached a tentative conclusion that at least some ISAM operations could fall within the definition of the space operations service. The Commission additionally notes the Commission's part 25 Streamlined Small Satellite Process, which could also be applicable to short-duration NGSO operations in the space operations service. The Commission reached a tentative conclusion that its existing part 25, part 5, and part 97 rules are sufficient and give short-duration NGSO operators in the space operations service the applicable general parameters of the application and licensing processes for those operations but seek comment on alternative approaches.

In-Band Power Limits for Earth Stations Transmitting in the 399.9–400.05 MHz Band

The Commission next proposes to limit in-band power for earth stations operating in the mobile-satellite service (MSS) in the 399.9–400.05 MHz band, by adding references to footnotes 5.260A and 5.260B, to the Federal and non-Federal Tables of the U.S. Table, consistent with the *WRC–19 Final Acts*.

This proposal would align the band with the maximum radiated power for mobile-satellite service use (except telecommand uplinks with the mobile-satellite service in the 400.02–400.05 MHz band) in the U.S., and state dates for compliance, as described in the *WRC–19 Final Acts*. Under the Commission's rules, the 399.9–400.05 MHz band is allocated to the mobile-satellite (Earth-to-space) and radionavigation-satellite services on a primary basis for Federal and non-Federal use.

Footnote 5.260A states: (1) in the 399.9–400.05 MHz band, the maximum EIRP of any emission of MSS earth stations, and the maximum EIRP of each earth station, must not exceed 5 dBW in any 4 kilohertz band (5 dBW/4 kHz) and 5 dBW in the 150 kilohertz wide band (5 dBW/150 kHz); (2) until November 22, 2022, these limits do not apply to satellite systems with complete ITU notifications that were received by November 22, 2019; and (3) thereafter, these limits apply to all MSS systems operating in this band. Footnote 5.260B states that, in the 400.02–400.05 MHz segment, the provisions of footnote 5.260A do not apply to MSS telecommand uplinks. The Commission requests comment on the addition of these footnotes to the Federal and non-Federal U.S. Tables and whether it should consider elevation angles in establishing the maximum EIRP limit. The Commission also seeks comment on whether these power limits should be added to § 25.204 of the Commission's rules.

Global Maritime Distress Safety Systems Modernization

The following proposals would align the 1621.35–1626.5 MHz band in the U.S. Table with the *WRC–19 Final Acts* by adding a new allocation for the maritime mobile-satellite service (space-to-Earth) on a primary basis for Federal and non-Federal shared use subject to the conditions in four new international footnotes (5.208B, 5.370, 5.373, and 5.373A) added to the Federal and non-Federal Tables in 1621.35–1626.5 MHz portion of the 1613.8–1626.5 MHz band with the existing allocations and footnotes in the 1613.8–1626.5 MHz band. Under the Commission's rules, the 1613.8–1626.5 MHz band is allocated to the mobile-satellite service (Earth-to-space), aeronautical radionavigation service, radiodetermination-satellite service (Earth-to-space), all on a primary basis for Federal and non-Federal use, and to the mobile-satellite service (space-to-Earth) on a secondary basis for Federal and non-Federal use. These proposals

are meant to provide additional satellite coverage to the Global Maritime Distress and Safety System (GMDSS) for use in the U.S.

As background, the GMDSS is an internationally recognized distress and radio communication safety system that has been in place for several decades. The GMDSS is an automated ship-to-shore and ship-to-ship system using satellites and/or terrestrial radio systems with digital selective calling technology. The GMDSS systems provide safety-of-life information and communication systems that inform vessels of navigation hazards and weather conditions and enable distress calls with pertinent location and identification information with the push of a button. The GMDSS is mandated for ships internationally by the International Maritime Organization (IMO) Safety of Life at Sea Convention (SOLAS), 1974, as amended in 1988, which carries the force of an international treaty. The procedures governing GMDSS use are contained in the International Telecommunication Union's Radio Regulations and also carry the force of an international treaty.

The Commission proposes to split the existing 1613.8–1626.5 MHz band into two bands (1613.8–1621.35 MHz and 1621.35–1626.5 MHz) and add a primary maritime mobile-satellite service (space-to-Earth) allocation in the 1621.35–1626.5 MHz band for Federal and non-Federal use subject to the conditions in four new footnotes (5.208B, 5.370, 5.373, and 5.373A) added to the band. The existing allocations—primary mobile satellite service (Earth-to-space), aeronautical radionavigation, radiodetermination satellite (Earth-to-space), and secondary mobile-satellite (Earth-to-space) and footnotes (5.341, 5.364, 5.365, 5.366, 5.367, 5.368, and 5.372) in the 1613.8–1626.5 MHz band—would be retained in the 1613.8–1621.35 MHz and 1621.35–1626.5 MHz bands, while a primary maritime mobile-satellite allocation for Federal and non-Federal shared use, along with footnotes 5.208B, 5.370, 5.373, and 5.373A, would be added in the 1621.35–1626.5 MHz band.

The Commission seeks comment on the addition of a primary maritime mobile-satellite service (space-to-Earth) allocation to the 1621.35–1626.5 MHz band, subject to the conditions in footnotes 5.208B, 5.370, 5.373, and 5.373A.

Footnote 5.208B states that in the frequency bands 137–138 MHz, 157.1875–157.3375 MHz, 161.7875–161.9375 MHz, 387–390 MHz, 400.15–401 MHz, 1452–1492 MHz, 1525–1610 MHz, 1613.8–1626.5 MHz, 2655–2690

MHz, and 21.4–22 GHz, Resolution 739 (Rev.WRC–19) applies. Resolution 739 recommends unwanted emissions limits to ensure that unwanted emissions from geostationary and non-geostationary space stations that are planned to operate in the mobile-satellite service (space-to-Earth) in the 1613.8–1626.5 MHz band are minimized in order to protect radio astronomy service stations in the 1610.6–1613.8 MHz band from harmful interference.

Footnote 5.370 states that in Venezuela, the allocation to the radiodetermination-satellite service in the 1610–1626.5 MHz frequency band (Earth-to-space) is on a secondary basis.

Footnote 5.373 states that “maritime mobile earth stations receiving in the 1621.35–1626.5 MHz band shall not impose additional constraints on earth stations operating in the maritime mobile-satellite service or maritime earth stations of the radiodetermination-satellite service operating in accordance with the Radio Regulations in the 1610–1621.35 MHz frequency band or on earth stations in the maritime mobile-satellite service operating in accordance with the Radio Regulations in the 1626.5–1660.5 MHz frequency band, unless otherwise agreed between the notifying administrations.”

Footnote 5.373A states that maritime mobile earth stations receiving in the 1621.35–1626.5 MHz frequency band shall not impose constraints on the assignment of earth stations in the mobile-satellite service (Earth-to-space) and the radiodetermination-satellite service (Earth-to-space) in the 1621.35–1626.5 MHz frequency band in networks for which complete coordination information has been received by the Radiocommunication Bureau before October 28, 2019.

Further, the Commission seeks comment on whether updates are needed to the service-specific rules in part 80 of the Commission's rules to implement a primary maritime mobile-satellite service (space-to-earth) allocation in the 1621.35–1626.5 MHz Band. Additionally, the Commission seeks comment on whether any corresponding changes are needed to part 25 of the Commission's rules to reflect this maritime mobile-satellite service (space-to-earth) allocation. Commenters should identify any rules that need to be amended and provide specific language to support their recommendations.

Earth Stations in Motion (ESIMs)

The Commission's next proposal concerns the addition of footnote 5.517A to the 17.7–19.7 GHz (space-to-Earth) and 27.5–29.5 GHz (Earth-to-

space) frequency bands of the U.S. Table. Footnote 5.517A states that “the operation of earth stations in motion (ESIMs) communicating with geostationary orbit fixed-satellite service (GSO FSS) space stations in the 17.7–19.7 GHz (space-to-Earth) and 27.5–29.5 GHz (Earth-to-space) frequency bands shall be subject to the application of Resolution 169 (WRC–23),” as described in the *WRC–23 Final Acts*, which contains the most up-to-date version of Resolution 169. Resolution 169 provides conditions for ESIMs communicating with GSO FSS space stations in the 17.7–19.7 GHz and 27.5–29.5 GHz frequency bands, or parts thereof. As background, ESIMs currently serve a wide range of applications—both on board various modes of transportation, such as aircraft and ships, and on land—by providing reliable and high-bandwidth connectivity capabilities to platforms in motion. Advances in satellite manufacturing and earth station technology have made ESIMs more widespread and more practical. When ships are at sea or aircraft cross the oceans, they are out of reach of terrestrial networks. ESIM systems can provide continuous and consistent service with very wide, or literally global, geographic coverage as ships and aircraft operate at or over almost any location. To address the increasing need of ESIMs for radio-frequency spectrum, while protecting other and existing radio services, WRC–19 established certain regulatory and technical conditions under which the 17.7–19.7 GHz (space-to-Earth) and 27.5–29.5 GHz (Earth-to-space) frequency bands can be used by the three types of ESIMs communicating with geostationary space stations in the fixed-satellite service.

Section 25.202(10)(ii) of the Commission's rules states the frequencies that are available for use by ESIMs communicating with GSO FSS space stations. Under this portion of the Commission's rules, the 19.4–19.6 GHz, 27.5–28.35 GHz, and 29.1–29.25 GHz bands are not currently listed as available for ESIM operations, however, pursuant to § 25.202(b) operations are allowed outside of bands that are expressly listed in 25.202 on a case-by-case basis. The Commission also notes that the Upper Microwave Flexible Use Service (UMFUS) is primary in the 27.5–28.35 GHz band and that earth stations in that band are subject to limits on the number of earth stations in a given area and the area within which the earth stations may operate without providing interference protection to UMFUS operations. Point-to-point

microwave licensed under part 101 of the Commission's rules and broadcast auxiliary services licensed under part 74 of its rules are also co-primary with FSS in the 17.7–18.3 GHz band.

Additionally, Resolution 169 prescribes off-axis power limits that differ from those adopted in the Commission's part 25 rules (*i.e.*, Resolution 169 contains higher EIRP density limits, different off-axis angles, and specific frequency sub-bands in the conventional Ka-band for the off-axis EIRP of transmissions from ESIMs). The implementation of Resolution 169 would therefore essentially subject ESIM operations in these bands to less restrictive limits than currently apply. The Commission seeks comment on whether to add footnote 5.517A to the 17.7–19.7 GHz and 27.5–29.5 GHz bands and on whether this would be consistent with current Commission rules regarding ESIM operations.

Earth Stations Transmitting in the 49.7–50.2 GHz and 50.4–50.9 GHz Bands

The Commission proposes an update to its rules to further develop the regulatory framework for NGSO FSS systems. The Commission specifically proposes to modify US156 of the Commission's rules to reflect WRC-19's revision of the limits for unwanted emissions in the 50.2–50.4 GHz passive band (200 megahertz passive band or passive band) from earth stations in the fixed-satellite service (Earth-to-space) that transmit in the 49.7–50.2 GHz and 50.4–50.9 GHz bands. Footnote US156 currently states that in the bands 49.7–50.2 GHz and 50.4–50.9 GHz, for earth stations in the fixed-satellite service (Earth-to-space), the unwanted emissions power in the band 50.2–50.4 GHz shall not exceed –20 dBW/200 MHz (measured at the input of the antenna), except that the maximum unwanted emissions power may be increased to –10 dBW/200 MHz for earth stations having an antenna gain greater than or equal to 57 dBi. These limits apply under clear-sky conditions. During fading conditions, the limits may be exceeded by earth stations when using uplink power control.

First, the Commission proposes to modify US156 to state that, for NGSO earth stations brought into use on or after January 1, 2021, that transmit to space stations in non-geostationary-satellite orbits, unwanted emission power shall not exceed –42 dBW in the 200 megahertz passive band (*i.e.*, –42 dBW/200 MHz in the 50.2–50.4 GHz passive band) for NGSO earth stations not employing uplink power control, and –42 dBW/200 MHz in the passive band at zenith (*i.e.*, at an elevation angle

of 90°) increasing [linearly] to a maximum level of –35 dBW/200 MHz in the passive band at a minimum elevation angle of 15° for NGSO earth stations employing uplink power control.

Next, for GSO earth stations brought into use on or after January 1, 2024, that transmit to space stations in the geostationary satellite orbit, the Commission proposes to require that the unwanted emission power shall not exceed –45 dBW/200 MHz in the passive band for GSO earth stations having an elevation angle equal to or above 80°; –30 dBW/200 MHz in the passive band for GSO earth stations having an elevation angle below 80° and an antenna gain less than 57 dBi; and –25 dBW/200 MHz in the passive band for GSO earth stations having an elevation angle below 80° and an antenna gain greater than or equal to 57 dBi.

Lastly, for NGSO earth stations brought into use prior to January 1, 2021 or GSO earth stations brought into use prior to January 1, 2024, the Commission proposes that unwanted emissions in the 50.2–50.4 GHz band shall not exceed –20 dBW/200 MHz, except that the maximum unwanted emissions power may be increased to –10 dBW/200 MHz for earth stations having an antenna gain greater than or equal to 57 dBi. The above limits would apply under clear-sky conditions. During fading conditions, the limits may be exceeded by earth stations when using uplink control. The Commission requests comment on these proposed updates and whether any corresponding updates to its part 25 rules are necessary to implement these proposals. Additionally, given that the compliance dates mentioned above have passed, the Commission seeks comment on whether it should update these dates, along with how any issues associated with grandfathering should be addressed given that earth stations authorized before the proposed dates would be subjected to less restrictive power limits.

B. Terrestrial Issues

International Navigational Data (NAVDAT) System in the 435–472 kHz and 479–510 kHz Bands

The Commission proposes to make the 495–505 kHz band (*i.e.*, the 10 kilohertz band centered on the frequency 500 kHz) available for digital broadcasting of maritime safety and security related information from shore-to-ship, *i.e.*, the international Navigational Data (NAVDAT) system, by adding a reference to footnote 5.82C in

the 495–505 kHz band in the non-Federal portion of the U.S. Table. The Commission also proposes to revise footnote US79A, which the Commission added in the WRC-19 Administrative Order to reflect the pre-WRC-19 conditions in footnote 5.79 in the U.S. Table, by updating its text to generally reflect WRC-19's changes to footnote 5.79. WRC-19 revised footnote 5.79 by expanding the permitted uses of the maritime mobile service in the 415–495 kHz and 505–526.5 kHz (505–510 kHz in Region 2) bands from radiotelegraphy by stating that this spectrum “may also be used for the NAVDAT system in accordance with the most recent version of Recommendation ITU-R M.2010, subject to agreement between interested and affected administrations. NAVDAT transmitting stations are limited to coast stations.” In addition, WRC-19 expanded this footnote's applicability in Region 2 from 505–510 kHz to 505–526.5 kHz.

The 495–505 kHz band is allocated exclusively to the maritime mobile service on a primary basis in all ITU Regions and under the Commission's rules, in the U.S. Table, where the band is allocated for Federal/non Federal shared use. WRC-19 adopted footnote 5.82C, which states that the 495–505 kHz band is used for the international NAVDAT system as described in the most recent version of Recommendation ITU-R M.2010 and that NAVDAT transmitting stations are limited to coast stations. As discussed in ITU-R Report M.2201, the 495–505 kHz band is lightly used and thus available for use by the NAVDAT system, and its coverage range matches the coverage provided by the existing Navigational Telex (NAVTEX) system operating at 490 kHz and 518 kHz. The NAVDAT system would provide a greatly improved data throughput from that currently provided by the NAVTEX system and also would provide protection to the NAVTEX system.

Under the Commission's rules, in the U.S. Table, the 435–472 kHz, 479–495 kHz, and 505–510 kHz bands are allocated to the maritime mobile service on a primary basis for Federal/non-Federal shared use and footnote US79A applies. The Commission tentatively find that the text of footnote US79A should be replaced by the text of footnote 5.79, except that the frequency bands that are not currently authorized in the U.S. Table (the 472–479 kHz and 510–526.5 kHz bands are not allocated for the maritime mobile service) should not be listed. Together, these proposals would make the 435–472 kHz and 479–510 kHz bands available to the international NAVDAT system.

Footnote 5.82C would make the 495–505 kHz band available for use by the international NAVDAT system as described in ITU–R M.2010 and limit NAVDAT transmitting stations to coast stations. The Commission requests comment on these proposals.

Lastly, the implementation of the NAVDAT system would require service-specific rules to be added to part 80 of the Commission's rules. Given the nascency of the NAVDAT system, it is premature to propose service-specific rules at this time. The Commission may propose rules for the NAVDAT system at a later date, as the domestic standards are developed.

Table Mountain Radio Quiet Zone Field Strength Limit

The Commission seeks comment on a proposal from NTIA's Institute for Telecommunications Sciences (ITS) to make several modifications to the Table Mountain Radio Quiet Zone field strength limit in the Commission's rules. As background, the Table Mountain Field Site (TMFS) is designated in the Commission's rules and in the NTIA Manual as a "Radio Quiet Zone." Federal and State regulations protect the TMFS from strong external radio signals. Applicants intending to operate a new or modified station at a permanent fixed location in the vicinity of Boulder County, Colorado are advised to give consideration, prior to filing applications, to the necessity of protecting the Table Mountain Radio Receiving Zone from interference. This rule enables the Department of Commerce laboratories and research affiliates to study the characteristics and propagation of electromagnetic radiation, and of spectrum coexistence between new and legacy (incumbent) radio systems, in a real-world, open-air environment with minimal interference from uncontrolled sources of external radio interference. NTIA's ITS laboratory manages the Quiet Zone's radio frequency (RF) environment, which includes monitoring interference and overseeing incident-signal power level compliance.

Section 1.924 of the Commission's rules states that the Department of Commerce seeks to ensure that the field strengths of any radiated signals received in the vicinity of the Table Mountain Radio Quiet Zone near Boulder, Colorado do not exceed the limits given in the section's table, entitled "Field Strength Limits for Table Mountain." At and above 890 MHz, that limit is one millivolt per meter (1 mV/m). According to NTIA, although a fixed-level limit, irrespective of radio

frequency, might appear reasonable at first glance, there is a technical problem with such a fixed field-strength limit: when radio signals are held at that limit, their power coupled into receiver circuits gradually decreases for a given, fixed receive-antenna gain. Received power, for a fixed field strength limit, decreases in a receiver with a fixed-gain antenna by a factor of four for every doubling of frequency. This rapid decrease with increasing frequency becomes so severe at millimeter-wave frequencies (an area of currently expanding research and industrial-commercial development) that incident radio signals at the field strength limit eventually go below the room-temperature thermal noise limit of receiving antennas, receiver circuits, scientific electronic instrumentation, and all other room temperature objects including even human bodies. The problem occurs because of a technical artifact: the definition of the effective aperture (the electronic "size") of a theoretical construction called an isotropic antenna.

To address the issue at the TMFS, NTIA requests several modifications to the Table Mountain Radio Quiet Zone field strength rules found in § 1.924. Specifically, NTIA requests that the Commission amend the rules to limit the field strength at the Quiet Zone by modifying the field strength limit for microwave frequencies at and above 15.7 GHz, increasing the new limit at the same rate that the effective aperture of an isotropic antenna changes, and changing the current total signal power criterion to a per megahertz basis.

First, the Commission seeks comment on modifying the field strength limits for frequency ranges at and above 15.7 GHz. NTIA suggests its proposed adjustment begin at 15.7 GHz based on an analysis that determined 15.7 GHz is the bottom edge of the nearest allocated frequency band to the frequency where the signal-to-noise ratio (SNR) of an incident signal at the Table Mountain Radio Quiet Zone limit, received with an isotropic (0 dBi gain) antenna in a sensitive receiver, is 10 dB in a 1 megahertz bandwidth. Is this rationale sufficient to support modifying the field strength and power flux density limits for frequency ranges above 15.7 GHz? Should the Commission consider an alternative starting point at a higher frequency for the new field strength limit? The Commission requests that commenters include technical support for the Commission's consideration.

Second, the Commission seeks comment on NTIA's suggestion to linearly increase the field strength limits and logarithmically increase the power

flux density (PFD) limits with the transmit frequency above 15.7 GHz (see Table 1 below). Should the Commission consider alternative methods for calculating the new field strength and power flux density limits? Commenters suggesting an alternative method should provide technical justification for their preferred method.

Third, the Commission seeks comment on defining the new field strength and power flux density limits above 15.7 GHz on a per megahertz basis instead of the current total field strength or power flux density criterion. The Commission has traditionally defined field strength limits without a reference channel bandwidth in several rule parts, including for 800 MHz cellular systems along the Cellular Geographic Service Area (CGSA) boundary (40 dBuV/m) and 1.9 GHz PCS systems at the border of the PCS service area (47 dBuV/m). Similarly, the Advanced Wireless Service (AWS) rules specify a field strength limit without reference to channel bandwidth. In a more recent proceeding for the Upper Microwave Flexible Use Service (UMFUS), the Commission adopted a power flux density limit on a per megahertz basis for base stations operating in the 27.5–28.35 GHz band and 37–40 GHz band. During the UMFUS proceeding, the Commission sought comment on whether it should adopt a 47dBuV/m field strength limit, a $-86\text{dBm/m}^2/\text{MHz}$ PFD limit, or any alternative limit at the market boundary. The Commission adopted the PFD limit on a per megahertz basis with overwhelming support from commenters and noted that a scaling factor should be considered given the wide channel bandwidths and diversity of potential UMFUS applications. The Commission seeks comment on whether defining the field strength or power flux density limit on a per megahertz basis as requested by NTIA includes a sufficient scaling factor for the wider channel bandwidths of current and planned services that may be deployed above 15.7 GHz. Commenters are encouraged to provide technical justification for the channel bandwidth scaling factor or different field strength/PFD limits and explain any material differences regarding assumptions used to derive their preferred field strength/PFD limit.

Finally, the Commission seeks general comment on whether a similar technical argument for adjusting the field strength limit in the Table Mountain Radio Quiet Zone should be considered for extremely high operating frequencies, such as above 1 terahertz. Commenters are encouraged to provide technical

justification for designating any additional frequency break points (such as algorithmic support for a revised field strength limit) as well as the appropriate reference to signal bandwidth for compliance.

Ordering Clauses

It is ordered that, pursuant to sections 1, 4(i), 4(j), 7, 301, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157, 301, 303(c), 303(f), and 303(r), that the Notice of Proposed Rulemaking is adopted.

It is further ordered that the Commission’s Office of Secretary, shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the

Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Parts 2 and 25

Administrative practice and procedures, Communications, Communications equipment, Reporting and recordkeeping requirements, Satellites, Telecommunications, and Wiretapping and electronic surveillance.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR part 2 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

- 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.
- 2. Amend § 2.106(a) by revising pages 4, 21, 22, 26, and 34 of the U.S. Table of Frequency Allocations to read as follows:

§ 2.106 Table of Frequency Allocations.

(a) * * *
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435-472 MARITIME MOBILE 5.79 Aeronautical radionavigation 5.77	5.78 5.82	435-472 MARITIME MOBILE US79A Aeronautical radionavigation	435-472 MARITIME MOBILE US79A	Amateur Radio (97)
5.82		5.82 US2 US231 472-479	5.82 US2 US231 472-479 Amateur 5.80A	
472-479 MARITIME MOBILE 5.79 Amateur 5.80A Aeronautical radionavigation 5.77 5.80 5.80B 5.82		US2	5.82 US2 NB8	
479-495 MARITIME MOBILE 5.79 5.79A Aeronautical radionavigation 5.77	479-495 MARITIME MOBILE 5.79 5.79A Aeronautical radionavigation 5.77 5.80	479-495 MARITIME MOBILE US79A 5.79A Aeronautical radionavigation	479-495 MARITIME MOBILE US79A 5.79A	Maritime (80)
5.82	5.82	5.82 US2 US231	5.82 US2 US231	
495-505 MARITIME MOBILE 5.82C		495-505 MARITIME MOBILE 5.82C		Maritime (80) Aviation (87)
505-526.5 MARITIME MOBILE 5.79 5.79A 5.84 AERONAUTICAL RADIONAVIGATION	505-526.5 MARITIME MOBILE 5.79 5.79A 5.84 AERONAUTICAL RADIONAVIGATION Aeronautical mobile Land mobile	505-510 MARITIME MOBILE US79A		Maritime (80)
	510-525 MARITIME MOBILE 5.79A 5.84 AERONAUTICAL RADIONAVIGATION	510-525 MARITIME MOBILE (ships only) 5.79A 5.84 AERONAUTICAL RADIONAVIGATION (radio beacons) US18 US14 US225		Maritime (80) Aviation (87)
526.5-1606.5 BROADCASTING	525-535 BROADCASTING 5.86 AERONAUTICAL RADIONAVIGATION	525-535 MOBILE US221 AERONAUTICAL RADIONAVIGATION (radio beacons) US18		Aviation (87) Private Land Mobile (90)
		US239		
5.87 5.87A	535-1605 BROADCASTING	535-1605 BROADCASTING NG1 NG5	535-1605 BROADCASTING NG1 NG5	Radio Broadcast (AM)(73) Private Land Mobile (90)
1606.5-1625 FIXED MARITIME MOBILE 5.90 LAND MOBILE	1605-1625 BROADCASTING 5.89	1605-1615 MOBILE US221 G127 1615-1705	1605-1705 BROADCASTING 5.89	Radio Broadcast (AM)(73) Alaska Fixed (80) Private Land Mobile (90)
5.92	5.90			
1625-1635 RADIOLOCATION	1625-1705 FIXED MOBILE			
5.93	MOBILE BROADCASTING 5.89 Radiolocation			
1635-1800 FIXED MARITIME MOBILE 5.90 LAND MOBILE	5.90	US299	US299 NG1 NG5	
	1705-1800 FIXED MOBILE	1705-1800 FIXED MOBILE RADIOLOCATION		Alaska Fixed (80) Private Land Mobile (90)
5.92 5.96	AERONAUTICAL RADIONAVIGATION	US240		

Table of Frequency Allocations					117.975-150.9 MHz (VHF)		FCC Rule Part(s)	
Region 1 Table		Region 2 Table		Region 3 Table		United States Table		
117.975-137						Federal Table		
AERONAUTICAL MOBILE (R)						Non-Federal Table		
						117.975-121.9375		
						AERONAUTICAL MOBILE (R)		
						5.111 5.200 US26 US28 US36		
						121.9375-123.0875		
						121.9375-123.0875		
						AERONAUTICAL MOBILE		
						US30 US31 US33 US80		
						US102 US213		
						123.0875-123.5875		
						AERONAUTICAL MOBILE		
						5.200 US32 US33 US112		
						123.5875-128.8125		
						AERONAUTICAL MOBILE (R)		
						US26 US36		
						128.8125-132.0125		
						128.8125-132.0125		
						AERONAUTICAL MOBILE (R)		
						132.0125-136		
						AERONAUTICAL MOBILE (R)		
						US26		
						136-137		
						136-137		
						AERONAUTICAL MOBILE (R)		
						US244		
						137-137.025		
						SPACE OPERATION (space-to-Earth) 5.203C		
						METEOROLOGICAL-SATELLITE (space-to-Earth)		
						MOBILE-SATELLITE (space-to-Earth) US319 US320		
						SPACE RESEARCH (space-to-Earth)		
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						SPACE OPERATION (space-to-Earth) 5.203C		
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						SPACE RESEARCH (space-to-Earth)		
						Mobile-satellite (space-to-Earth) US319 US320		
						5.208		
						137.175-137.825		
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						SPACE RESEARCH (space-to-Earth)		
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						METEOROLOGICAL-SATELLITE (space-to-Earth)		
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						Mobile except aeronautical mobile (R)		
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1613.8-1621.35	MOBILE-SATELLITE (Earth-to-space) 5.351A AERONAUTICAL RADIONAVIGATION RADIO DETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) 5.2088 5.341 5.364 5.365 5.366 5.367 5.368 5.370 5.372	1613.8-1621.35 MOBILE-SATELLITE (Earth-to-space) 5.351A AERONAUTICAL RADIONAVIGATION RADIO DETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) 5.2088 5.341 5.364 5.365 5.366 5.367 5.368 5.370 5.372	1613.8-1621.35 MOBILE-SATELLITE (Earth-to-space) US319 US380 AERONAUTICAL RADIONAVIGATION US260 RADIO DETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) 5.341 5.364 5.365 5.366 5.367 5.368 5.372 US208	Satellite Communications (25) Maritime (60) Aviation (87)
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■ 3. Amend § 2.106 by revising paragraphs (c)(79)(iii) and (c)(156) to read as follows:

* * * * *

(c) * * *
(79) * * *

(iii) US79A The use of the bands 415–472 kHz, 479–495 kHz, and 505–510 kHz by the maritime mobile service is limited to radiotelegraphy and may also be used for the NAVDAT system in accordance with the most recent version of Recommendation ITU–R M.2010, subject to agreement between interested and affected administrations. NAVDAT transmitting stations are limited to coast stations.

* * * * *

(156) In the bands 49.7–50.2 GHz and 50.4–50.9 GHz, for earth stations in the fixed-satellite service (Earth-to-space), the following limits shall apply to unwanted emissions power (measured at the input of the antenna) in the band 50.2–50.4 GHz:

(i) For NGSO earth stations brought into use prior to 1 January 2021 or GSO earth stations brought into use prior to 1 January 2024: emissions shall not exceed –20 dBW/200 MHz, except that the maximum unwanted emissions power may be increased to –10 dBW/200 MHz for earth stations having an antenna gain greater than or equal to 57 dBi.

(ii) For NGSO earth stations brought into use on or after 1 January 2021: emissions shall not exceed –42 dBW/200MHz, except that stations employing uplink power control (free-space path loss compensation) may increase maximum unwanted emissions power from –42 dBW/200MHz at zenith to a maximum level of –35 dBW/200MHz at a minimum elevation angle of 15°.

(iii) For GSO earth stations brought into use on or after 1 January 2024: emissions shall not exceed –45 dBW/200MHz, except that (i) the maximum unwanted emissions power may be increased to –30 dBW/200 MHz for earth stations having an antenna gain less than 57 dBi and an elevation angle below 80° or (ii) the maximum unwanted emissions power may be increased to –25 dBW/200 MHz for earth stations having an antenna gain greater than or equal to 57 dBi and an elevation angle below 80°.

(iv) These limits apply under clear-sky conditions. During fading conditions, the limits may be exceeded by earth stations when using uplink power control.

* * * * *

[FR Doc. 2026–00588 Filed 1–13–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 536, and 537

[NHTSA–2025–0491, NHTSA–2025–0490]

RIN 2127–AM76

The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Proposed rule; extension of comment period.

SUMMARY: NHTSA is announcing a 15-day extension of the comment period for the proposed rule entitled The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks, published in the December 5, 2025 issue of the **Federal Register**. NHTSA is also extending the comment period for the Draft Supplemental Environmental Impact Statement (Draft SEIS) that accompanies the proposed rule. The comment period was to end on January 20, 2026 (45 days after publication of the proposed rule in the **Federal Register**). This document extends the comment period to February 4 to allow the public additional time to comment on the proposed rule. NHTSA is denying requests for additional public hearings based on the number of testifiers that signed up to testify for NHTSA's virtual public hearing, which was announced via **Federal Register** notice on December 12, 2025 and held on January 7, 2026.

DATES: The comment period for the proposed rule (90 FR 56438) published December 5, 2025, is extended. Comments on the proposed rule and Draft SEIS must be received by February 4. Late-filed comments may be considered so far as possible without incurring additional expense or delay.

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

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

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 202–493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.transportation.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by 49 CFR part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or you may contact him for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to

18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, Appendix A. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

Paperwork Reduction Act: Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this information collection, select “Currently under Review—Open for Public Comment” or use the search

function. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket identified in the heading of this document.

FOR FURTHER INFORMATION CONTACT: For technical and policy issues, Joseph Bayer, CAFE Program Division Chief, Office of Rulemaking, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: CAFE_Mbox@dot.gov. For legal issues, Hannah Fish, NHTSA Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: CAFE_Mbox@dot.gov.

SUPPLEMENTARY INFORMATION: On December 5, 2025, NHTSA published in the **Federal Register** a proposed rule titled “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for

Model Years 2022 to 2031 Passenger Cars and Light Trucks.”¹ The public comment period for the proposed rule was scheduled to end on January 20, 2026. Additionally, the public comment period for NHTSA’s Draft SEIS for the proposed rule likewise was scheduled to end on January 20, 2026. NHTSA also published a notice in the **Federal Register** on December 12, 2025 announcing a virtual public hearing to be held on January 7, 2026, potentially extending into January 8, 2026 if needed.² NHTSA received four requests to extend the comment period (received by the agency’s dockets) as of the date of this notice. These requesters also asked that the agency hold additional public hearings to allow more opportunities for oral presentation of public comments, in additional locations. A summary of these requests is as follows:

Requester	Date submitted	Docket ID No.	Extension length requested	Public hearing requests
Attorneys General of the States of New York, Maryland, Colorado, Delaware, Hawai‘i, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Washington, and Wisconsin, and the Chief Legal Officer of the City of New York.	December 10, 2025 ...	NHTSA–2025–0491–0154 ..	At least 45 days (at least a total of 90 days for comment period).	Significantly increase the number of public hearings, including additional virtual hearings as well as in-person hearings at every NHTSA regional office (including NHTSA headquarters in Washington, DC).
Zero Emission Transportation Association (ZETA).	December 19, 2025 ...	NHTSA–2025–0491–1260 ..	At least 45 days (at least a total of 90 days for comment period).	Several additional public hearings, including in-person and virtual options.
The Center for Biological Diversity, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club.	December 22, 2025 ...	NHTSA–2025–0490–0015, NHTSA–2025–0491–1355.	At least 45 days (at least a total of 90 days for comment period).	At least two additional public hearings.
Paul Billings, individual	January 7, 2026	Public Hearing comment	At least 45 days (at least a total of 90 days for comment period).	None provided.

In support of their requests for longer comment periods and additional public hearings, all requesters cited the time needed for careful analysis and review, the technically complex changes from prior analyses, and the potential significance of the proposed rule’s potential effects on the U.S. economy, consumers, human health, and the environment.

After thorough consideration of these requests, NHTSA is extending the public comment period for the proposed rule, as well as for the Draft SEIS, by 15 days to February 4, 2026—a total of 60 days. The agency believes that this amount of time should be adequate for commenters to review fully and

comment meaningfully on the proposed rule and on the Draft SEIS. This length of time comports with prior NHTSA CAFE comment periods³ and comment periods for other significant rules,⁴ while balancing the public interest in timely completion of the final rule.

NHTSA is denying requests for additional public hearings and for hearings in additional locations. NHTSA reserved two days for the agency’s virtual public hearing to accommodate all potential requests to testify, but the agency received requests to testify that only covered part of one day. Given the number of requestors to testify, and that a virtual public hearing format allows the most flexibility for

diverse public comments from commenters in multiple locations across the country, NHTSA did not need to extend the virtual public hearing into the additional day, nor did the agency schedule additional in-person public hearings. In addition, given the ongoing opportunity for written comment, the requesters have not demonstrated a need for additional public hearings.

Issued on January 9, 2026 in Washington, DC, under authority delegated in 49 CFR 1.95.

Jonathan Morrison,
Administrator.

[FR Doc. 2026–00537 Filed 1–13–26; 8:45 am]

BILLING CODE 4910–59–P

¹ 90 FR 56438 (Dec. 5, 2025).

² 90 FR 57726 (Dec. 12, 2025).

³ 86 FR 49602 (Sept. 3, 2021); 88 FR 56128 (Aug. 17, 2023).

⁴ See, e.g., *Regulations.gov*, *Learn About the Regulatory Process*, <https://www.regulations.gov/>

learn (“In a typical case, an agency will allow 60 days for public comment. However, in some cases, they provide either shorter or longer comment periods.”).

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 approval 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 February 13, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Strategic Economic and Community Development.

OMB Control Number: 0570–0068.

Summary of Collection: As authorized under the Agricultural Act of 2018 (2018 Farm Bill), the Strategic Economic and Community Development (SECD) program establishes reserved funds through Rural Development programs to fund projects that support the implementation of multijurisdictional and multisectoral strategic community investment plans (Plan).

Need and Use of the Information: Section 6401 relies on the covered programs' methods for program administration. Thus, to the extent the covered programs use collection techniques other than the submittal of written material, this program will follow suit.

Regarding the covered programs, USDA—Rural Development has considered the use of improved information technology to reduce the burden on the applicants. The information involved is unique to each particular case. Automating the written narrative portion of the application assists the applicant and USDA—Rural Development because most is completed and submitted electronically.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 100.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 580.

Rural Business-Cooperative Service

Title: Food Supply Chain Guaranteed Loan Program.

OMB Control Number: 0570–0077.

Summary of Collection: Section 1001 of the American Recovery Act of 2021, Public Law 117–2 provided funding for fiscal year 2022 (FY22) to the Secretary of Agriculture to provide assistance to maintain and improve food and agricultural supply chain resiliency.

The purpose of the Food Supply Chain (FSC) Guaranteed loan program was to make funds available to qualified applicants and projects to facilitate financing for the start-up or expansion of activities in the middle of the food supply chain, particularly the aggregation, processing, manufacturing,

storing, transporting, wholesaling, or distribution of food, to increase capacity and help create a more resilient, diverse, and secure U.S. food supply chain.

FSC no longer has funding available, and RD is no longer accepting applications for new loans in the program. All FSC loans in the portfolio are now being serviced in accordance with established regulations.

Need and Use of the Information: The FSC program requested application submission via an online application system. The use of this system allows the Agency to receive the applications electronically. Applicants who receive funding will be encouraged, but not required, to submit, as applicable, performance reports, and the annual status reports electronically. As such, all reporting requirements noted above, both written/non-forms and forms approved under other OMB control numbers, can be submitted electronically through online systems. The Agency will not require submission by electronic methods because some applicants may not have the technological expertise for electronic submission or may not have the equipment necessary for high technological information gathering.

The information provided will be used to determine applicant and project eligibility and to ensure that projects meet program goals and are for authorized purposes.

Description of Respondents: Businesses or other for-profits; Farms; Not-for-profit institutions.

Number of Respondents: 311.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,292.

Levi S. Harrell,

Departmental Information Collection
Clearance Officer.

[FR Doc. 2026–00583 Filed 1–13–26; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request;

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (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; 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 February 13, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: 7 CFR 1717 Subpart Y, Settlement of Debt Owed by Electric Borrowers.

OMB Control Number: 0572-0116.

Summary of Collection: The Rural Utilities Service (RUS) makes mortgage loans and loan guarantees to electric systems to provide and improve electric service in rural areas pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) [RE Act]. This information collection requirement stems from passage of Public Law 104-127, on April 4, 1996, which amended section 331 (b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) [Con Act] to extend to the RUS' loans and loan guarantees the Secretary of Agriculture's authority to compromise, adjust, reduce, or charge-off debts or claims owed to the Government (collectively, debt settlement) with respect to loans made or guaranteed by RUS. Only those electric borrowers that are unable to

fully repay their debts to the government and who apply to RUS for relief are affected by this information collection. The amendment also extended to the security instruments, leases, contracts, and agreements administered by RUS, the Secretary's authority to adjust, modify, subordinate, or release the terms of those documents.

Need and Use of the Information:

This information collection will require information only from those RUS electric borrowers who request assistance to settle a debt or claim owed to the Government arising from loans made or guaranteed or administered by RUS. The information required from the borrower is limited to what would be essential for determining: (1) need for debt settlement; (2) the amount of debt the borrower can repay; (3) the future scheduling of debt repayment; and (4) range of opportunities for enhancing the amount of the debt that can be recovered. The information collected is similar to any prudent lender would need in order to determine that debt settlement is required and the amount of relief that is needed. Since the need for relief is expected to vary substantially from borrower to borrower, so will the required information collected.

Description of Respondents: Private Sector; Business or other for-profit.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,000.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026-00586 Filed 1-13-26; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (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; 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 February 13, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Request for Approval to Sell Capital Assets.

OMB Control Number: 0572-0020.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of the Agency's main objectives is to safeguard loan security until the loan is repaid. Accordingly, the Agency manages loan program in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended (RE Act) and as prescribed by Office of Management and Budget (OMB) Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. In addition, Section (d) of § 904 of the RE Act states that "Loans under this section shall not be made unless the Secretary finds and certifies that in his judgment the security therefore is reasonably adequate and such loan will be repaid within the time agreed."

Need and Use of the Information: RUS is committed to meeting the requirements of the E-Government Act,

which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. RUS Form 369 requires a signature by authorized representatives of a business entity. USDA eAuthentication is the system used by USDA agencies to enable customer to obtain accounts that will allow them to access USDA Web Application and services via the internet. This includes things such as submitting forms electronically, completing surveys online, and checking the status of USDA accounts. USDA will only accept eAuthentication Accounts from individuals. Currently, USDA eAuthentication does not have the mechanism to issue accounts to business, corporations or other entities. Therefore, RUS cannot accept electronic signature or submission of these documents. However, the agency does make these forms available in a .pdf format for customers and the agency requests approval to continue posting of the form on the agency website.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 35.

Frequency of Responses:

Recordkeeping; Reporting: On occasion; Quarterly.

Total Burden Hours: 168.

Rural Utilities Service

Title: 7 CFR part 1786, Prepayment of RUS Guaranteed and Insured Loans to Electric and Telephone Borrowers.

OMB Control Number: 0572-0088.

Summary of Collection: The Rural Electrification (RE) Act of 1936, as amended, authorizes and empowers the Administrator of RUS to make loans in the States and Territories of the United States for rural electrification and furnishing and improving electric and telephone service in rural areas and to assist electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. The RE Act also authorizes and empowers the Administrator of RUS to provide financial assistance to borrowers for purposes provided in the RE Act by guaranteeing loans made by the National Rural Utilities Cooperative Finance Corporation, the Federal Financing Bank (FFB), and other lending agencies.

This information collection package contains the paperwork and reporting burden for 7 CFR part 1786, subpart E, "Discounted Prepayments on RUS Notes in the Event of a Merger of Certain RUS Electric Borrowers," subpart F,

"Discounted Prepayments on RUS Electric Loans," and subpart G, "Refinancing and Prepayment of RUS Guaranteed FFB Loans Pursuant to Section 306(C) of the RE Act." 7 CFR 1786, subparts E and F are authorized by Section 306(B) of the RE Act of 1936, as amended, and subpart G is authorized by Section 306(C) of the RE Act of 1936, as amended.

The overall goal of Subparts E and F is to allow Agency borrowers to prepay their RUS loan and the overall goal of Subpart G is to refinance. Subpart E allows certain electric borrowers to prepay outstanding RUS Notes at the Discounted Present Value of the RUS Notes with private financing. Subpart F allows borrowers to prepay, with private financing or internally generated funds, outstanding RUS Notes evidencing electric loans at the Discounted Present Value of the RUS Note. Subpart G allows the borrower of an electric or telephone loan made by the FFB and guaranteed by RUS to prepay and refinance a loan or an advance on the loan, or any portion of the loan or advance, after meeting certain conditions using the procedures prescribed in the borrower's note.

Need and Use of the Information:

Rural Development is committed to meeting the requirements of the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. There are no preset forms in this collection and borrowers are not precluded from submitting the necessary information in electronic format. Borrowers can also submit the necessary information in a letter and any attachments are in formats the borrowers use in their everyday business.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 38.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 76.

Rural Utility Service

Title: Seismic Safety of New Building Construction, 7 CFR 1792, Subpart C.

OMB Control Number: 0572-0099.

Summary of Collection: Seismic hazards present a serious threat to people and their surroundings and exist in most of the United States, not just the West Coast. Unlike hurricanes, times and location of earthquakes cannot be predicted. Most earthquakes strike without warning and, if of substantial strength, strike with great destructive

forces. Most earthquake related fatalities result from structure collapse and falling objects. Therefore, it is important in the United States and its territories to design structures according to seismic standards in order to mitigate losses from earthquakes.

To reduce risks to life and property from earthquakes, Congress enacted the Earthquake Hazards Reduction Act of 1977 (Pub. L. 95-124, 42 U.S.C. 7701 *et seq.*) (amended) directing establishment and maintenance of an effective earthquake reduction program. As a result, the National Earthquake Hazards Reduction Program (NEHRP) was established. The objectives of the NEHRP include the development of model building codes to establish technologically and economically feasible design and construction methods to make new and existing structures earthquake resistant. The Federal Emergency Management Agency (FEMA) was designated as the agency with the primary responsibility to plan and coordinate the NEHRP. The Interagency Committee on Seismic Safety in Construction (ICSSC) was established to assist the Federal departments and agencies develop and incorporate earthquake hazards reduction measures in their ongoing programs.

Need and Use of the Information:

RUS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. There are no forms associated with this collection, and Borrowers and Grant Recipients may include the acknowledgement in the form of a statement on the title page of the drawings included with the final plans and specifications or they may submit a letter to the Agency with the required information. Acknowledgment letters can be submitted electronically as an attachment to an email or can be submitted in hard copy. The Agency continues to research alternatives to develop a system for collecting the information electronically.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 8.

Rural Utilities Service

Title: 7 CFR 1717 Subpart D, Mergers and Consolidations of Electric Borrowers.

OMB Control Number: 0572-0114.

Summary of Collection: The Rural Utilities Service (RUS or the Agency) is a credit agency of the U.S. Department of Agriculture. It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and wastewater facilities in rural areas. Loan programs are managed in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.*, as amended, and as prescribed by the Office of Management and Budget (OMB) Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivable, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance.

Need and Use of the Information: Rural Development is committed to meeting the requirements of the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. There is no feasible alternative to requiring that the information be submitted to the Agency via hard copy, at this time, with computer generated charts and graphs as supporting data where appropriate. Borrowers use their own software to prepare letters, board resolutions, and supporting analysis. The relatively small number of respondents does not make it financially feasible to automate this collection of information.

Description of Respondents: Business or other for-profit.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 31.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026-00584 Filed 1-13-26; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Solicitation of nominations for membership.

SUMMARY: The United States Department of Agriculture (USDA) is seeking nominations to fill fourteen (14)

positions for the National Urban and Community Forestry Advisory Council (Council). The Council advises the Secretary of Agriculture, USDA Forest Service, and related Federal agencies on community and urban forestry, related natural resources, and other such matters as the Secretary determines.

DATES: Nominations must be submitted via email (preferred), or postmarked, by February 17, 2026.

ADDRESSES: Please submit nominations and resumes to the Secretary of Agriculture through the USDA Forest Service, Nancy Stremple, Designated Federal Officer (DFO), nancy.stremple@usda.gov, Subject line: 2026 NUCFAC Nominations (preferred), or mail to USDA Forest Service, Nancy Stremple, DFO, 201 14th and Independence SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT:

Inquiries may be sent to Nancy Stremple, DFO, nancy.stremple@usda.gov or mailed to USDA Forest Service, Nancy Stremple, DFO, 201 14th and Independence SW, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: The Council is authorized through 16 U.S.C. 2105, section 9 of the Cooperative Forestry Assistance Act of 1990 (ACT) as amended, and the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. 10), directs the Secretary of Agriculture to create a fifteen member National Urban and Community Forestry Advisory Council consisting of fairly balanced representation from urban and community forestry:

- 2 members representing national nonprofit forestry and conservation citizen organizations,
- 3 members, 1 each representing State, county, and city and town governments,
- 1 member representing the forest products, nursery, or related industries,
- 1 member representing urban forestry, landscape, or design consultants,
- 2 members representing academic institutions with expertise in urban and community forestry activities,
- 1 member representing State forestry agencies or equivalent State agencies,
- 1 member representing a professional renewable natural resources or arboricultural society,
- 1 member from the National Institute of Food and Agriculture,
- 1 member representing the USDA Forest Service,
- 2 members who are not officers or employees of any governmental body, 1 of whom is a resident of a community with a population of less than 50,000 as

of the most recent census and both of whom have expertise and have been active in urban and community forestry.

The Forest Service position is not open for nomination.

The Council's primary responsibilities include: (1) Develop a 10 year National Urban and Community Forestry Action Plan in accordance with section 9 (g) (3) (A-F) of the Act; (2) Evaluate the implementation of that plan annually; and (3) Develop criteria for, and submit recommendations with respect to, the Forest Service's National Urban and Community Forestry challenge cost-share grant program as required by section 9 (f) (1-2) of the Act. The Council will be governed by the provisions of FACA. Council members serve a three (3) year term and may be reappointed for a second and final three-year term.

Membership Nomination Information

Any interested person or organization may nominate qualified individuals for membership. Interested candidates may nominate themselves. Individuals who wish to be considered for membership on the National Urban and Community Forestry Advisory Council must submit a nomination with information, including an encrypted background disclosure form (Form AD-755). Nominations should be typed and include the following:

1. If nominating an individual, a brief summary, no more than two pages, explaining the nominee's qualifications to serve on the National Urban and Community Forestry Advisory Council and addressing the applicable membership composition and criteria described above.

2. A resume providing the nominee's background, experience, and educational qualifications related to the position(s) they are applying for.

3. Required background information form. A completed Advisory Committee Background Information form (AD-755) signed and encrypted by the nominee is available online at <https://www.usda.gov/sites/default/files/documents/ad-755-advisory-committee-commodity-board-background-information.pdf>.

4. Letters of recommendations or endorsements are optional.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Council.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or

administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, Braille, large print, audiotape, American Sign Language) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Dated: January 12, 2026.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2026-00568 Filed 1-13-26; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and

extension of a currently approved information collection, the Cotton Ginning Survey.

DATES: Comments on this notice must be received by March 16, 2026 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535-0220, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov.

Include docket number above in the subject line of the message.

- *E-fax:* (855) 838-6382.

- *Mail:* Mail any paper, disk, or CD-ROM submissions to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

- *Hand Delivery/Courier:* Hand deliver to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

FOR FURTHER INFORMATION CONTACT: Jody R. McDaniel, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-2707. Copies of this information collection and related instructions can be obtained without charge from NASS OMB Clearance Officer, at (202) 720-2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Cotton Ginning Survey.

OMB Control Number: 0535-0220.

Expiration Date of Approval: August 31, 2026.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture. The Cotton Ginning surveys provide cotton ginning statistics from August through May by State. Data collected consists of bales of cotton ginned to date, cotton to be ginned, lint cotton produced, cottonseed produced, cottonseed sold to oil mills, cottonseed used for other uses, number of gins by type, and bales produced by county of origin. The forecasting procedure involves calculating a weighted percent gained to date as well as an allowance for cross-state movement and bale weight adjustments. Production by State allows adjustments for year-end State and county estimates. The total pounds of lint cotton produced are used to

calculate the actual bale weight, enhancing the precision of production estimates.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C.3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115-435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA.

Estimate of Burden: The public reporting burden for this collection of information is estimated to be between 10 to 15 minutes per respondent per survey.

Respondents: Active Cotton Gins.

Estimated Number of Respondents: 600.

Estimated Total Annual Burden on Respondents: 1,300 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, December 11, 2025.

Jody R. McDaniel,

Associate Administrator.

[FR Doc. 2026-00541 Filed 1-13-26; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, Objective Yield Surveys.

DATES: Comments on this notice must be received by March 16, 2026 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535-0088, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.
- *eFax:* (855) 838-6382.
- *Mail:* Mail any paper, disk, or CD-ROM submissions to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.
- *Hand Delivery/Courier:* Hand deliver to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

FOR FURTHER INFORMATION CONTACT: Jody R. McDaniel, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-2707. Copies of this information collection and related instructions can be obtained without charge from NASS OMB Clearance Officer, at (202) 720-2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Objective Yield Surveys.
OMB Control Number: 0535-0088.
Expiration Date of Approval: July 31, 2026.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. The Objective Yield Surveys objectively predict yields for corn, soybeans, wheat, citrus, almonds, walnuts, and hazelnuts. Sample fields are randomly selected for these crops, plots are laid out, and periodic counts and measurements are taken and then used to forecast production during the growing season. Production forecasts are published in USDA crop reports.

The fruit and nut objective yield surveys are conducted under cooperative agreements with several State Departments of Agriculture. The individual States will be reimbursing NASS for the costs associated with these additional surveys. The surveys will include California citrus, almonds and walnuts; Florida citrus; and Oregon hazelnuts.

The increased burden hours and sample sizes reported below include these additional surveys.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115-435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average between 2 and 30 minutes per respondent.

Respondents: Farmers, ranchers, or farm managers.

Estimated Number of Respondents: 12,550.

Estimated Total Annual Burden on Respondents: 3,100 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, December 11, 2025.

Jody R. McDaniel,

Associate Administrator.

[FR Doc. 2026-00542 Filed 1-13-26; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval To Reinstate an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek reinstatement of an information collection, the 2027 Census of Agriculture.

DATES: Comments on this notice must be received by March 16, 2026 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535-0226, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.
- *E-fax:* (855) 838-6382.
- *Mail:* Mail any paper, disk, or CD-ROM submissions to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building,

1400 Independence Avenue SW,
Washington, DC 20250–2024.

• *Hand Delivery/Courier:* Hand deliver to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Jody R. McDaniel, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from NASS OMB Clearance Officer, at (202) 720–2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: 2027 Census of Agriculture.

OMB Control Number: 0535–0226.

Expiration Date of Previous Approval: September 30, 2024.

Type of Request: Intent to Seek Reinstatement of an Information Collection.

Abstract: The Census of Agriculture is the primary source of statistics concerning the nation's agricultural industry. It provides the only basis of consistent, comparable data for each county, county equivalent, and state in the United States and its outlying insular areas. The census is conducted every 5 years, the last one being for the reference year of 2022. The 2027 Census of Agriculture will again cover all agricultural operations in the 50 states, Puerto Rico, Guam, the U.S. Virgin Islands, the Commonwealth of Northern Mariana Islands (CNMI), and American Samoa which meet the census definition for a farm. For the 50 states, Guam, and CNMI, a farm is any place that produced and sold, or normally would produce and sell, \$1,000 or more of agricultural products during the census reference year. For Puerto Rico and the U.S. Virgin Islands it is any place with \$500 in production and sales. American Samoa is not limited by a threshold for production or sales and includes items grown for home consumption.

Data collection will primarily be conducted through a combination of mail, internet, and follow-up by phone or in-person for selected nonrespondents. In certain locations, data will be collected exclusively through direct enumeration methods.

Authority: The Census of Agriculture is required by law under the Census of Agriculture Act of 1997 (Pub. L. 105–113, codified at 7 U.S.C. 2204g), which mandates that the Secretary of Agriculture conduct the census every five years. Response to the screening form, the Census of Agriculture, and any related special study surveys is

mandatory. Special study surveys will be submitted under separate OMB approvals.

Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C.3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115–435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA.

The law guarantees farm operators that their individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only tabulated total data. These data are used by Congress when developing or changing farm programs. Many national and state programs are designed or allocated based on census data, *i.e.*, soil conservation projects, funds for cooperative extension programs, and research funding. Private industry uses the data to provide more effective production and distribution systems for the agricultural community.

Estimate of Burden: The estimated public reporting burden for this information collection varies depending on the form type. On average, it may range from a few minutes for brief responses to nearly an hour for more detailed forms. Additional time is included to review instructions, cover letters, and reminder materials.

Respondents: Farm and ranch operators.

Estimated Number of Respondents: 4,050,000.

Estimated Total Annual Burden on Respondents: 2,900,000 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of

the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, December 11, 2025.

Jody R. McDaniel,

Associate Administrator.

[FR Doc. 2026–00540 Filed 1–13–26; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–816]

Welded Stainless Steel Pressure Pipe From the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the Vietnam-wide entity made sales of welded stainless steel pressure pipe (WSSP) from the Socialist Republic of Vietnam (Vietnam) at less than normal value (NV) during the period of review (POR) July 1, 2023, through June 30, 2024. Additionally, Commerce intends to rescind the review, in part, with respect to five companies. Interested parties are invited to comment on the preliminary results of this review.

DATES: Applicable January 14, 2026.

FOR FURTHER INFORMATION CONTACT: Luke Caruso, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2081.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 2014, Commerce published the *Order* on WSSP from

Vietnam.¹ On August 14, 2024, pursuant to a timely request for review by the Felker Brothers Corporation and Primus Pipe & Tube, Inc. (collectively, the petitioners), Commerce published the notice of initiation of the ninth administrative review of the *Order*.² Commerce initiated this administrative review covering the following six exporters of subject merchandise: (1) Sonha International Corporation (Sonha International); (2) Mejonson Industrial Vietnam Co., Ltd. (Mejonson); (3) Sonha SSP Vietnam Sole Member Co. Limited (Sonha SSP); (4) Vinasteel Production Joint Stock Company (Vinasteel); (5) Vinlong Stainless Steel (Vietnam) Co., Ltd. (Vinlong); and (6) the Vietnam-wide Entity.³ On September 17, 2024, the petitioners withdrew their review requests for all exporters except for Mejonson, Vinasteel, and the Vietnam-wide entity.⁴

On December 9, 2024, Commerce tolled the deadline to issue the preliminary results in this administrative review by 90 days.⁵ On June 16, 2025, we extended the deadline for the preliminary results of this administrative review until October 29, 2025.⁶ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁷ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁸ Accordingly, the deadline for the preliminary results is now January 5, 2026.

For a complete description of the events that followed the initiation of

this administrative review, see the Preliminary Decision Memorandum.⁹ A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by this *Order* is circular welded austenitic stainless pressure pipe, not greater than 14 inches in outside diameter, from Vietnam. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of the publication of the notice of initiation. We received the petitioners' timely withdrawal of the request for review, which stated that all requests for review of Sonha International, Sonha SSP, and Vinlong were fully withdrawn and that Commerce should, therefore, rescind this review with respect to these three companies.¹⁰ Accordingly, we find that all requests for review of Sonha International, Sonha SSP, and Vinlong were timely withdrawn within 90 days of the publication of the *Initiation Notice*, and we are rescinding this review with respect to these three companies, in accordance with 19 CFR 351.213(d)(1).

As noted above, we initiated this review with respect to six entities and the petitioners timely withdrew their request for a review of three of these entities, *i.e.*, Sonha International, Sonha SSP, and Vinlong.¹¹ During the course of the review, we selected one mandatory respondent, *i.e.*, the Vietnam-wide entity. Consequently, there are two companies upon which a review was requested, not withdrawn,

and which were not selected for individual examination.

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable suspended entries. Based on our analysis of the U.S. Customs and Border Protection (CBP) information, the two remaining companies listed in the *Initiation Notice* (*i.e.*, Mejonson and Vinasteel), for which the review request was not withdrawn, had no entries of subject merchandise during the POR.¹² On January 30, 2025, Commerce notified interested parties of our intent to rescind this administrative review, including these two companies.¹³ No interested party commented on our intent to rescind this administrative review with respect to Mejonson and Vinasteel. As such, Commerce is rescinding this review with respect to Mejonson and Vinasteel in accordance with 19 CFR 351.213(d)(3).

The Vietnam-Wide Entity

Under Commerce's policy regarding the conditional review of the Vietnam-wide entity,¹⁴ the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. The petitioners¹⁵ requested a review of the Vietnam-wide entity in the instant review; therefore, the Vietnam-wide entity is under review.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily assigned a weighted average dumping margin to the Vietnam-wide entity based upon total facts otherwise available with adverse inferences. For a full description of the methodology underlying the preliminary results of this review, see the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average

¹ See *Welded Stainless Pressure Pipe from Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 79 FR 42289 (July 21, 2014) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 66035 (August 14, 2024) (*Initiation Notice*).

³ *Id.*, 89 FR at 66041.

⁴ See Petitioners' Letter, "Partial Withdrawal of Request for Administrative Review," dated September 17, 2024 (Petitioners' Withdrawal of Review Request).

⁵ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁶ See Memorandum, "Extension of Time Limit for Preliminary Results," dated June 16, 2025.

⁷ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁸ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁹ See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Welded Stainless Steel Pressure Pipe from the Socialist Republic of Vietnam; 2023–2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹⁰ See Petitioners' Withdrawal of Review Request.

¹¹ See *Initiation Notice*; see also Petitioners' Withdrawal of Review Request.

¹² See *Initiation Notice* at 66041; see also Memorandum, "Release of Customs Data from U.S. Customs and Border Protection," dated September 11, 2024 (CBP Data Memorandum).

¹³ See Memorandum, "Notice of Intent to Rescind Review," dated January 30, 2025.

¹⁴ 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).

¹⁵ See Petitioners' Letter, "Request for Administrative Review," dated July 31, 2024.

dumping margin exists for the period July 1, 2023, through June 30, 2024:

Exporter	Weighted-average dumping margin (percent)
Vietnam-wide Entity	90.80

Disclosure and Public Comment

Normally, Commerce discloses to parties to the proceeding the calculations performed in connection with a preliminary results of review within five days of any public announcement of the preliminary results or, if there is no public announcement, within five days of the date of publication of the notice of preliminary results of review in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied a weighted-average dumping margin based on total adverse facts available (AFA) to the individually examined entity in this administrative review, in accordance with section 776 of the Act, and assigned an AFA rate equal to the highest margin alleged in the underlying petition, as listed in the *Investigation Initiation*,¹⁶ there are no calculations to disclose.

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 publication of this notice.¹⁷ 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.¹⁸ Parties who submit case briefs or rebuttal briefs in this review must submit: (1) a statement of the issue; and (2) a table of authorities.¹⁹ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public,

executive summary for each issue raised in their briefs.²⁰ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²¹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice in the **Federal Register**.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b)(1). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has

expired (*i.e.*, within 90 days of publication).

If Commerce continues to base the Vietnam-wide entity's weighted-average dumping margin upon total facts otherwise available, with adverse inferences, in the final results of this review, then Commerce will instruct CBP to assess antidumping duties at the rate determined in the final results of review the Vietnam-wide entity.

However, if the Vietnam-wide entity's final weighted-average dumping margin is not based on total facts otherwise available, with adverse inferences, Commerce intends to calculate the entity rate by dividing the total amount of dumping for reviewed sales to U.S. customers by the total quantity of sales by the Vietnam-wide entity. Commerce will calculate an estimated *ad valorem* entity-wide assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, it will instruct CBP to apply the per-unit assessment rate.²²

Pursuant to a refinement to Commerce's assessment practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping assessment rate assigned to the Vietnam-wide entity.²³

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i). For the companies rescinded from review, Commerce intends to issue assessment instructions to CBP 35 days after the publication of this notice in the **Federal Register**.

In accordance with section 751(a)(2)(C) of the Act, 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 antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this

¹⁶ See *Welded Stainless Pressure Pipe from Malaysia, Thailand, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 78 FR 35253, 35257 (June 12, 2013) (*Investigation Initiation*).

¹⁷ See 19 CFR 351.309.

¹⁸ 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*).

¹⁹ See 19 CFR 351.309(c)(2) and (d)(2).

²⁰ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²¹ See *APO and Service Final Rule*.

²² See *Final Modification*, 77 FR at 8103.

²³ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

administrative review for all shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for the companies that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is *de minimis*, then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters for which a review was not requested and that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the Vietnam-wide entity (*i.e.*, 90.8 percent); and (4) for all non-Vietnamese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in case and rebuttal briefs, within 120 days of these preliminary results of review in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act.

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 in accordance with

sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Partial Rescission of Administrative Review
- V. Discussion of the Methodology
- VI. Recommendation

[FR Doc. 2026-00597 Filed 1-13-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-842]

Passenger Vehicle and Light Truck Tires From Thailand: Preliminary Results and Rescission, in Part, 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) preliminarily determines that passenger vehicle and light truck tires (PVLTV) from Thailand were sold in the United States at less than normal value (NV) by Sentury Tire (Thailand) Co., Ltd. (Sentury) during the period of review (POR) July 1, 2023, through June 30, 2024. Commerce preliminarily determines that sales of PVLTV from Thailand have not been made below NV by Sumitomo Rubber (Thailand) Co., Ltd. (SRT) during the POR. Additionally, Commerce is rescinding the review, in part, with respect to four companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable January 14, 2026.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Jacob Saude, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW Washington, DC 20230; telephone: (202) 482-2371 or (202) 482-0981, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2024, Commerce published in the **Federal Register** a notice of opportunity¹ to request an administrative review of the antidumping duty order on PVLTV from Thailand.² On August 14, 2024, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the Order.³ On December 9, 2024, Commerce tolled the deadline to issue the preliminary results in this administrative review by 90 days.⁴ On June 25, 2025, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results until October 29, 2025.⁵ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁶ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁷ Accordingly, the deadline for these preliminary results is now January 5, 2026.

For a detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁸ A list of the

¹ See *Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 54437 (July 1, 2024).

² See *Passenger Vehicle and Light Truck Tires from the Republic of Korea, Taiwan, and Thailand: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determination for Thailand*, 86 FR 38011 (July 19, 2021) (Order).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 66035 (August 14, 2024) and correction in *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 77079 (September 20, 2024).

⁴ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁵ See Memorandum, "Passenger Vehicle and Light Truck Tires from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2023–2024," dated June 25, 2025.

⁶ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 17, 2025.

⁷ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁸ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Passenger Vehicle and Light Truck Tires from

Continued

topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The products covered by the Order are PVLТ from Thailand. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Requests for review were timely withdrawn for the companies identified in Appendix II of this notice. Because the requests for review were timely withdrawn and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding

the review with respect to these companies.⁹

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Export price and NV are calculated in accordance with sections 772 and 773 of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum.

Rate for Companies Not Individually Examined

The Act and Commerce’s regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally equal to the weighted average of the estimated weighted-

average dumping margins established for exporters and producers individually examined, excluding rates that are zero, *de minimis* (i.e., less than 0.50 percent), or determined entirely on the basis of facts available.

Where the dumping margin for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.”

In this review, we have preliminarily calculated a zero weighted-average dumping margin for SRT and calculated an above *de minimis* weighted-average dumping margin for Sentury. Accordingly, we have preliminarily assigned Sentury’s estimated weighted-average dumping margin to the non-selected companies,¹⁰ consistent with section 735(c)(5)(B) of the Act.

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margins exist for the period July 1, 2023, through June 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Sentury Tire (Thailand) Co., Ltd	2.94
Sumitomo Rubber (Thailand) Co., Ltd	0.00
Review-Specific Rate for Non-Examined Companies ¹¹	2.94

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results of this administrative 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).

Thailand; 2023–2024,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁹ See American Omni Trading Company, LLC’s Letter, “Withdrawal of Request for Administrative Review,” with respect to LLIT (Thailand) Co., Ltd., dated September 11, 2024; see also Maxxis International (Thailand) Co., Ltd.’s Letter, “Withdrawal of Request for Administrative Review,” dated October 30, 2024; General Rubber (Thailand) Co., Ltd.’s Letter, “Withdrawal of Request for Administrative Review,” dated November 12, 2024; and Otani Radial Co., Ltd. and

Public Comment

Commerce will notify interested parties of the deadline for submission of case briefs.¹² Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹³ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁴

Otani Tire Co., Ltd.’s Letter, “Withdrawal of Request for Administrative Review,” dated November 12, 2024. Although Sentury requested a withdrawal of review, we have not rescinded the review with respect to Sentury because the petitioner also requested a review of Sentury. See Sentury’s Letter, “Sentury Withdrawal of Request for Antidumping Administrative Review,” dated November 12, 2024; see also Petitioner’s Letter, “Review Request,” dated July 31, 2024.

¹⁰ See Appendix III for a list of the non-selected companies.

¹¹ See Appendix III.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the

¹² See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

¹³ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁴ See 19 351.309(c)(2) and (d)(2).

¹⁵ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS.¹⁷ 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. Issues raised in the hearing will be limited to those raised in case and rebuttal briefs.¹⁸ If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. A hearing request must be filed electronically using ACCESS and received in its entirety by 5:00 p.m. Eastern Time within 30 days after the publication of this notice.

Final Results of Review

Unless otherwise extended, commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

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. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

If Sentury or SRT's weighted-average dumping margins are not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with CFR 351.212(b)(1).¹⁹ Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.²⁰ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Sentury or SRT's weighted-average dumping margins are 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.²¹

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Sentury or SRT for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate in the original LTFV investigation if there is no rate for the intermediate company(ies) involved in the transaction.²²

For companies for which we are rescinding this administrative review (*see* Appendix II) antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i). For these companies,

¹⁹ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

²⁰ See 19 CFR 351.212(b)(1).

²¹ See 19 CFR 351.106(c)(2); *see also* *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

²² For a full discussion of this practice, *see* *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these preliminary results in the **Federal Register**.

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 date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), then the cash deposit rate will be zero); (2) for 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 in which they were reviewed; (3) if the exporter is not a firm covered in this review or a prior segment of the proceeding but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 17.06 percent, the all-others rate established in the LTFV investigation.²³ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(d)(1), 19 CFR 351.213(h)(2), and 19 CFR 351.221(b)(4).

²³ See *Order*, 86 FR at 38012.

¹⁶ See *APO and Service Procedures*.

¹⁷ See 19 CFR 351.310(c).

¹⁸ See 19 CFR 351.310.

Dated: January 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

Appendix II

Companies Rescinded From Review

1. General Rubber (Thailand) Co., Ltd.
2. LLIT (Thailand) Co., Ltd.
3. Maxxis International (Thailand) Co. Ltd.
4. Otani Radial Co., Ltd./Otani Tire Co., Ltd.

Appendix III

Non-Examined Companies Receiving a Review-Specific Rate

1. Bridgestone Company, Ltd. (aka Bridgestone Company and Bridgestone Corporation)
2. Bridgestone Tire Manufacturing (Thailand) Co., Ltd. (aka Bridgestone Tire Manufacturing and Thai Bridgestone Co.)
3. Deestone Corporation Public Company Limited; Deestone Corporation Ltd.; Deestone Limited; Deestone International Company Limited; Svizz-One Corporation Limited; Siamtruck Radial Company Limited
4. Huayi Group (Thailand) Company Limited
5. Prinx Chengshan Tire (Thailand) Co., Ltd.
6. S.R. Tyres Co., Ltd.
7. Vee Tyre & Rubber Co., Ltd.
8. Yokohama Rubber Co., Ltd.
9. Yokohama Tire Manufacturing (Thailand) Co., Ltd.

[FR Doc. 2026-00502 Filed 1-13-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF439]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day virtual meeting with online webinar participation options to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held Wednesday, January 28 through Thursday, January 29, 2026, beginning at 10 a.m. on Wednesday and 9 a.m. on Thursday.

ADDRESSES: Webinar registration: Information on how to register and provide public comment via webinar will be posted on the Council's January 2026 meeting web page at: <https://www.nefmc.org/calendar/january-2026-council-meeting>.

Register for the webinar at https://nefmc-org.zoom.us/webinar/register/WN_N4TMX7UIRjahokCtRPURfg.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492; www.nefmc.org.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Wednesday, January 28, 2026

The Council will begin the meeting with a closed session of voting Council members to discuss appointments to the Scientific and Statistical Committee (SSC). Following the closed session, the meeting will open with introductions and announcements from the Council Chair. The Council will then receive reports on recent activities from the Council Chair and Executive Director; the Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator; NOAA Office of the General Counsel; the Northeast Fisheries Science Center (NEFSC); the Mid-Atlantic Fishery Management Council (MAFMC); the Atlantic States Marine Fisheries Commission (ASMFC); the United States Coast Guard; and the NOAA Office of Law Enforcement.

Following reports, NOAA will provide a presentation on the Marine Recreational Information Program Fishing Effort Survey study. The presentation will include updates on the follow-up study, calibration efforts, and the peer review process.

After a lunch break, the Council will reconvene to receive a report from the Groundfish Committee, including recommendations for recreational measures for Fishing Year 2026 for Atlantic cod and haddock. The Council will then receive a report from the Scallop Committee, and take action to approve the final report of the Limited Access General Category Individual Fishing Quota Program Review.

Next, the Habitat Committee will report on the Essential Fish Habitat

(EFH) review and discuss initiating a framework action to revise EFH designations for several stocks. The Council will then receive updates on Inflation Reduction Act (IRA) initiatives, including status updates and anticipated timing for project milestones and activities. The meeting will adjourn for the day at approximately 5 p.m.

Thursday, January 29, 2026

The second day of the meeting will begin with an update on the status of the Council's revised Risk Policy and the activities of the Risk Policy Working Group. The Council will then hold an open period for public comment. Following public comment, there will be a summary of the Holistic Strategic Plan Workshop conducted as part of the Council's Holistic Strategic Plan Initiative.

Next, will be a presentation on Council planning updates, including workplans and action timelines for Groundfish, Scallops, Monkfish, Skate, Atlantic herring, and Small-Mesh Multispecies, as well as other activities related to 2026 Council priorities.

The meeting will conclude with other business and adjourn at approximately 1 p.m.

Although non-emergency issues not contained on this agenda may come before the 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 Fishery Conservation and Management 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 Executive Director Cate O'Keefe (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 9, 2026.

Key Israel Marquez,

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

[FR Doc. 2026-00510 Filed 1-13-26; 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; Statement of Financial Interests, Regional Fishery Management Councils**

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 March 16, 2026.

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 0648–0192 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 Sean Lawler, Policy Analyst (Contractor), 1315 East West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282. (301) 427–8561, and sean.lawler@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

This is a request for renewal of an approved information collection. The National Marine Fisheries Service (NMFS), Office of Sustainable Fisheries (OSF) is the sponsor for this request. The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorize the establishment of eight Regional Fishery

Management Councils to manage fisheries within regional jurisdictions. Section 302(j) of the Magnuson-Stevens Act requires that affected individuals, including Council members appointed by the Secretary of Commerce, Scientific and Statistical Committee (SSC) members appointed by a Council, and individuals nominated by the State Governor, Territorial Governor or Tribal Government for possible appointment as a Council member (50 CFR 600.235), must disclose their financial interest in any Council fishery. Financial interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction. Information on financial interests must be disclosed on NOAA Form 88–195, Statement of Financial Interests, under OMB collection 0648–0192. The information collected is used to assess potential conflicts of interest and to make determinations about when recusals from Council voting decisions are necessary to avoid such conflicts. NMFS and Council offices are required to maintain current Statement of Financial Interests forms on file that are publicly available for transparency.

II. Method of Collection

Information will be collected electronically. Paper forms will be accepted if needed.

III. Data

OMB Control Number: 0648–0192.
Form Number(s): NOAA Form 88–195.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 330.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 248 hours.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Mandatory.
Legal Authority: MSA Section 302(j) and 50 CFR 600.235.

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. 2026–00555 Filed 1–13–26; 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; Alaska American Fisheries Act (AFA) Permits**

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 June 16, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Alaska American Fisheries Act (AFA) Permits.

OMB Control Number: 0648–0393.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 79 respondents.

Average Hours per Response: AFA Permit: Rebuilt, Replacement, or Removed Vessel Application, 1 hour; Application for Transfer of Bering Sea Chinook Salmon PSC Allocations, 1 hour; Application for AFA Inshore Catcher Vessel Cooperative Permit, 2 hours; AFA Inshore Vessel Contract Fishing Notification, 4 hours; Application for Approval as an Entity to Receive Transferable Chinook Salmon PSC Allocation, 8 hours.

Total Annual Burden Hours: 246 hours.

Needs and Uses: The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection that contains applications for permits and transfers necessary for NMFS to manage the Bering Sea and Aleutian Islands (BSAI) pollock fishery under the American Fisheries Act (AFA).

NMFS manages the BSAI pollock fishery under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the AFA (16 U.S.C. 1851). The regulations implementing the AFA Program are at 50 CFR part 679, subpart F. The reporting requirements at 50 CFR part 679 form the basis for this collection of information.

The AFA was signed into law in October 1998. The purpose of the AFA was to tighten U.S. ownership standards that had been exploited under the Anti-reflagging Act, and to provide the BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner while protecting non-AFA participants in the other fisheries. The AFA established sector allocations in the BSAI pollock fishery, determined eligible vessels and processors, allowed the formation of cooperatives, set limits on the participation of AFA vessels in other fisheries, and imposed special catch weighing and monitoring requirements on AFA vessels.

Any vessel used to engage in directed fishing for a non-western Alaska community development quota (non-CDQ) allocation of pollock in the Bering Sea and any shoreside processor, stationary floating processor, or mothership that receives pollock harvested in a non-CDQ directed

pollock fishery in the Bering Sea must have a valid AFA permit on board the vessel or at the facility location at all times while non-CDQ pollock is being harvested or processed.

Permanent AFA permits (AFA catcher vessel, AFA catcher/processor, AFA mothership, and AFA inshore processor) for the BSAI pollock fishery had a one-time application deadline of December 1, 2000, and were issued with an indefinite expiration date. Therefore, except for participants that require annual or replacement permits, all AFA entities required to have a permit are already permitted.

The type of information collected in this collection includes information on the applicants, transferors, transferees, permits, vessels, and Chinook salmon PSC transfer data. This information collection contains the following AFA permitting and transfer requirements:

- The AFA Permit: Rebuilt, Replacement, or Removed Vessel Application is used by an owner of an AFA vessel to notify NMFS the vessel has been rebuilt; to request an AFA permit for a replacement catcher vessel, catcher/processor, or mothership; or to request removal of an AFA catcher vessel that is a member of an inshore cooperative and assign its catch history to another vessel or vessels in the same cooperative.
- The Application for AFA Inshore Catcher Vessel Cooperative Permit is used annually by each AFA inshore catcher vessel cooperative to obtain an AFA Inshore Catcher Vessel Cooperative Permit and identify the vessels and processors that will be participating in the BSAI pollock fishery prior to the start of each fishing year.
- The AFA Inshore Vessel Contract Fishing Notification is used by an AFA inshore cooperative that intends to contract with a non-member vessel to harvest a portion of the cooperative's annual pollock allocation to notify NMFS of vessels that might be reporting with an alternative cooperative ID.
- The Application for Approval as an Entity to Receive Transferable Chinook Salmon Prohibited Species Catch (PSC) Allocation is used by an entity representing the catcher/processor sector or the mothership sector to request approval to receive transferable Chinook salmon PSC allocations on behalf of members of the sector. Once approved, an entity is not required to reapply for or renew its status. Entities also use this form to update their contact and other information related to the entity and its members.
- The Application for Transfer of Bering Sea Chinook Salmon PSC Allocations is used by an authorized

representative of the catcher/processor sector, the mothership sector, an inshore cooperative, or a CDQ group to transfer Chinook salmon PSC allocations to another entity's account.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Annually; As needed.

Respondent's Obligation: Required to Obtain or Retain Benefits; Mandatory.

Legal Authority: Magnuson-Stevens Fishery and Conservation Act; American Fisheries Act.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0393.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–00553 Filed 1–13–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0002; OMB Control Number 0704–0369]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Rights in Technical Data and Computer Software

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed

collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704-0369 through January 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by March 16, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704-0369, using either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* osd.dfars@mail.mil. Include OMB Control Number 0704-0369 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. David Johnson, at 202-913-5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 227.71, Rights in Technical Data, and Subpart 227.72, Rights in Computer Software and Computer Software Documentation, and related provisions and clauses of the Defense Federal Acquisition Regulation Supplement (DFARS); OMB Control Number 0704-0369.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 75,250.

Responses per Respondent: approximately 6.

Annual Responses: 378,035.

Average Burden per Response: approximately 1 hour.

Annual Burden Hours: 454,899.

Needs and Uses: DFARS subparts 227.71 and 227.72 prescribe the use of solicitation provisions and contract clauses containing information collection requirements that are associated with rights in technical data

and computer software. DoD needs this information to implement 10 U.S.C. 3771-3775, Rights in technical data, and 10 U.S.C. 3781-3786, Validation of proprietary data restrictions. DoD uses the information to recognize and protect contractor rights in technical data and computer software that are associated with privately funded developments; and to ensure that technical data delivered under a contract are complete and accurate and satisfy contract requirements.

DoD uses the following DFARS provisions and clauses in solicitations and contracts to require offerors and contractors to identify and mark data or software requiring protection from unauthorized use, release, or disclosure in accordance with 10 U.S.C. 3771-3775:

252.227-7013, Rights in Technical Data—Other Than Commercial Products and Commercial Services.

252.227-7014, Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation.

252.227-7017, Identification and Assertion of Use, Release, or Disclosure Restrictions.

252.227-7018, Rights in Other Than Commercial Technical Data and Computer Software—Small Business Innovation Research Program and Small Business Technology Transfer Program.

In accordance with 10 U.S.C. 3771(b)(4), DoD may disclose limited rights data to persons outside the Government, or allow those persons to use data with use, release, or disclosure restrictions, if the recipient agrees not to further release, disclose, or use the data. Therefore, the clause at DFARS 252.227-7013, Rights in Technical Data—Other Than Commercial Products and Commercial Services, requires the contractor to identify and mark data or software that it provides with limited rights.

In accordance with 10 U.S.C. 3781(b), contractors and subcontractors at any tier must be prepared to furnish written justification for any asserted restriction on the Government's rights to use or release data. The following DFARS clauses require contractors and subcontractors to maintain adequate records and procedures to justify any asserted restrictions:

252.227-7019, Validation of Asserted Restrictions—Computer Software.

252.227-7037, Validation of Restrictive Markings on Technical Data.

In accordance with 10 U.S.C. 3771(b)(2), DoD must protect the rights of contractors that have developed items, components, or processes exclusively at private expense.

Therefore, the clause at DFARS 252.227-7025, Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends, requires a contractor or subcontractor to submit a use and non-disclosure agreement when it obtains data from the Government to which the Government has less than unlimited rights. In addition, DFARS 227.7103-7, Use and non-disclosure agreement, requires intended recipients of technical data or computer software delivered to the Government with restrictions on use, modification, reproduction, release, performance, display, or disclosure, to sign the use and non-disclosure agreement at 227.7103-7(c) prior to release or disclosure of the data, unless the recipient is a Government contractor that requires access to a third parties data or software for the performance of a Government contract that contains the clause at 252.227-7025, Limitations on Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends. According to 10 U.S.C. 3771(b)(4), DoD may disclose limited rights data to persons outside the Government, or allow those persons to use limited rights data, if the recipient agrees not to further use, release, or disclose the data.

The provision at DFARS 252.227-7028, Technical Data or Computer Software Previously Delivered to the Government, requires an offeror to identify any technical data or computer software that it previously delivered, or will deliver, under any Government contract. DoD needs this information to avoid paying for rights in technical data or computer software that the Government already owns.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026-00589 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2025-0006; OMB Control Number 0704-0478]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement (DFARS); Cyber Incident Reporting and Cloud Computing

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Supplemental notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act. This document updates the instructions for submission of comments.

DATES: DoD will consider all comments received by January 14, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald T. Lucas, 571–372–7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

In the **Federal Register** of January 5, 2026, in FR Doc. 2025–24248, on page 255, this supplemental notice adds an **ADDRESSES** caption to include public comment instructions.

Title and OMB Number: Safeguarding Covered Defense Information, Cyber Incident Reporting, and Cloud Computing; OMB Control Number 0704–0478.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent’s Obligation: Required to obtain or retain benefits.

Reporting Frequency: On occasion.

Number of Respondents: 1,971.

Responses per Respondent: 8.2, approximately.

Annual Responses: 16,223.

Average Burden per Response: 0.42 hours.

Annual Burden Hours: 6,770.

Needs and Uses: Offerors and contractors must report cyber incidents on unclassified networks or information systems, within cloud computing services, and when they affect

contractors designated as providing operationally critical support, as required by statute.

a. The clause at DFARS 252.204–7012, Safeguarding Covered Defense Information and Cyber Incident Reporting, covers cyber incident reporting requirements for incidents that affect a covered contractor information system or the covered defense information residing therein, or that affects the contractor’s ability to perform the requirements of the contract that are designated as operationally critical support and identified in the contract.

b. The provision at DFARS 252.204–7008, Compliance with Safeguarding Covered Defense Information Controls, requires an offeror that proposes to vary from any of the security controls of National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 in effect at the time the solicitation is issued to submit to the contracting officer a written explanation of how the specified security control is not applicable or an alternative control or protective measure is used to achieve equivalent protection.

c. The provision at DFARS 252.239–7009, Representation of Use of Cloud Computing, requires offerors to report that they “anticipate” or “do not anticipate” utilizing cloud computing service in performance of a contract resulting from a solicitation containing the provision. The representation will notify contracting officers of the applicability of the cloud computing requirements of the DFARS 252.239–7010 clause of the contract.

d. The clause at DFARS 252.239–7010, Cloud Computing Services, requires reporting of cyber incidents that occur when DoD is purchasing cloud computing services.

These DFARS provisions and clauses facilitate mandatory cyber incident reporting requirements in accordance with statutory regulations. When reports are submitted, DoD will analyze the reported information for cyber threats and vulnerabilities in order to develop response measures as well as improve U.S. Government understanding of advanced cyber threat activity. In addition, the security requirements in NIST SP 800–171 are specifically

tailored for use in protecting sensitive information residing in contractor information systems and generally reduce the burden placed on contractors by eliminating Federal-centric processes and requirements. The information provided will inform DoD in assessing the overall risk to DoD covered defense information on unclassified contractor systems and networks.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–00544 Filed 1–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–0P]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–0P.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 7, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0P. This transmittal notifies a cost increase in excess of the total value previously described in the Section 36(b)(1) AECA certification 19-29 of July 26, 2019.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-0P

REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Pakistan

(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 19-29

Date: July 26, 2019

Implementing Agency: Air Force

Funding Source: Foreign Military
Financing

(iii) *Description:* On July 26, 2019, Congress was notified by congressional certification transmittal number 19-29 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of the continuation of technical support services; United States (U.S.)

Government and contractor technical and logistics support services; and other related elements of logistics support to assist in the oversight of operations in support of the Pakistan Peace Drive advanced F-16 program. The estimated total value was \$125 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies an extension of the previously notified technical support services; U.S. Government and contractor technical and logistics support services; and other related elements of logistics support to assist in the oversight of operations in support of the Pakistan Peace Drive advanced F-16 program. There is no MDE being reported with this notification and, as such, the total MDE value remains \$0. The total estimated value of the newly extended, non-MDE services is \$148 million, resulting in an increase in both the estimated non-MDE and overall total case value to \$273 million.

(iv) *Significance:* This notification is being provided as the additional non-MDE items represents an increase in value and length of services over what was previously notified

(v) *Justification:* This proposed sale will contribute to the foreign policy and national security of the U.S. by improving the security of a partner nation that is a force for political stability in the region by allowing Pakistan to retain interoperability with U.S. and coalition forces in ongoing counterterrorism efforts and in

preparation for future contingency operations.

(vi) *Sensitivity of Technology:*

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* November 7, 2024

* as defined in Section 47(6) of the Arms Export Control Act

[FR Doc. 2026-00529 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-116]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695-6233,

urooj.zahra.civ@mail.mil, or
dsca.ncr.rsrcmgmt.list.cns-mbx@
mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of

Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–116, Policy Justification, and Sensitivity of Technology.

Dated: January 9, 2026.

Stephanie J. Bost,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.
BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 18, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-116, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$70 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–116

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$45 million
Other	\$25 million

TOTAL	\$70 million
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(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Forty-six (46) Tactical Combat

Training System Increment II (TCTS II) air combat training systems

Non-Major Defense Equipment:

The following non-MDE items will also be included: containers; integration and test support; spare and repair parts; publications and technical documentation; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (UK–P–LYI)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* November 18, 2024

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

United Kingdom—Tactical Combat Training System Increment II

The Government of the United Kingdom has requested to buy forty-six (46) Tactical Combat Training System

Increment II (TCTS II) air combat training systems. The following non-MDE items will also be included: containers; integration and test support; spare and repair parts; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$70 million.

This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of a key NATO Ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve the United Kingdom's capability to meet current and future threats by improving live, virtual, and constructive tactical combat training. The Royal Air Force's use of the TCTS II furthers U.S.—United Kingdom operational training interoperability. The United Kingdom will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Collins Aerospace, located in Cedar Rapids, IA, and Leonardo DRS Systems, located in Fort Walton Beach, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–116

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Tactical Combat Training System Increment II (TCTS II) is a software-configurable, next generation air combat training system built to support 4th and 5th generation fighter training on all air combat training ranges. The TCTS II consists of ground equipment, including Common Ground Subsystem and Remote Range Units, and an airborne subsystem pod installed on the aircraft. The airborne subsystem pod interfaces through a secure connection with an aircraft's weapon and data buses and transmits data to Remote Range Units via L-band or S-band radio frequency (RF) signal. The Remote Range Units then route data via RF, fiber, or cellular to the Common Ground Subsystem for live monitoring and post mission replay.

2. The TCTS II provides aircraft and weapons performance information in real time to assist in accurate and immediate feedback to aircrews on both offensive and defensive tactics and weapons employment. Unsuccessful training missions can be repeated within minutes of restaging instead of waiting for post mission debriefs to learn of mistakes and then having to re-fly the same missions at a later date. This has significant cost savings implications (using fewer flying hours to achieve results) while simultaneously bringing better and more relevant training to pilots.

3. The highest level of classification of the defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or

be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2026–00533 Filed 1–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–99]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrgmgt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–99, Policy Justification, and Sensitivity of Technology.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 4, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-99, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$4.92 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-99

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$2.75 billion
Other	\$2.17 billion

TOTAL	\$4.92 billion
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(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

- Four (4) E-7 Airborne Early Warning & Control (AEW&C) aircraft
- Ten (10) CFM56 jet engines (8 installed, 2 spares)
- Seven (7) Guardian Laser Transmitter Assemblies (GLTA) (4 installed, 3

- spares)
- Eight (8) AN/AAQ 24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) System Processor Replacements (LSPR) (4 installed, 4 spares)
- Ten (10) Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM)—or M-Code receiver (8 installed, 2 spares)
- Six (6) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) (4 installed, 2 spares)

Non-Major Defense Equipment:

The following non-MDE items will also be included: AN/ARC-210 radios; digital radar warning receivers; AN/ALE-47 electronic countermeasure dispensers; LAIRCM control interface units; missile warning sensors; AN/APX-

119 identification friend or foe (IFF) transponders; KY100M narrowband/wideband terminals; KIV-77 Mode 4/5 IFF cryptographic appliqué; AN/PYQ-10 Simple Key Loaders; KG-175 Link encryptors; communications security (COMSEC) cables and other COMSEC devices and equipment; communications equipment; precision navigation; Computer Program Identification Numbers (CPINS); user data module cards; testing and test equipment; major and minor modifications and maintenance support; aircraft components, parts, and accessories; training aids and devices, and spare parts; instruments and lab equipment; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery

and support; classified and unclassified publications and technical documentation; personnel training and training equipment; aircraft ferry and transportation support; studies and surveys; U.S. Government and contractor engineering technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department: Air Force* (KS-D-SAG)

(v) *Prior Related Cases, if any: None*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None* known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: November 4, 2024*

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Republic of Korea—E-7 Airborne Early Warning & Control Aircraft

The Republic of Korea (ROK) has requested to buy four (4) E-7 Airborne Early Warning & Control (AEW&C) aircraft; ten (10) CFM56 jet engines (8 installed, 2 spares); seven (7) Guardian Laser Transmitter Assemblies (GLTA) (4 installed, 3 spares); eight (8) AN/AAR-57 AN/AAQ 24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) System Processor Replacements (LSPR) (4 installed, 4 spares); ten (10) Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM)—or M-Code receiver (8 installed, 2 spares); and six (6) Multifunctional Information Distribution System Joint Tactical Radio Systems with Tactical Targeting Network Technology (MIDS JTRS TTNT) (4 installed, 2 spares). The following non-MDE items will also be included: AN/ARC-210 radios; digital radar warning receivers; AN/ALE-47 electronic countermeasure dispensers; LAIRCM control interface units; missile warning sensors; AN/APX-119 identification friend or foe (IFF) transponders; KY100M narrowband/wideband terminals; KIV-77 Mode 4/5 IFF cryptographic appliqué; AN/PYQ-10 Simple Key Loaders; KG-175 Link encryptors; communications security (COMSEC) cables and other COMSEC devices and equipment; communications equipment; precision navigation; Computer Program Identification Numbers (CPINS); user data module cards; testing and test

equipment; major and minor modifications and maintenance support; aircraft components, parts, and accessories; training aids and devices, and spare parts; instruments and lab equipment; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; aircraft ferry and transportation support; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$4.92 billion.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

This proposed sale will improve the Republic of Korea's ability to meet current and future threats by providing increased intelligence, surveillance, and reconnaissance (ISR) and airborne early warning and control capabilities. It will also increase the ROK Air Force's command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) interoperability with the U.S. Korea will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be The Boeing Company, located in Renton, WA. There are no known offset agreements proposed in connection with this potential sale. Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-99

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The E-7A Airborne Early Warning & Control (AEW&C) aircraft provides advanced airborne moving target indication and battle management, command and control capabilities, and

advanced multi-role electronically scanned array radar that enhances airborne battle management and enables long-range kill chains.

2. The AN/AAQ-24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) system is a self-contained, directed-energy countermeasures system designed to protect aircraft from infrared-guided surface-to-air missiles. The LAIRCM system features digital technology micro-miniature solid-state electronics. The system operates in all conditions, detecting incoming missiles and jamming infrared-seeker equipped missiles with aimed bursts of laser energy. The LAIRCM system consists of multiple infrared missile warning sensors, the Guardian Laser Transmitter Assembly (GLTA), a LAIRCM System Processor Replacement (LSPR), a Control Interface Unit Replacement (CIUR), and a classified memory card user data module (UDM).

a. LAIRCM's IR missile warning sensors detect and declare threat missiles. The sensors are mounted on the aircraft exterior to provide omnidirectional protection. The sensors detect missile rocket plumes and send appropriate data signals to the LSPR.

b. The Guardian Laser Transmitter Assembly (GLTA) is a laser transmitter subsystem designed to track the inbound threat missile and point the laser jam source at the missile's seeker. The GLTA automatically deploys the laser countermeasure.

c. The LSPR analyzes the data from each missile warning sensor and automatically deploys appropriate countermeasures via the GLTA. The LSPR contains built-in-test (BIT) circuitry.

d. The CIUR displays the incoming threat for the pilot to take appropriate action. The CIUR also provides an interface to program the LAIRCM system to initiate BIT, display system status, and provide the crew with bearing to threat missile launch.

e. The UDM card contains the laser jam codes. It is loaded into the LSPR prior to flight; when not in use, the classified memory card user data module is removed from the LSPR and put in secure storage.

3. The Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM)—or M-Code receiver when available and Precise Positioning Service (PPS) is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and

coordinated universal time (UTC) synchronized time. SAASM or M-Code enables the GPS receiver access to the encrypted P (Y or M) signal, providing protection against active spoofing attacks.

4. The Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) provides an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity and jam-resistant digital communications links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

5. The KIV-77 is a cryptographic appliqué for identification friend or foe (IFF). It can be loaded with Mode 5 classified elements.

6. The KY-100M is a cryptographic modernized lightweight terminal for secure voice and data communications. The KY-100M provides wideband and narrowband half-duplex communication. Operating in tactical ground, marine and airborne applications, the KY-100M enables secure communication with a broad range of radio and satellite equipment.

7. The AN/PYQ-10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

8. The AN/APX-119 is an IFF transponder that provides military aircraft with a secure combat identification capability to help reduce fratricide and enhance battlespace awareness, while providing safe access to civilian airspace.

9. The AN/ARC-210 is a voice communications radio system equipped with HAVEQUICK II, which employ cryptographic technology. Other waveforms may be included as needed.

10. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

11. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

12. A determination has been made that the Republic of Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

13. All defense articles and services listed in this transmittal have been

authorized for release and export to the Republic of Korea.

[FR Doc. 2026-00526 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-1C]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-1C.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 13, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-1C. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 24-14 of February 15, 2024.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal

Transmittal No. 24-1C

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Purchaser:* Government of Italy

(ii) *Total Sec. 36 (b)(1), AECA*

Transmittal No.: 24-1

Date: February 15, 2024

Implementing Agency: Air Force

(iii) *Description:* On February 15, 2024, Congress was notified by congressional certification transmittal number 24-14 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of one hundred twenty-five (125) Guided Bomb Unit (GBU)-53/B Small Diameter Bombs-Increment II (SDB-II) All-Up-Rounds (AURs); and eight (8) GBU-53/B SDB-II Captive Carry Reliability Tests (CCRTs) that were added to a previously implemented case whose value was under the congressional notification threshold. The original FMS case, valued at \$22.5 million (\$9.7 million in MDE), included twenty-four (24) GBU-53/B SDB-II AURs; and four (4) GBU-53/B SDB-II CCRTs. The Government of Italy has also requested a new FMS case that included twenty-four (24) GBU-53/B

SDB-II AURs; and two (2) GBU-53/B SDB-II CCRTs. This notification was for a combined total of one hundred seventy-three (173) GBU-53/B SDB-II AURs; and fourteen (14) GBU-53/B SDB-II CCRTs. Also included were SDB-II Weapon Load Crew Trainers (WLCT) and Practical Explosive Ordnance Disposal Trainers (PEST); munitions support and support equipment; unclassified software delivery and support; spare parts, consumables and accessories, and repair and return support; modifications and maintenance support; unclassified publications and technical documentation; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost was \$150 million. Major Defense Equipment (MDE) constituted \$74 million of this total.

This transmittal reports the addition of the following MDE items: seventy-two (72) GBU-53/B SDB-II AURs and four (4) GBU-53/B SDB-II CCRTs. The following non-MDE items will also be included: major and minor

modifications and equipment; training aids and devices; classified software delivery and support; and other related elements of logistics and program support. The estimated total value of the new items is \$72.2 million. The estimated MDE value will increase by \$37.8 million to a revised \$111.8 million. The estimated non-MDE value will increase by \$34.4 million to a revised \$110.4 million. The estimated total case value will increase by \$72.2 million to a revised \$222.2million.

(iv) *Significance:* This notification is being provided because the additional MDE items were not enumerated in the original notification. The proposed sale will improve Italy's capability to meet current and future threats by improving the Italian Air Force and Navy's F-35 weapons capabilities.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of NATO ally that is force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology:*

The Sensitivity of Technology Statement contained in the original

notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: November 13, 2024

[FR Doc. 2026-00532 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-1B]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or

dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-1B.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

November 8, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-1B. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-66 of January 14, 2020.

Sincerely,

Michael F. Miller
Director

Enclosure:
I. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-1B

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser*: Government of Australia

(ii) *Sec. 36(b)(1), AECA Transmittal No.*: 19-66

Date: January 14, 2020

Implementing Agency: Navy

(iii) *Description*: On January 14, 2020, Congress was notified by congressional certification transmittal number 19-66 of the possible sale, under Section 36(b)(1) of the Arms Export Contract Act, of long lead items, engineering development activities, and other defense services to support the Australian Surface Combatant Program, including the modernization of three Hobart Class Destroyers, and

construction of the first three (of nine total) Hunter Class Frigates which included: three (3) shipsets of the AEGIS Weapon System (AWS) in the MK 6 Mod 1 configuration to support the Modernization of the Hobart Class DDGs; three (3) shipsets of the AEGIS Weapon System (AWS) in the MK 6 Mod 1 configuration to support the New Construction of the Hunter Class FFGs; three (3) shipsets of the MK 41 Vertical Launching Systems (VLS) for

installation on the Hunter Class Frigates; three (3) shipsets (2 mounts per ship) of the Close-In Weapons System (CIWS) for installation on the Hunter Class Frigates; two (2) Australia AEGIS Weapon System Computer Programs (one for Hobart Class, one for Hunter Class), and associated computer programs for AEGIS Combat System components for installation on both the Hobart and Hunter Class ships; six (6) shipsets of the Global Positioning System (GPS)—Based Positioning, Navigation and Timing Service (GPNTS) Navigation Systems and associated Advanced Digital Antenna Production (ADAP) antennas and support equipment for installation on the Hobart and Hunter Class ships; six (6) shipsets of upgraded Cooperative Engagement Capability (CEC) equipment for installation on the Hobart and Hunter Class ships; six (6) shipsets of Command and Control Processor (C2P) equipment for installation on the Hobart and Hunter Class ships; and eight (8) shipsets of Multifunctional Information Distribution System Joint Tactical Radio Set (MIDS JTRS) terminals for installation on the Hobart and Hunter Class ships. Also included were: three (3) shipsets of MK 34 Gun Weapon System (GWS) modification equipment to include the Electro Optical Sight System and changes supporting Naval Fires Planner and associated TacLink Control System for installation on the Hobart Class Destroyers; three (3) shipsets of MK 34 Gun Weapon System components to include the MK 160 Gun Computing System and the MK 20 Electro Optical Sight System, and the Naval Fires Planner and associated TacLink Control System for installation on the Hunter Class Frigates; three (3) shipsets of: Mode 5/S capable Identification Friend or Foe (IFF) Systems; Gigabit Ethernet Data Multiplexing System (GEDMS); AN/WSN-7 Ring Laser Gyrocompass Inertial Navigation Systems; WSN-9 Digital Hybrid Speed Log systems; Common Data Link Management System (CDLMS); and Global Command and Control System-Maritime (GCCS-M) systems for installation on the Hunter Class Frigates; six (6) shipsets of AN/SRQ-4 Hawklink and SQQ-89 Sonobuoy processing equipment for installation on the Hobart and Hunter Class ships; defense services for development and integration of a capability upgrade for the installed AEGIS Combat System on the Hobart Class Destroyer, including Integrated Air and Missile Defense capability and growth capability for Ballistic Missile Defense; development, integration and

testing support for installation of a AEGIS Combat System for installation on the Hunter Class FFG, A Global Combat Ship Type 26 (BAE) platform, including the integration of the indigenous CEAFAAR 2 Phased Array Radar (CEA Industries) with the AEGIS Combat System (including Cooperative Engagement Capability) and the primary radar sensor and illuminator; integration of selected Australian provided combat system components including Undersea Warfare and Ship Self Defense for installation on the Hobart and Hunter Class ships; integration of the MH-60R helicopter into the AEGIS Combat System for installation on the Hobart and Hunter Class ships; procurement and delivery of installation support material, special purpose test equipment, initial logistics outfitting, spares and other ancillary equipment to support the installation and integration of AEGIS Combat System equipment in the Hobart and Hunter Class ship platforms; development of technical documentation to support both programs; provision of logistics and other support services to support the Hobart and Hunter Class ships; procurement, staging, delivery and installation support for AEGIS Combat System equipment for the Hobart and Hunter Class ships; provision of training support for curriculum development, training tool development, front-end analysis, and crew training for the Hobart and Hunter Class ships; United States (U.S.) Government and contractor representative engineering, logistics, and technical services; and other related elements of logistics and program support for the Hobart and Hunter Class ships. The estimated total value was \$1.5 billion. Major Defense Equipment (MDE) constituted \$0.5 billion of this total.

This transmittal notifies the inclusion of additional equipment and services required to modernize Hobart Class Destroyers and Hunter Class Frigates for service in the Royal Australian Navy. Included are the following MDE items: three (3) AN/WSN-12 Ring Laser Gyrocompasses; three (3) MIDS On-Ship Modernization (MOS Mod) equipment suites; four (4) 5-inch 54-caliber MK 45 lightweight gun carcasses; and three (3) Tactical Tomahawk Weapons Control Systems (TTWCS). The following non-MDE items are also included: personnel training and U.S. Government and contractor engineering, technical, and logistics support services. The estimated total value of these new items and services is \$641 million. The new MDE items will not result in a net increase in the estimated total MDE value, which

will remain \$0.5 billion. The estimated total value of the new non-MDE items is \$0.5 billion, which will result in an increase in non-MDE value to \$1.5 billion. The estimated total case value will increase by \$0.5 billion to \$2.0 billion.

(iv) *Significance*: This notification is being provided as the additional non-MDE items were enumerated in the original notification. The proposed sale will support Singapore's air to air and air to ground self-defense capability, and ability to defend its borders and contribute to coalition operations.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of a strategic partner that is an important force for political stability and economic progress in Asia.

(vi) *Sensitivity of Technology*:

The F-35A Lightning II aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology, including the low observable airframe and outer mold line (OML), Pratt and Whitney F135 engine, AN/APG-81 radar, integrated core processor central computer, mission systems and electronic warfare suite, multiple sensor suite, technical data and documentation, and associated software. Sensitive elements of the F-35A are also included in operational flight and maintenance trainers.

The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), OML Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer, and Weapons Loading Trainer (WLT). The F-35 Training System can be integrated, which allows both pilots and maintainers to learn at the same Integrated Training Center (ITC). Alternatively, pilots and maintainers can train at separate facilities (Pilot Training Center and Maintenance Training Center).

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: November 8, 2024

[FR Doc. 2026-00531 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-107]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21,

1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-107 and Policy Justification.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 5, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-107, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Czech Republic for defense articles and services estimated to cost \$184 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 24-107

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Czech Republic

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 0
Other	\$184 million
Total	\$184 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

The following non-MDE items will also be included: communications equipment; spare parts, consumables and accessories, and repair and return support; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (EZ-D-DAJ)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* November 5, 2024

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Czech Republic—Large Enterprise Terminals System

The Government of the Czech Republic has requested to buy a two-sector fixed satellite communications turnkey system, based on a Large Enterprise Terminals (LET) system, consisting of the following non-MDE

items: communications equipment; spare parts, consumables and accessories, and repair and return support; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$184 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the Czech Republic's capability to strengthen its homeland defense and deter regional threats. This will contribute to its military goals of updating capability while further enhancing interoperability with the U.S. and other allies. The Czech Republic will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The communications equipment will be transferred from U.S. Government stock. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Czech Republic.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-00527 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-1A]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-1A.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 6, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-1A. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16-57 of December 20, 2016.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-1A

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of Norway
(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 16-57

Date: December 20, 2016

Implementing Agency: Navy

(iii) *Description:* On December 20, 2016 Congress was notified by congressional certification transmittal number 16-57 of the sale, under Section 36(b)(1) of the Arms Export Control Act, of five (5) P-8A Patrol Aircraft, each includes: Commercial Engines, Tactical Open Mission Software (TOMS), Electro-Optical (E.O.) and Infrared (IO) MX-20HD, AN/AAQ-2(V)1 Acoustic System, AN/APY-10 Radar, ALQ-240 Electronic Support Measures; eleven (11) Multifunctional Distribution System Joint Tactical Radio Systems

(MIDS JTRS); eight (8) Guardian Laser Transmitter Assemblies (GLTA) for the AN/AAQ-24(V)N; eight (8) System Processors for AN/AAQ-24(V)N; forty-two (42) AN/AAR-54 Missile Warning Sensors for the AN/AAQ-24(V)N; fourteen (14) LN-251 with Embedded Global Positioning Systems (GPS)/Inertial Navigations Systems (EGIs); two thousand (2,000) AN/SSQ-125 Multi-Static Active Coherent (MAC) Source Sonobuoys; spares; spare engine; support equipment; operational support systems; training; maintenance trainer/classrooms; publications; software; engineering and logistics technical assistance; Foreign Liaison Officer support; contractor engineering technical services; repair and return; transportation; aircraft ferry; and other associated training and support. The total estimated program cost was \$1.75 billion. Major Defense Equipment (MDE) constituted \$1.4 billion of this total.

On October 30, 2019, Congress was notified by congressional certification transmittal number 19-0M of the sale, under Section 36(b)(5)(C) of the AECA, of the inclusion of one (1) additional P-8 aircraft with commercial engines, Tactical Open Mission Software (TOMS), Electro-Optical (E.O.) and Infrared (IO) MX-20HD, AN/AAQ-2(V)1 Acoustic System, AN/APY-10 Radar, ALQ-240 Electronic Support Measures; one (1) Multifunctional Distribution System Joint Tactical Radio Systems (MIDS JTRS); one (1) Guardian Laser Transmitter Assemblies (GLTA) for the AN/AAQ-24(V)N; one (1) System Processors for AN/AAQ-24(V)N; two (2) LN-251 with Embedded Global Positioning Systems (GPS)/Inertial Navigation Systems (EGIs); and associated materiel, support, and services. These additional MDE items resulted in an increase in MDE cost of \$100 million, for a total MDE value of

\$1.5 billion. The estimated total case value increased to \$1.85 billion.

This transmittal notifies the addition of the following non-MDE items: equipment and services in support of the major modification of up to six (6) aircraft, including for elements of Increment 3 Block 2 configuration (WBSC) and cross-domain solution (CDS)) upgrades for Norwegian P-8A aircraft; future follow-on sustainment; engineering, logistics, and contractor services; spare engines; support equipment; Electronic Maintenance Training Module (EMTM), previously recognized as Virtual Maintenance Trainer (VMT); Weapons System Trainer (WST), comprised of an Operational Flight Trainer (OFT) and a Weapons Tactical Trainer (WTT); and other related elements of logistics and program support. There is no additional MDE being reported with this notification, and as such the estimated total MDE value remains \$1.50 billion. The estimated total value of the new non-MDE items is \$1.58 billion, which will result in a revised non-MDE total of \$1.93 billion. The revised estimated total case value will increase by \$1.93 billion to \$3.43 billion.

(iv) *Significance*: The proposed sale will improve Norway's capability to perform antisubmarine warfare (ASW), anti-surface warfare, and intelligence, surveillance, and reconnaissance missions. Norway will use the enhanced capability as a deterrent to regional threats, to strengthen its homeland defense, to contribute to coalition maritime domain awareness, and to provide regional security in Europe.

(v) *Justification*: This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO Ally which is an important force for political stability in Europe. The proposed sale will allow Norway to maintain its Maritime Patrol Aircraft (MPA) capability following retirement of its P-3C MPA. This sale will strengthen NATO's collective defense and enhance Norway's contributions to the Alliance.

(vi) *Sensitivity of Technology*:

The major aircraft modification which includes Increment 3 Block 2 configuration and the inclusion of new virtual training systems will increase Norway's maritime capability. The upgrades will enhance training systems and aircraft missions, communications, and sensor systems. The WBSC and CDS elements associated with the Increment 3 Block 2 upgrade will provide significant enhancements to the Norwegian P-8A airframe and avionics systems. The upgrades will additionally include new airframe racks, radomes, antennas, sensors, and wiring. The modification incorporates a new combat systems suite with improved computer processing and higher security architecture capability, a WBSC system, a CDS, an ASW signals intelligence capability, and additional communications and acoustics systems to enhance search, detection, and targeting capabilities.

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and

services included in this potential sale is TOP SECRET.

(vii) *Date Report Delivered to Congress*: November 6, 2024

* as defined in Section 47(6) of the Arms Export Control Act

[FR Doc. 2026-00528 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0Z]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0Z.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 7, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0Z. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20-06 of January 9, 2020.

Sincerely,

Michael F. Miller
Director

Enclosure:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-0Z

REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)

(i) *Purchaser:* Government of
Singapore

(ii) *Sec. 36(b)(1), AECA Transmittal
No.:* 20-06

Date: January 9, 2020

Implementing Agency: Air Force

Funding Source: National Funds

(iii) *Description:* On January 9, 2020, Congress was notified by congressional certification transmittal number 20-06 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of up to twelve (12) F-35B Short Take-Off and Vertical Landing (STOVL) aircraft (four (4) F-35B STOVL aircraft with the option to purchase an additional eight (8) F-35B STOVL aircraft); and up to thirteen (13) Pratt and Whitney F135 Engines (includes 1 initial spare). Also included were Electronic Warfare Systems; Command, Control, Communication, Computers and Intelligence/Communication, Navigation and Identification (C4I/CNI) system; Autonomic Logistics Global Support System (ALGS); Autonomic

Logistics Information System (ALIS); F-35 Training System; Weapons Employment Capability and other Subsystems, Features and Capabilities; F-35 unique infrared flares; reprogramming center access and F-35 Performance Based Logistics; software development/integration; aircraft transport from Ft. Worth, TX to the CONUS initial training base and tanker support (if necessary); spare and repair parts; support equipment, tools and test equipment; technical data and publications; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics support. The total estimated cost was \$2.750 billion. Major Defense Equipment (MDE) constituted \$1.625 billion of this total.

This transmittal notifies the inclusion of the following MDE items: up to eight (8) F-35A Lightning II aircraft and up to nine (9) Pratt & Whitney F135 Conventional Take Off and Landing (CTOL) engines (eight (8) installed, one (1) spare). The following non-MDE items will also be included: Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); major and minor

modifications and equipment; multi-purpose missile equipment; training aids, devices, and spare parts; weapon system support, including unclassified and classified software and software support; aerial refueling support; clothing, textiles, and individual equipment; studies and surveys; and other related elements of logistics and program support. The estimated total value of the new items is \$2.01 billion. The estimated MDE value will increase by \$.925 billion to \$2.55 billion. The estimated non-MDE value will increase by \$1.085 billion to a revised \$2.21 billion. The estimated total case value will increase by \$2.01 billion to a revised \$4.76 billion.

(iv) *Significance:* This notification is being provided as the additional non-MDE items were enumerated in the original notification. The proposed sale will support Singapore's air to air and air to ground self-defense capability, and ability to defend its borders and contribute to coalition operations.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of a strategic partner that is an important force for

political stability and economic progress in Asia.

(vi) *Sensitivity of Technology:*

The F-35A Lightning II aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology, including the low observable airframe and outer mold line (OML), Pratt and Whitney F135 engine, AN/APG-81 radar, integrated core processor central computer, mission systems and electronic warfare suite, multiple sensor suite, technical data and documentation, and associated software. Sensitive elements of the F-35A are also included in operational flight and maintenance trainers.

The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), OML Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer, and Weapons

Loading Trainer (WLT). The F-35 Training System can be integrated, which allows both pilots and maintainers to learn at the same Integrated Training Center (ITC). Alternatively, pilots and maintainers can train at separate facilities (Pilot Training Center and Maintenance Training Center).

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* November 7, 2024

[FR Doc. 2026-00530 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-114]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrgmgt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-114 and Policy Justification.

Dated: January 12, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

November 14, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-114, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost \$160 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Section 620C(d) Certification

BILLING CODE 6001-FR-C

Transmittal No. 24-114

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Greece

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$160 million
TOTAL	\$160 million

Funding Source: National Funds

(iii) *Description and Quantity of Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:

The following non-MDE items MDE items will be included: engine components, parts, and accessories; aircraft engine and ground handling equipment; major and minor modifications, spare parts, consumables and accessories, and

repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (GR-D-QBN)

(v) *Prior Related Cases, if any:* GR-D-SBD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* November 14, 2024

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Greece—F-16 Engine Follow-On Support

The Government of Greece has requested to buy equipment and services for follow-on support of its F-16 engines. The following non-MDE items will be included: engine components, parts, and accessories; aircraft engine and ground handling equipment; major and minor modifications; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$160 million.

This proposed sale will support the foreign policy and national security of the U.S. by improving the security of a

NATO ally that is a force for political and economic progress in Europe.

The proposed sale will improve Greece's capability to maintain its F-16 aircraft fleet, which it operates to promote security in the Eastern Mediterranean. Greece will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be General Electric Aerospace, located in Evendale, OH. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Greece.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026-00579 Filed 1-13-26; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-03]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25-03, Policy Justification, and Sensitivity of Technology.

Dated: January 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

December 10, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost \$266.4 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 25–03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Ukraine

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$266.4 million
TOTAL	\$266.4 million

Funding Source: Jumpstart Funding from Belgium and Denmark

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:

The following non-MDE items will be included: Joint Mission Planning System (JMPS); AN/PYQ–10 Simple Key Loaders (SKL); minor modifications and maintenance support; engine Component Improvement Program (CIP); spare and repair parts, consumables, and accessories; repair and return support; weapons software, weapons software support equipment, and classified and unclassified software and delivery support; classified and unclassified publications and documentation; personnel training and training equipment; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (FMS Case Designator TBD)

(v) *Prior Related Cases, if any:* NW–D–QAD (USAI Case); JU–D–QAA (Jumpstart Case)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 10, 2024

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Ukraine—F–16 Sustainment Services

The Government of Ukraine has requested to buy the Joint Mission Planning System (JMPS); AN/PYQ–10 Simple Key Loaders (SKL); minor modifications and maintenance support; engine Component Improvement Program (CIP); spare and repair parts, consumables, and accessories; repair and return support; weapons software,

weapons software support equipment, and classified and unclassified software and delivery support; classified and unclassified publications and documentation; personnel training and training equipment; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$266.4 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a partner country that is a force for political stability and economic progress in Europe.

This proposed sale will improve Ukraine's capability to meet current and future threats by further equipping it to conduct self-defense and regional security missions with a more robust air defense capability. Ukraine will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Sabena, located in Charleroi, Belgium; Lockheed Martin Aeronautics, located in Fort Worth, TX; and Pratt and Whitney, located in East Hartford, CT. The U.S. Government is not aware of any proposed offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Ukraine.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/PYQ–10 Simple Key Loader (SKL) is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

2. The Joint Mission Planning System (JMPS) is a multi-platform, personal computer-based mission planning system.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Ukraine can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Ukraine.

[FR Doc. 2026–00534 Filed 1–13–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of the Virtual Meeting of the Federal Advisory Committee Known as the Western Water Cooperative Committee

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Western Water Cooperative Committee, a Federal Advisory Committee, provides a forum for discussions between the U.S. Army Corps of Engineers (“Corps”) and Western States regarding the operation of Corps projects and water rights and water laws of Western States. This meeting of the Western Water Cooperative Committee will be an online virtual meeting on February 5, 2026. This meeting is open to the public.

DATES: The Western Water Cooperative Committee will conduct an online virtual meeting from 2:00 p.m. EDT to 4:00 p.m. EDT on Thursday, February 5, 2026.

ADDRESSES: The Western Water Cooperative Committee meeting will be an online virtual meeting. Information for the online virtual meeting can be accessed at the committee's website: <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/>. Comments or requests to speak at the meeting should be submitted in writing to: The Designated Federal Officer

(DFO) for the committee: Mr. Sean L. Smith, ATTN: CEEC, 441 G St. NW, Washington, DC 20314-1000; or by email at WWCC@usace.army.mil. Alternatively, contact the Alternate Designated Federal Officer (ADFO): Ms. Virginia K. Rynk, ATTN: CEEC, 441 G St. NW, Washington, DC 20314-1000; or by email at WWCC@usace.army.mil. Electronic mail is the preferred mode of submission.

FOR FURTHER INFORMATION CONTACT: The DFO for the committee: Mr. Sean L. Smith, by telephone at 202-761-0301; and by email at WWCC@usace.army.mil; or the ADFO, Ms. Virginia K. Rynk by telephone at 202-761-4741; and by email at WWCC@usace.army.mil.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Chapter 10, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150.

Purpose of the Meeting: The committee is chartered pursuant to Section 8158 of the James M. Inhofe National Defense Authorization Act (33 U.S.C. 701b-17) to ensure that the Corps flood control projects in Western States, as described in section 8158(b), are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of the Corps projects and water rights and water laws in such States. This meeting will focus on the administrative details of the committee and identification of the next meeting date.

Agenda: At this meeting, the agenda will include the discussion of the proposed by-laws and discuss the meeting date and location for the next meeting.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the February 5, 2026 virtual meeting will be available on the website: <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/>. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, this virtual meeting is open to the public. Any interested person may participate in the meeting, file written comments or statements with the committee, or make verbal comments during the virtual public meeting, at the

times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the virtual public meeting or seeking additional information about the procedures, should contact Mr. Smith, the committee DFO, or Ms. Rynk, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee about its mission and/or topics to be addressed in this virtual public meeting. Written comments or statements should be submitted to Mr. Smith, the committee DFO, or Ms. Rynk, a committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the committee for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Please note that because the committee operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the virtual public meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open virtual meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least five business (5) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make

a comment, in the order received, and determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Director, Engineering and Construction Directorate, Corps of Engineers.

[FR Doc. 2026-00501 Filed 1-13-26; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2025-SCC-1339]

Agency Information Collection Activities; Comment Request; Fiscal Operations Report for 2025-2026 and Application To Participate 2027-2028 (FISAP) and Reallocation Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before MARCH 16, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2025-SCC-1339. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be

accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is 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: Fiscal Operations Report for 2025–2026 and Application to Participate 2027–2028 (FISAP) and Reallocation Form.

OMB Control Number: 1845–0030.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 3,691.

Total Estimated Number of Annual Burden Hours: 84,756.

Abstract: The Higher Education Act of 1965, as amended, requires participating Title IV institutions to apply for funds and report expenditures for the Federal Perkins Loan (Perkins), the Federal Supplemental Educational Opportunity Grant (FSEOG) and the Federal Work-Study (FWS) Programs on an annual

basis. The data submitted electronically in the Fiscal Operations Report and Application to Participate (FISAP) is used by the Department of Education to determine the institution's funding need for the award year and monitor program effectiveness and accountability of fund expenditures. The data is used in conjunction with institutional program reviews to assess the administrative capability and compliance of the applicant. There are no other resources for collecting this data.

The HEA requires that if an institution anticipates not using all of its allocated funds for the FWS, and FSEOG programs by the end of an award year, it must specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–00521 Filed 1–13–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0349]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 84.421F Disability Innovation Fund (DIF) Evidence Building Support (EBS)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before February 13, 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 Diandrea Bailey, (202) 987–0126.

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: 84.421F Disability Innovation Fund (DIF) Evidence Building Support (EBS).

OMB Control Number: 1820–NEW.

Type of Review: New ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 24.

Total Estimated Number of Annual Burden Hours: 36.

Abstract: The U.S. Department of Education's Rehabilitation Services Administration (RSA) requests clearance for a new data collection activity to support the 84.421F Disability Innovation Fund (DIF) Evidence-Building Support (EBS) project. The purpose of the DIF, as provided by the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), is to support innovative activities aimed at increasing competitive integrated employment (CIE) as defined in section 7 of the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. 705(5)) for children, youth, and other individuals with disabilities. RSA is investing a total of \$251,934,086 in grant funding to the 27 State Vocational Rehabilitation (VR), other State agencies, Public, Private and Nonprofit Entities, including Indian Tribes and Institutions of Higher Education through the 84.421F DIF program.

This request covers the following single primary data collection for the EBS:

- Annual interviews with 84.421F DIF project directors

In September 2024, RSA awarded five-year cooperative agreements to 27 State VR, other State agencies, Public, Private and Nonprofit Entities, including Indian Tribes and Institutions of Higher Education to implement model demonstration projects. The projects vary across the 27 grants but they share the same purpose, which is to develop, implement, refine, assess, and disseminate innovative or substantially improved strategies or programs geared toward increasing CIE for individuals with disabilities. RSA is conducting evaluation and technical assistance (TA) activities and will report on implementation and evaluation progress across all grantees in Annual Evidence Reports. This report will also document findings that RSA can use to coordinate ongoing activities and communicate with outside agencies and congressional staff. To supplement the existing data sources, RSA will conduct one annual semi-structured interviews with the individual grantee project directors in grant Years 2, 3, 4 and 5 (Calendar Year (CY) 2025–CY 2029). These interviews will provide valuable qualitative insights into overall project goals, implementation progress, and the barriers and facilitators encountered—information that is not captured through administrative data reporting alone. This richer understanding will help fill critical gaps and will support the development of the Annual Evidence Report, inform evaluations, coordination, and evaluation technical assistance efforts.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–00565 Filed 1–13–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2347–064]

Midwest Hydro, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license to continue to operate and maintain the Janesville Central Hydroelectric Project No. 2347 (project). The project is located on the Rock River, near the City of

Janesville in Rock County, Wisconsin. Commission staff has prepared an Environmental Assessment (EA) for the project.¹

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov/>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERConline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed with the Commission on or before 5:00 p.m. Eastern Time on February 9, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERConline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2347–064.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1740141328.

Participation at (202) 502–6595 or OPP@ferc.gov.

For further information, contact Laura Washington at (202) 502–6072 or by email at laura.washington@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00558 Filed 1–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 9, 2026.

Take notice that the commission received the following accounting Request filings:

Docket Numbers: AC26–19–000.

Applicants: Entergy Services, LLC, System Energy Resources, Inc.

Description: The Entergy Companies submit proposed accounting entries re Entergy Arkansas, LLC, et al.'s sale of nuclear production tax credits to unaffiliated third parties, related to docket nos. ER25–2890 and ER25–2899.

Filed Date: 1/8/26.

Accession Number: 20260108–5203.

Comment Date: 5 p.m. ET 1/29/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–39–000.

Applicants: Gaston Green Acres Solar, LLC, et al. v. PJM Interconnection, L.L.C.

Description: Complaint of Gaston Green Acres Solar, LLC et al. v. PJM Interconnection, L.L.C., Request for Shortened Comment Period and Fast Track Processing and Request for Alternative Relief.

Filed Date: 1/8/26.

Accession Number: 20260108–5193.

Comment Date: 5 p.m. ET 1/28/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1840–001; ER22–784–003; ER22–729–002; ER15–2534–001.

Applicants: Saddleback Ridge Wind, LLC, CPV Retail Energy LP, CPV Maple Hill Solar, LLC, Canton Mountain Wind, LLC.

Description: Response to 12/16/2025 Deficiency Letter of CPV Canton Mountain Wind, LLC, et al.

Filed Date: 1/8/26.

Accession Number: 20260108–5207.

Comment Date: 5 p.m. ET 1/29/26.

Docket Numbers: ER18–1977–002; ER18–2194–002; ER18–2217–001; ER19–117–002; ER19–118–002.

Applicants: Innovative Solar 67, LLC, Innovative Solar 54, LLC, Buckleberry Solar, LLC, Fox Creek Farm Solar, LLC, Brantley Farm Solar, LLC.

Description: Response to 12/09/2025 Deficiency Letter of Brantley Farm Solar, LLC et al.

Filed Date: 1/7/26.

Accession Number: 20260107–5188.

Comment Date: 5 p.m. ET 1/28/26.

Docket Numbers: ER20–2054–000.

Applicants: ISO New England Inc., Central Maine Power Company, Versant Power, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, New England Power Company, New Hampshire Transmission, LLC, NSTAR Electric Company, Public Service Company of New Hampshire, The Connecticut Light and Power Company, The United Illuminating Company, Unitil Energy Systems, Inc., Vermont Electric Cooperative, Inc., Vermont Transco LLC.

Description: Supplement of Maine Office of Public Advocate to Formal Challenge.

Filed Date: 12/17/25.

Accession Number: 20251217–5219.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: ER25–3508–002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3927R2 SWEPCO GIA Amended Filing to be effective 9/17/2025.

Filed Date: 1/9/26.

Accession Number: 20260109–5023.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–232–001.

Applicants: Arlington Valley Solar Energy II, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 10/27/2025.

Filed Date: 1/9/26.

Accession Number: 20260109–5063.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–658–000.

Applicants: Pacific Gas and Electric Company.

Description: Motion for Extension of Time of Pacific Gas and Electric Company.

Filed Date: 1/5/26.

Accession Number: 20260105–5202.

Comment Date: 5 p.m. ET 1/15/26.

Docket Numbers: ER26–822–000;

ER26–823–000; ER26–824–000.

Applicants: BP Energy Retail Company California LLC, BP Energy Retail Company LLC, BP Energy Company.

Description: Supplement to 12/19/2025 BP Energy Company, et al. tariff filing.

Filed Date: 12/23/25.

Accession Number: 20251223–5482.

Comment Date: 5 p.m. ET 1/13/26.

Docket Numbers: ER26–980–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: GDECS Revisions to PJM Tariff, Operating Agreement and RAA to be effective 3/10/2026.

Filed Date: 1/8/26.

Accession Number: 20260108–5187.

Comment Date: 5 p.m. ET 1/29/26.

Docket Numbers: ER26–981–000.

Applicants: Empire Offshore Wind LLC.

Description: § 205(d) Rate Filing: EOW Initial MBR Application to be effective 3/7/2026.

Filed Date: 1/8/26.

Accession Number: 20260108–5189.

Comment Date: 5 p.m. ET 1/29/26.

Docket Numbers: ER26–982–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7402; Project Identifier No. AG1–188 to be effective 3/10/2026.

Filed Date: 1/8/26.

Accession Number: 20260108–5190.

Comment Date: 5 p.m. ET 1/29/26.

Docket Numbers: ER26–983–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits two Construction Agmts—SA Nos. 7207 & 7272 to be effective 3/11/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5002.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–984–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6838; Queue No. AF2–356 to be effective 3/11/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5005.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–985–000.

Applicants: Colorado Springs Utilities, Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Colorado Springs Utilities submits tariff filing per 35.13(a)(2)(iii): Colorado Springs Utilities Formula Rate Filing to be effective 4/1/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5027.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–986–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Avangrid NITSA Rev 4 (fka Iberdrola) (S.A. No. 742) to be effective 1/1/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5056.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–987–000.

Applicants: Dairyland Power Cooperative, Elwood Energy LLC.

Description: Request for Limited Waiver of procedural deadlines set forth in Section 6.6(g) of Attachment DD and Section II.C.4 of Attachment M of the PJM Tariff of Dairyland Power Cooperative and Elwood Energy LLC.

Filed Date: 1/8/26.

Accession Number: 20260108–5204.

Comment Date: 5 p.m. ET 1/29/26.

Docket Numbers: ER26–988–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Clarify Language Related to the SPP RTO Expansion to be effective 4/1/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5101.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–989–000.

Applicants: Commonwealth Edison Company.

Description: § 205(d) Rate Filing: Filing of TSA between ComEd and Equinix to be effective 3/11/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5110.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–990–000.

Applicants: Commonwealth Edison Company.

Description: § 205(d) Rate Filing: Filing of TSA between ComEd and QTS Investment to be effective 3/11/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5113.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–991–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule No. 432 and Request for Expedited Action to be effective 2/6/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5118.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–992–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2026–01–09 Att N Revisions to be effective 3/10/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5120.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–993–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 230 to be effective 2/6/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5123.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–994–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule No. 433 and Request for Expedited Action to be effective 2/7/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5126.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–995–000.

Applicants: Tucson Electric Power Company.

Description: § 205(d) Rate Filing: Second Revised Rate Schedule No. 104 to be effective 1/12/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5128.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–996–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 309 to be effective 2/7/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5129.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–997–000.

Applicants: Atlas Solar Manager, LLC.

Description: Initial rate filing: Shared Facilities Agreement Substation #2 to be effective 12/4/2025.

Filed Date: 1/9/26.

Accession Number: 20260109–5162.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–998–000.

Applicants: Platte River Power Authority, Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Platte River Power Authority submits tariff filing per 35.13(a)(2)(iii): Platte River Power Authority Formula Rate Filing (Zone 101) to be effective 4/1/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5167.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–999–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 4827; Queue No. AC1–010 to be effective 3/11/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5170.

Comment Date: 5 p.m. ET 1/30/26.

Docket Numbers: ER26–1000–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Notice of Cancellation of WMPA, SA No. 7025; Queue No. AG1–193 to be effective 2/7/2026.

Filed Date: 1/9/26.

Accession Number: 20260109–5174.

Comment Date: 5 p.m. ET 1/30/26.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00556 Filed 1–13–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2348–050]

Midwest Hydro, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license to continue to operate and maintain the Beloit Blackhawk Hydroelectric Project No. 2348 (project). The project is located on the Rock River, near the City of Beloit in Rock County, Wisconsin. Commission staff has prepared an Environmental Assessment (EA) for the project.¹

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1740141395.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov/>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERConline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed on or before 5:00 p.m. Eastern Time on February 9, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERConline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2348–050.

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 Laura Washington at (202) 502–6072 or by email at laura.washington@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-00559 Filed 1-13-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12613-007]

Tygart LLC; 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 Tygart LLC's application to amend the license for the Tygart Hydroelectric Project No. 12613 and have prepared an Environmental Assessment (EA) for the project.¹ The licensee proposes to modify the design of the unconstructed project based on engineering development. Specifically, the licensee proposes to: (1) reconfigure the project intake to include a fish exclusion net; (2) reconfigure the turbine units to include three vertical Kaplan turbines; and (3) reconfigure the powerhouse and penstock to accommodate the modified turbine design. The proposed changes would not result in any changes to installed or hydraulic capacity of the project. The project will be located at the U.S. Army Corps of Engineers' (Corps) Tygart Dam on the Tygart River in Taylor County, West Virginia. The project will occupy federal lands managed by the Corps.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed amendment, and alternatives to the proposed action, and concludes that the proposed amendment, with appropriate environmental protective measures, 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" link. Enter the docket number (P-12613-007) 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 February 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-12613-007.

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 Elizabeth Moats at 202-502-6632 or Elizabeth.OsierMoats@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 9, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-00560 Filed 1-13-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 9, 2026.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26-367-000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20260108 Negotiated Rate Filing to be effective 1/9/2026.

Filed Date: 1/8/26.

Accession Number: 20260108-5122.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: RP26-368-000.

Applicants: Transwestern Pipeline Company, LLC.

Description: Compliance filing: Alert Day Refund Report on 1-9-26 to be effective N/A.

Filed Date: 1/9/26.

Accession Number: 20260109-5015.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: RP26-369-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.9.26 Negotiated Rates—Citadel Energy Marketing LLC H-7705-89 to be effective 1/9/2026.

Filed Date: 1/9/26.

Accession Number: 20260109-5046.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: RP26-370-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.9.26 Negotiated Rates—Trafigura Trading LLC H-8150-89 to be effective 1/9/2026.

Filed Date: 1/9/26.

Accession Number: 20260109-5051.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: RP26-371-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.9.26 Negotiated Rates—Freeport Commodities LLC H-7250-89 to be effective 1/9/2026.

Filed Date: 1/9/26.

Accession Number: 20260109-5125.

Comment Date: 5 p.m. ET 1/21/26.

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: RP20-1060-005.

Applicants: Columbia Gas Transmission, LLC.

Description: Refund Report: Settlement Refund Report—RP24-1103-000 et al. to be effective N/A.

Filed Date: 1/9/26.

Accession Number: 20260109-5092.

Comment Date: 5 p.m. ET 1/21/26.

Any person desiring to protest in any of the above proceedings must file in

¹ The unique identification number for documents relating to this environmental review is EAXX-019-20-000-1761560256.

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 by clicking on the links or 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.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026-00557 Filed 1-13-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-57-000]

City of Clarksville, Tennessee, d/b/a/ Clarksville Natural Gas Utility; Notice of Application and Establishing Intervention Deadline

Take notice that on December 30, 2025, Clarksville Natural Gas Utility (Clarksville), 2215 Madison Street, Clarksville, Tennessee 37043, filed an application under section 7(f) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting a service area determination with respect to its entire Tennessee local distribution company (LDC) service area as well as a small geographic area in Kentucky into which Clarksville's facilities extend (Project). The Project comprises a proposed connection to a city gate station located approximately twenty-five feet over the Tennessee/Kentucky border in Todd County, Kentucky and consists of a single 12-inch-diameter pipeline that will connect Clarksville with the supplier, Pennyrite Regional Energy Agency. The Project will allow Clarksville to increase its capacity to serve existing and future customers.

Clarksville also requests a finding that Clarksville qualifies for treatment as an LDC for purposes of Section 311 of the Natural Gas Policy Act of 1978, and a waiver of the Commission's accounting,

reporting, and other regulatory requirements ordinarily applicable to a natural gas company under the NGA, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Greg Riddle, D2 Energy, LLC, P.O. Box 3266, Clarksville, Tennessee 37043, by phone at (615) 351-7604, or by email at griddle@d2energylld.net.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

¹ 18 CFR 157.9.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on January 30, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on January 30, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26-57-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–57–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, the filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under

the NGA⁸ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on January 30, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–57–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–57–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Greg Riddle, D2 Energy, LLC, P.O. Box 3266, Clarksville, Tennessee 37043, or by email (with a link to the document) at griddle@d2energyllc.net. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for

parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on January 30, 2026.

(Authority: 18 CFR 2.1)

Dated: January 9, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–00562 Filed 1–13–26; 8:45 am]

BILLING CODE 6717–01–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,

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

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, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 13, 2026.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *Rhineland Bancshares, Inc., Rhineland, Missouri*; to merge with Bancstar, Inc., St. Louis, Missouri, and thereby indirectly acquire Pacific Bancstar, Inc., St. Louis, Missouri, and Bank Star, Pacific, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–00575 Filed 1–13–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Opportunity for Hearing on Compliance of Minnesota State Plan Provisions Concerning Program Integrity and Fraud, Waste, and Abuse With Title XIX (Medicaid) of the Social Security Act

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of opportunity for a hearing; compliance of Minnesota Medicaid State Plan—program integrity requirements relating to prevention, detection, and investigation of fraud, waste, and abuse.

DATES: Requests to participate in the hearing as a party must be received by the presiding officer within 15 days of the date of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Benjamin R. Cohen, Hearing Officer, Centers for Medicare & Medicaid Services, 7111 Security Boulevard, Suite B1–15–15, Baltimore, MD 21244, 410–786–3169.

SUPPLEMENTARY INFORMATION: This notice announces the opportunity, pursuant to section 1904 of the Social Security Act (the Act), for an administrative hearing concerning the finding of the Administrator of the Centers for Medicare & Medicaid Services (CMS) that the State of Minnesota is substantially out of compliance with federal requirements in section 1902(a)(64) of the Act and federal regulations at 42 CFR part 455, subpart A, which implement various provisions of Title XIX of the Act, including section 1902(a)(4). in administering its Medicaid state plan because the Minnesota Medicaid agency fails to adequately identify, prevent, and address fraud, waste, and abuse (FWA) in its Medicaid program.

This finding will be the basis for withholding federal financial participation (FFP) from Minnesota's Medicaid program, as described in more detail in the letter below. The withholding will end when the Minnesota Medicaid agency fully and satisfactorily implements a corrective action plan (CAP) to bring its program integrity operations into compliance with federal requirements.

CMS supports state efforts to appropriately address FWA, and federal law and regulations provide mechanisms to do so. Federal law and regulations require states to maintain effective administrative controls,

conduct audits, cooperate with federal integrity efforts, enforce accountability, and protect Medicaid funds from FWA. Investigations by CMS, the Department of Health and Human Services Office of Inspector General (HHS OIG), the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and other federal partners have identified widespread and ongoing FWA in Minnesota's Medicaid program and repeated failures by the State to adequately address it.

CMS has found that Minnesota's policies, practices, and oversight mechanisms violate section 1902(a)(64) of the Act, which requires states to ensure their state plans provide mechanisms to receive reports of alleged FWA and to compile and analyze related data. CMS has further found that Minnesota's policies, practices, and oversight mechanisms violate federal regulations at 42 CFR part 455, subpart A, which require states to implement methods for identifying, investigating, and referring suspected Medicaid fraud, including pathways to receive complaints from any source and methods for identifying questionable practices.

CMS has raised these issues previously with the State but Minnesota has been unable to resolve the State's ongoing FWA issues.

Minnesota will have an opportunity for a hearing on these findings. Minnesota will have 10 days from the date of the notice letter to request such a hearing. If a request for hearing is timely submitted, the hearing will be convened by the designated hearing as soon as practicable but no sooner than 30 days after the date of this **Federal Register** notice, or a later date by agreement of the parties and the Hearing Officer, at the CMS Regional Office in Chicago, Illinois, in accordance with the procedures set forth in federal regulations at 42 CFR part 430, subpart D. The Hearing Officer also should be notified if the Minnesota Medicaid agency requests a hearing but cannot meet the timeframe expressed in this notice.

The Hearing Officer designated for this matter is: Benjamin R. Cohen, Hearing Officer, Centers for Medicare & Medicaid Services, 7111 Security Boulevard, Suite B1–15–15, Baltimore, MD 21244.

If a final determination is made that the Minnesota Medicaid agency has failed to comply substantially with these requirements in the administration of its Medicaid state plan, after a hearing or absent a hearing request, consistent with the provisions of section 1904 of the Act, CMS will

begin withholding federal funds as specified in the letter below. Such withholding will continue until the Minnesota Medicaid agency comes into compliance with section 1902(a)(64) of the Act and federal regulations at 42 CFR part 455, subpart A, by fully and satisfactorily implementing a comprehensive CAP that addresses FWA in the 14 high-risk service areas referenced in the letter below to bring the program into compliance with the federal requirements.

Details about the facts relating to Minnesota's practices are set forth in the letter notifying Minnesota of the Administrator's finding. The following issue will be considered at any requested hearing:

Whether Minnesota has failed to substantially comply with the requirements of section 1902(a)(64) of the Act and federal regulations at 42 CFR part 455, subpart A, which implement various provisions of Title XIX of the Social Security Act, including section 1902(a)(4).

Beginning in July 2024, CMS began working with the State to address concerns of potential fraud in the housing stabilization services (HSS) program through Unified Program Integrity Contractor (UPIC) audits. In April 2025, CMS and its UPIC presented the State with preliminary findings from audits of the 3 HSS providers for input about payment policies and state exceptions to rules. Shortly thereafter, in June 2025, the State requested the audits be transferred to the State for investigation. In August, October, and November 2025, CMS continued discussions with the state to address issues with closing the HSS program, reviewing provider enrollment actions, and redesigning the State's program integrity operations, among other issues. On December 5, 2025, CMS formally notified the Minnesota Medicaid Director of these concerns and directed the State to submit a comprehensive CAP by December 31, 2025. Finally, in December 2025, CMS met onsite with state agency staff and law enforcement and observed firsthand the deficiencies in the state's ability to proactively identify potential Medicaid FWA. While the State submitted a document labeled as a CAP to CMS on December 31, 2025, CMS has determined that it is deficient. The submitted plan relies heavily on temporary or future-contingent measures, lacks enforceable timelines and performance metrics, acknowledges current noncompliance with key federal requirements, and provides limited assurance of accountability for past misconduct. For the reasons stated above and in the below letter, CMS has

determined that Minnesota Medicaid agency is not in compliance with the federal statute and regulations.

The letter notifying Minnesota of the details concerning this compliance issue, the proposed withholding of FFP, opportunity for a hearing and possibility of postponing and ultimately avoiding withholding by coming into compliance reads as follows:

January 6, 2026

The Honorable Tim Walz
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King Jr.
Blvd., St. Paul, MD 55155G

Dear Governor Walz:

This letter provides notice and an opportunity for a hearing on a finding by the Centers for Medicare & Medicaid Services (CMS) of significant noncompliance with applicable statutory and regulatory requirements in the operation of the Minnesota Medicaid program, because the Minnesota Medicaid agency fails to adequately identify, prevent, and address fraud in its Medicaid program.

As described further in this letter, federal law and regulation require states to maintain effective administrative controls, conduct audits, cooperate with federal integrity efforts, enforce accountability, and protect Medicaid funds from fraud, waste, and abuse (FWA). As has been widely reported—and acknowledged by the State of Minnesota—there is significant and ongoing fraud within Minnesota's Medicaid program. Investigations by the CMS, the Department of Health and Human Services Office of Inspector General (HHS OIG), the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and other federal partners have identified widespread FWA in Minnesota's Medicaid program and repeated failures by the State to adequately address it.

These investigations have revealed schemes involving billing for services not rendered, services billed at levels not supported by documentation, and exploitation of vulnerable Medicaid beneficiaries for financial gain. Federal law enforcement has identified complex fraud schemes involving networks of providers operating across multiple high-risk service categories, including services delivered through Minnesota's home and community-based services system.

CMS has been engaged in numerous on-site and virtual discussions with state agency staff to discuss the known fraud schemes and severe lack of state oversight mechanisms in place to meet minimum oversight requirements.

Specifically, in December 2025, CMS met onsite with state agency staff and law enforcement to see firsthand the historical deficiencies in the state's ability to proactively identify potential Medicaid FWA. The lack of processes to receive reports and compile data on allegations of FWA demonstrates that the state is not in compliance with section 1902(a)(64) of the Social Security Act (the Act). States are required to ensure their state plan provides a mechanism to receive reports from beneficiaries and others and compile data concerning alleged instances of waste, fraud, and abuse relating to the operation of the Medicaid Act. In addition, pursuant to 42 CFR 455, Subpart A, States are required to implement methods for identifying, investigating, and referring suspected Medicaid fraud. These methods must include a pathway to receive complaints of Medicaid fraud or abuse from any source and methods for identifying any questionable practices. This information and related data sources must be used to pursue robust preliminary and full investigations, as appropriate, as well as refer cases to law enforcement, if applicable. These regulatory authorities reflect one of the core pillars of state Medicaid oversight that CMS expects every state to have in place effectively. We have raised these issues to the state and as we discuss below, the state has been unable to resolve its inability to maintain compliance, resulting in its inability to identify or prevent widespread fraud, waste and abuse of the program.

Pursuant to section 1904 of the Social Security Act and 42 CFR 430.35, CMS is providing the Minnesota Medicaid agency with an opportunity for a hearing on these findings of noncompliance with statutory and regulatory requirements. If these findings are upheld or unchallenged following this opportunity for a hearing, a portion of federal financial participation (FFP), as specified in more detail below, will be withheld until CMS makes a finding that the State has come into compliance with the statute and regulations.

The factual details of the findings, the withholding, how the Minnesota Medicaid agency can request a hearing on the findings, and the steps Minnesota can take to avoid sanctions by coming into compliance are described below.

Factual Findings

CMS's concerns are not limited to isolated incidents. Minnesota has historically had significant deficiencies in proactively identifying suspected Medicaid FWA, primarily through

limitations in data analytics and monitoring. These limitations have become prolific in many areas of the state's Medicaid program and are well documented in CMS and other oversight agency audit reports. For example, CMS conducted an audit of the State's Personal Care Services program in 2019, which resulted in numerous findings and recommendations that reflect the State's deficiencies in basic oversight efforts.¹ The State's own Office of the Legislative Auditor released a report in 2021 about the deficiencies in the PCS program.² In addition, the HHS OIG documented the state's failure to effectively oversee its Nonemergent Medical Transportation (NEMT) program in a 2017 report.³

Recent investigations have focused on fourteen high-risk Medicaid services that the State itself has identified as particularly vulnerable to fraud (linked here: <https://mn.gov/dhs/program-integrity/>). According to CMS analysis of Minnesota Medicaid data, these fourteen programs consume \$3.75 billion in federal and state taxpayer resources. CMS analysis of Minnesota Medicaid data shows extraordinary growth in provider enrollment and payments for several of these services that is inconsistent with beneficiary growth and service utilization trends. Despite warning signs that have been evident for years, the State has not implemented sufficient safeguards to prevent ongoing improper payments.

Applicable Statutory and Regulatory Provisions

Pursuant to § 1902(a)(64) of the Act, States are required to ensure their state plan provides a mechanism to receive reports from beneficiaries and others and compile data concerning alleged instances of waste, fraud, and abuse relating to the operation of the Medicaid Act. In addition, pursuant to 42 CFR 455, Subpart A, State are required to implement methods for identifying, investigating, and referring suspected Medicaid fraud. These methods must include a pathway to receive complaints of Medicaid fraud or abuse from any source and methods for identifying any questionable practices. This information and related data sources must be used to pursue robust preliminary and full investigations, as appropriate, as well as

refer cases to law enforcement, if applicable.

Prior CMS oversight work has identified consistent non-compliance with the State's ability to proactively identify suspected Medicaid FWA, primarily through limitations in data analytics and monitoring. It should also be mentioned that Minnesota's submission of its quarterly expenditure reports through the Form CMS-64, includes a certification that the state is operating under the authority of its approved Medicaid state plan.

Discussions With the State Medicaid Agency

Beginning in July 2024, CMS began working with the State to address concerns of potential fraud in the housing stabilization program (HSS) through Unified Program Integrity Contractor (UPIC) audits. In April 2025, CMS and its UPIC presented the State with preliminary findings from the 3 HSS providers for input about payment policies and state exceptions to rules. Shortly after, in June 2025, the State requested the audits be transferred to the State for investigation. In August, October, and November 2025, CMS continued discussions with the state to address issues with closing the HSS program, reviewing provider enrollment actions, and redesigning the State's program integrity operations, among other issues. On December 5, 2025, CMS formally notified the Minnesota Medicaid Director of these concerns and directed the State to submit a comprehensive corrective action plan (CAP) by December 31, 2025.

Finally, as noted previously, in December 2025, CMS met onsite with state agency staff and law enforcement to see firsthand the historical deficiencies in the state's ability to proactively identify potential Medicaid FWA.

While the State submitted a document labeled as a CAP to CMS on December 31, 2025, CMS has determined that it is deficient. The plan relies heavily on temporary or future-contingent measures, lacks enforceable timelines and performance metrics, acknowledges current noncompliance with key federal requirements, and provides limited assurance of accountability for past misconduct.

Given the widespread concerns that these fraudulent activities were undertaken by individuals with ties outside of the U.S. and that some of the funds were then transferred outside of the U.S., CMS sees nothing in the CAP that would result in the State being able to understand ownership or corporate structure of providers and how the State

will work with law enforcement to assure that no Medicaid funds are used to support criminal international entities.

The CAP largely emphasizes prospective controls while providing limited assurance of meaningful accountability for past misconduct. Although the State references a forthcoming historical claims review, it does not commit to specific enforcement actions, recovery targets, referral thresholds, or timelines for resolving identified overpayments or fraud. Absent clear commitments to corrective financial remedies and sanctions, the CAP does not adequately protect the fiscal integrity of the Medicaid program. The CAP also fails to adequately address how claim editing will be applied, such as whether those edits will deny payments or whether the data will identify claims with attributes appropriate for additional scrutiny, such as outlier billers, utilization trends in high-risk services, and other appropriate flags. The CAP should also include how artificial intelligence and other modern automated methods will be used to address the rampant fraud in the program, and how performance of these methods will be assessed.

Additionally, Minnesota's draft Program Integrity Playbook identifies additional vulnerabilities and gaps in its oversight operations that are not addressed in the CAP. CMS expects Minnesota to also address the outstanding issues in its updated CAP. For example:

- *Prior Authorization Program:* Please provide additional details on Minnesota's assessment of its prior authorization program and enhancements that are needed.

- *Provider Training and Education:* Please specify what enhancements or changes Minnesota proposes to make its provider training and education efforts more effective, such as pre-enrollment training; post-enrollment training; billing and documentation training; fraud, waste, and abuse training; and compliance and legal obligations training, among any others identified by the state.

- *DHS Employee Training and Education:* Please specify what enhancements or changes Minnesota proposes to make to its DHS employee training and education efforts to identify, evaluate, and mitigate fraud, waste, and abuse in the state's Medicaid program.

- *Surveillance and Utilization Review (SURS):* Minnesota stated in its draft Program Integrity Playbook that is implementing a formal SURS system. Please provide additional information

¹ <https://www.cms.gov/medicare-medicaid-coordination/fraud-prevention/fraudabuseforprofs/downloads/mnfy18.pdf>.

² <https://www.auditor.leg.state.mn.us/ped/updates/2021/dhspca.pdf>.

³ <https://oig.hhs.gov/reports/all/2017/minnesota-did-not-always-comply-with-federal-and-state-requirements-for-claims-submitted-for-the-nonemergency-medical-transportation-program/>.

the status of the SURS system, its capabilities, and how it will feed into the state's broader program integrity efforts and lead generating activities.

- **Managed Care Oversight:** Please include information as to how the state plans to enhance oversight of its managed care plans (MCPs). This includes relevant state-MCP contract language (including any barriers within existing contract language that need to be addressed), the state's ability to conduct data analytics on managed care claims and spending, processes for and evaluations of referring potential fraud from the MCP to the state/law enforcement (including implementation of payment suspensions), and recovery of identified overpayments, among any other issues identified by the state.

Focused Financial Reviews of Expenditures on the CMS-64

Given the severity and persistence of these deficiencies, CMS must take additional steps to protect the integrity of the Medicaid program and federal taxpayer dollars. Pursuant to section 1903 of the Social Security Act and implementing regulations in 42 CFR 430 Subpart C, CMS has the authority to conduct reviews of state expenditures reported on the quarter Form CMS-64. Accordingly, CMS intends to immediately initiate a focused CMS-64 review of all fourteen high-risk services self-identified by the state starting with the most recently certified CMS-64 (Quarter Four of Federal Fiscal Year 2025). As necessary, CMS intends to issue deferral or disallowance of any FFP claimed by the state that does not meet applicable federal requirements.

Determination of Non-Compliance and FFP Withholding

The CMS has concluded that the Minnesota Medicaid agency is operating its program in substantial noncompliance with federal requirements described in sections 1902(a)(64) of the Act, generally requiring the State to ensure sufficient controls to prevent, detect, and address fraud, waste, and abuse.

Subject to the state's opportunity for a hearing, CMS will withhold a portion of FFP from the Minnesota Medicaid quarterly claim of expenditures on the Form CMS-64 until such time as the Minnesota Medicaid agency is, and continues to be, in compliance with the federal requirements. The quarterly withholding will be calculated based on the federal share for one quarter's amount of the previous calendar year's annual total paid expenditures for the fourteen high-risk services, estimated as \$515,154,947.56, or an alternative

substantiated amount per quarter based on evidence provided by the state to the Administrator or his designee of an accurate amount of fraudulent expenditures. This amount may increase based on additional findings of fraud or insufficient progress towards mitigating fraud—until Minnesota demonstrates full and sustained compliance with federal Medicaid requirements. The withholding will end when the Minnesota Medicaid agency fully and satisfactorily implements a comprehensive CAP that addresses FWA in the 14 high-risk service areas to bring the program into compliance with the federal requirements.

Opportunity To Request a Hearing

The State has 10 days from the date of this letter to request a hearing. If a request for hearing is submitted timely, the hearing will be convened by the designated hearing officer below, 30 days after the date of the **Federal Register** notice, at the CMS Regional Office in Chicago, Illinois, in accordance with the procedures set forth in federal regulations at 42 CFR part 430, subpart D. The Hearing Officer also should be notified if the Minnesota Medicaid agency requests a hearing but cannot meet the timeframe expressed in this notice. The Hearing Officer designated for this matter is:

Ben Cohen, Centers for Medicare & Medicaid Services, 7111 Security Blvd., Suite B1-15-15, Baltimore, MD 21244

At issue in any such hearing will be:

a. Whether the evidence establishes that Minnesota has failed to substantially comply with the federal requirements described in section 1902(a)(64) of the Social Security Act and the federal regulations implementing those provisions.

b. Whether Minnesota's failure to substantially comply with those federal requirements supports the partial withholding of FFP imposed by CMS.

If the Minnesota Medicaid agency plans to come into compliance with the federal requirements, the Minnesota Medicaid agency should submit, by January 30, 2026 a revised comprehensive CAP including the timeframe for implementation and any performance or quality metrics the state will use to evaluate effectiveness of the actions.

CMS will continue to exercise strong oversight of State actions to address these issues. CMS will review and negotiate the terms of an acceptable corrective action plan and will monitor progress closely. Our goal is to have the Minnesota Medicaid agency come into

compliance, and CMS continues to be available to provide technical assistance to help achieve this outcome.

Should you not request a hearing within 5 days of this letter, the withholding of funds will be imposed, contingent on the State's progress toward compliance as discussed above.

Please provide any response or questions regarding this matter to Kimberly.Brandt@cms.hhs.gov.

Mehmet Oz, M.D.

Administrator, Centers for Medicare & Medicaid Services

Cc: John Connolly,
Minnesota Medicaid Director

Dan Brillman,

Director, Center for Medicaid & CHIP Services, Centers for Medicare & Medicaid Services

Kimberly Brandt,
Acting Director, Center for Program Integrity, Centers for Medicare & Medicaid Services

Dated: January 6, 2026.

Mehmet C. Oz, M.D.

Administrator, Centers for Medicare & Medicaid Services.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Evell J. Barco Holland,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2026-00512 Filed 1-9-26; 4:15 pm]

BILLING CODE 4120-01-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; Psychopathology, Addictions and Sleep Disorders.

Date: February 5, 2026.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Todd Everett White, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3962, todd.white@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Gastroenterology and Hepatology.

Date: February 13, 2026.

Time: 1:30 p.m. to 4:30 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: Ryan G. Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, Md 20892, 301-594-4721, ryan.morris@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: January 9, 2026.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-00547 Filed 1-13-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 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 Neurological Disorders and Stroke, 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 Neurological Disorders and Stroke.

Date: February 3, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Caren Collins, Program Specialist, Division of Intramural Research, NINDS, Bethesda, MD 20892.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: February 9-10, 2026.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Caren Collins, Program Specialist, Division of Intramural Research, NINDS, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: January 9, 2026.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-00549 Filed 1-13-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; 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 Human Genome Research Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 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 Human Genome Research Institute, 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 Human Genome Research Institute.

Date: February 17, 2026.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Human Genome Research Institute, National Institutes of Health, 50 Center Drive, Room 5537, Bethesda, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Shawn M. Burgess, Ph.D., Head, Developmental Genomics Section, National Human Genome Research Institute, National Institutes of Health, 50 South Drive, Room 5537, Bethesda, MD 20892, (301) 594-8224, burgess@mail.nih.gov.

Dated: January 9, 2026.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-00548 Filed 1-13-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Council of Councils.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations, to view the meeting should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website <http://videocast.nih.gov/>.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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: Council of Councils.

Date: January 29, 2026.

Open: 10:00 a.m. to 1:00 p.m.

Agenda: Welcome and Opening Remarks; Reminders and Procedures; NIH Update; and Proposed Reorganization for the Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), Office of the Director, NIH. DPCPSI is seeking public comment regarding its proposal to establish the following offices: Office of Research Innovation, Validation, and Application (ORIVA) and Office of Research Economics, Planning, and Analysis (OREPA). More information on this proposed reorganization can be found at: <https://dpcpsi.nih.gov/proposed-reorg-establish-oriva-orepa>. Any interested person may file written comments by sending an email to DPCPSIreorgcomments@nih.gov by 11:59 p.m. ET on Monday, January 26, 2026.

Address: National Institutes of Health, Office of the Director, Division of Program Coordination, Planning, and Strategic Initiatives, Building 1, Room 260 1 Center Drive, Bethesda, MD 20892, Virtual Meeting.

Closed: 2:00 p.m. to 5:25 p.m.

Agenda: Review of Grant Applications.

Address: National Institutes of Health, Office of the Director, Division of Program Coordination, Planning, and Strategic Initiatives, Building 1, Room 260 1 Center Drive, Bethesda, MD 20892, Virtual Meeting.

Contact Person: Robin I. Kawazoe Deputy Director, DPCPSI, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, National Institutes of Health, Building 1, Room 260 1 Center Drive, Bethesda, MD 20892, kawazoer@mail.nih.gov, 301-402-9852.

More information on this proposed reorganization can be found at: <https://dpcpsi.nih.gov/proposed-reorg-establish-oriva-orepa>. Any interested person may file written comments by sending an email to DPCPSIreorgcomments@nih.gov by 11:59 p.m. ET on Monday, January 26, 2026.

Information is also available on the Council of Council's home page at <http://dpcpsi.nih.gov/council/> where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 12, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-00546 Filed 1-13-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be held in-person and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: March 16, 2026.

Open: 6:00 p.m. to 9:00 p.m.

Agenda: National Cancer Advisory Board Subcommittee Meetings.

Place: Gaithersburg Marriott, Washingtonian Center, 9751 Washington Blvd., Gaithersburg, MD 20878 (In Person Meeting).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room. 7W530, Bethesda, MD 20892, 240-276-6340, shamala@mail.nih.gov.

Name of Committee: National Cancer Advisory Board.

Date: March 17, 2026.

Open: 8:00 a.m. to 4:30 p.m.

Agenda: Director's and Program reports and presentations; business of the Board.

Closed: 4:45 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Room TE406 & 408, Rockville, MD 20850, (In Person Meeting).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Division of Extramural Activities National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor,

Room. 7W530, Bethesda, MD 20892, 240-276-6340, shamala@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NCI-Shady Grove campus. All visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCAB: <http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Zieta M. Charles,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-00602 Filed 1-13-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[DHS Docket No. ICEB-2026-0001-0001]

Departure Notification Record; Correction

AGENCY: U.S. Immigration and Customs Enforcement, Homeland Security.

ACTION: Notice; correction.

SUMMARY: On January 8, 2026, the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) published a 60-day notice in the **Federal Register** seeking public comments for a previously approved information collection entitled, "Departure Notification Record." The 60-day notice contained an incorrect docket number. This document corrects that notice with the correct docket number, ICEB-2026-0001-0001, in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection please contact: Omar Charris, 202–200–1988, *Omar.A.Charris@ice.dhs.gov*, U.S. Immigration and Customs Enforcement. (This is not a toll-free number. Comments are not accepted via telephone message.)

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 8, 2026, in FR Doc. 2026–00118 on page 717 column three in the heading, and under **ADDRESSES**, lines five and thirteen and page 718 column one, paragraph one, line six, correct the docket number to read as ICEB–2026–0001–0001.

Sharon Hageman,

Deputy Assistant Director, Office of Regulatory Affairs and Policy, U.S. Immigration and Customs Enforcement.

[FR Doc. 2026–00593 Filed 1–13–26; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for T Nonimmigrant Status

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

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until February 13, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2006–0059. All submissions received must include the OMB Control Number 1615–0099 in the

body of the letter, the agency name and Docket ID USCIS–2006–0059.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 8, 2025, at 90 FR 43225, allowing for a 60-day public comment period. USCIS received one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS–2006–0059 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–914; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Form I–914 is used by victims of a severe form of trafficking in persons and certain eligible family members to request and demonstrate that they qualify for temporary immigration benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection I–914 is 1,310 and the estimated hour burden per response is 2.63 hours; the estimated total number of annual respondents for the information collection I–914A is 1,120 and the estimated hour burden per response is 1.083 hours; the estimated total number of annual respondents for the information collection I–914B is 918 and the estimated hour burden per response is 1.915 hours; and the estimated total number of respondents for the information collection of biometrics is 2,430 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 9,259 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$2,532,300.

Dated: January 9, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026-00569 Filed 1-13-26; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0008]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Biographic Information (for Deferred Action)

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

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until February 13, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2005-0024. All submissions received must include the OMB Control Number 1615-0008 in the body of the letter, the agency name and Docket ID USCIS-2005-0024.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at

the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on May 29, 2025, at 90 FR 22752, allowing for a 60-day public comment period. USCIS received 55 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2005-0024 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Biographic Information (for Deferred Action).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G-325A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. USCIS uses Form G-325A to collect biographic information from individuals requesting deferred action for certain military service members and their family members, or for non-military deferred action (other than deferred action based on Deferred Action for Childhood Arrivals (DACA), Violence Against Women Act, A-3, G-5 nonimmigrants, and T and U nonimmigrant visas).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection G-325A is 7,500 and the estimated hour burden per response is 2.31 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 17,325 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$187,500.

Dated: January 9, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026-00563 Filed 1-13-26; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Citizenship and Immigration Services**

[CIS No. 2848–26; DHS Docket No. USCIS–2013–0006]

RIN 1615–ZB77

Termination of the Designation of Somalia for Temporary Protected Status**AGENCY:** U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).**ACTION:** Notice.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is terminating the designation of Somalia for Temporary Protected Status. The designation of Somalia is set to expire on March 17, 2026. After reviewing country conditions and consulting with appropriate U.S. Government agencies, the Secretary determined that Somalia no longer continues to meet the conditions for designation for Temporary Protected Status. The Secretary, therefore, is terminating the Temporary Protected Status designation of Somalia as required by statute. This termination is effective March 17, 2026. After March 17, 2026, nationals of Somalia (and aliens having no nationality who last habitually resided in Somalia) who have been granted Temporary Protected Status under Somalia's designation will no longer have Temporary Protected Status.

DATES: The designation of Somalia for Temporary Protected Status is terminated, effective at 11:59 p.m., local time, on March 17, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, (240) 721–3000.

SUPPLEMENTARY INFORMATION:**List of Abbreviations**

CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 EAD—Employment Authorization Document
 FR—Federal Register
 FRN—Federal Register Notice
 Government—U.S. Government
 INA—Immigration and Nationality Act
 Secretary—Secretary of Homeland Security
 State—Department of State
 TPS—Temporary Protected Status
 USCIS—U.S. Citizenship and Immigration Services

U.S.C.—United States Code

What Is Temporary Protected Status?

The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for Temporary Protected Status (TPS) if the Secretary determines that certain country conditions exist. *See* INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1). The Secretary, in her discretion, may grant Temporary Protected Status to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in the designated foreign state). *See* INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's Temporary Protected Status designation or extension, the Secretary—after consultation with appropriate U.S. Government agencies—must review the conditions in the foreign state designated for Temporary Protected Status and determine whether the conditions for the Temporary Protected Status designation continue to be met. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the conditions in the foreign state continue to meet the specific statutory criteria for the Temporary Protected Status designation, Temporary Protected Status will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for the Temporary Protected Status designation, the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). There is no judicial review of “any determination of the [Secretary] with respect to the designation, or termination or extension of a designation of a foreign state” for Temporary Protected Status. *See* INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

Temporary Protected Status is a temporary immigration benefit granted to eligible nationals of a country designated for Temporary Protected Status under the Immigration and Nationality Act, or to eligible aliens without nationality who last habitually resided in the designated country. During the designation period, Temporary Protected Status beneficiaries are eligible to remain in the United States and may not be removed so long as they continue to meet the requirements of Temporary

Protected Status. In addition, Temporary Protected Status beneficiaries are authorized to work and obtain an Employment Authorization Document (EAD), if requested. Temporary Protected Status beneficiaries may also apply for and be granted travel authorization as a matter of discretion. The granting of Temporary Protected Status does not result in or lead to lawful permanent resident status or any other immigration status.

To qualify for Temporary Protected Status, beneficiaries must meet the eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2) in accordance with the implementing regulations at 8 CFR parts 244 and 1244. When the Secretary terminates a country's designation, beneficiaries return to the same immigration status or category that they maintained before Temporary Protected Status, if any (unless that status or category has since expired or been terminated), or any other lawfully obtained immigration status or category they received while registered for Temporary Protected Status, as long as it is still valid on the date Temporary Protected Status terminates.

Designation of Somalia for Temporary Protected Status

Somalia was initially designated for Temporary Protected Status on September 16, 1991, based on a determination that there were “extraordinary and temporary conditions” in Somalia that prevented Somali nationals from returning in safety and that permitting nationals of Somalia to remain temporarily in the United States is not contrary to the national interest of the United States.¹ The initial Temporary Protected Status designation for Somalia was extended nine times, from September 17, 1992–September 17, 1993,² September 18, 1993–September 17, 1994,³ September 18, 1994–September 17, 1995,⁴ September 18, 1995–September 17, 1996,⁵ September 18, 1996–September

¹ Designation of Nationals of Somalia for Temporary Protected Status, 56 FR 46804 (Sept. 16, 1991); *see* INA 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

² Extension of Designation of Somalia Under Temporary Protected Status Program, 57 FR 32232 (July 21, 1992).

³ Extension of Designation of Somalia Under Temporary Protected Status Program, 58 FR 48898 (Sept. 20, 1993).

⁴ Extension of Designation of Somalia Under Temporary Protected Status Program, 59 FR 43359 (Aug. 23, 1994).

⁵ Extension of Designation of Somalia; Under Temporary Protected Status Program, 60 FR 39005 (July 31, 1995).

17, 1997,⁶ September 18, 1997–September 17, 1998,⁷ September 18, 1998–September 17, 1999,⁸ September 18, 1999–September 17, 2000,⁹ and September 18, 2000–September 17, 2001.¹⁰

In September 2001, the Temporary Protected Status designation for Somalia was extended, and Somalia was newly designated (referred to as a redesignation).¹¹ Thereafter, the Temporary Protected Status designation for Somalia was extended eight times, from September 17, 2002–September 17, 2003,¹² September 17, 2003–September 17, 2004,¹³ September 17, 2004–September 17, 2005,¹⁴ September 17, 2005–September 17, 2006,¹⁵ September 17, 2006–March 17, 2008,¹⁶ March 18, 2008–September 17, 2009,¹⁷ September 18, 2009–March 17, 2011,¹⁸ and March 18, 2011–September 17, 2012.¹⁹ Although Somalia was initially designated for Temporary Protected Status on the sole basis of extraordinary and temporary conditions, the July 2002 extension designated Somalia for Temporary Protected Status on the dual

bases of ongoing armed conflict and extraordinary and temporary conditions.²⁰ Subsequent designations included these dual bases as justification for continuing designation.

In May 2012, the Temporary Protected Status designation for Somalia was extended, and Somalia again was newly designated.²¹ Temporary Protected Status for Somalia was subsequently extended an additional five times, from March 18, 2014–September 17, 2015,²² September 18, 2015–March 17, 2017,²³ March 18, 2017–September 17, 2018,²⁴ September 18, 2018–March 17, 2020,²⁵ and March 18, 2020–September 17, 2021.²⁶

After these extensions, the Temporary Protected Status designation for Somalia was extended and Somalia was newly designated three times, from September 18, 2021–March 17, 2023,²⁷ March 18, 2023–September 17, 2024,²⁸ and September 18, 2024–March 17, 2026.²⁹

Secretary's Authority To Terminate the Designation of Somalia for Temporary Protected Status

At least 60 days before the expiration of a foreign state's Temporary Protected Status designation or extension, the Secretary—after consultation with appropriate U.S. Government agencies—must review the conditions in the foreign state designated for Temporary Protected Status to determine whether the country continues to meet the conditions for the designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state no longer meets the conditions for the Temporary Protected Status designation,

the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The termination may not take effect earlier than 60 days after the date the **Federal Register** notice of termination is published, or if later, the expiration of the most recent previous extension of the country designation. *See id.* The Secretary may determine the appropriate effective date of the termination and expiration of any Temporary Protected Status-related documentation, such as EADs, issued or renewed after the effective date of termination. *See id.*; *see also* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3) (providing the Secretary the discretionary “option” to allow for a certain “orderly transition” period if she determines it to be appropriate).

Reasons for the Secretary's Termination of the Temporary Protected Status Designation for Somalia

Consistent with INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A), after consulting with appropriate U.S. Government agencies, the Secretary reviewed country conditions in Somalia and considered whether Somalia continues to meet the conditions for the designation under INA sections 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A) and 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C). This review included examining under INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A), whether there is ongoing armed conflict within the state, and whether, due to such conflict, requiring aliens who are nationals of that state to return would pose a serious threat to their personal safety. The Secretary also examined under INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C), whether extraordinary and temporary conditions in Somalia that prevent Somali nationals from returning in safety continue to exist, and if permitting Somali nationals to remain temporarily in the United States is contrary to the national interest of the United States.

Pursuant to INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A), the Secretary first examined whether there is ongoing armed conflict within Somalia and whether due to such conflict, requiring aliens who are nationals of that state to return would pose a serious threat to their personal safety. After independence in 1960, Somalia experienced Siad Barre's 1969 military coup and the increasingly authoritarian, clan-based governance that followed, creating widespread unrest that eventually led to the regime's collapse and the country's descent into turmoil

⁶ Extension of Designation of Somalia Under Temporary Protected Status Program, 61 FR 39472 (July 29, 1996).

⁷ Extension of Designation of Somalia Under Temporary Protected Status Program, 62 FR 41421 (Aug. 1, 1997).

⁸ Extension of Designation of Somalia Under Temporary Protected Status Program, 63 FR 50156 (Sept. 18, 1998).

⁹ Extension of Designation of Somalia Under Temporary Protected Status Program, 64 FR 49511 (Sept. 13, 1999).

¹⁰ Extension of Designation of Somalia Under Temporary Protected Status Program, 65 FR 69789 (Nov. 11, 2000).

¹¹ Extension and Redesignation of Somalia under Temporary Protected Status Program, 66 FR 46288 (Sept. 4, 2001).

¹² Extension of the Designation of Somalia Under the Temporary Protected Status Program, 67 FR 48950 (July 26, 2002).

¹³ Extension of the Designation of Somalia Under Temporary Protected Status Program, 68 FR 43147 (July 21, 2003).

¹⁴ Extension of the Designation of Temporary Protected Status for Somalia, 69 FR 47937 (Aug. 6, 2004).

¹⁵ Extension of the Designation of Somalia for Temporary Protected Status, 70 FR 43895 (July 29, 2005).

¹⁶ Extension of the designation of Temporary Protected Status for Somalia; Automatic Extension of Employment Authorization Documentation for Somali TPS Beneficiaries, 71 FR 42658 (July 27, 2006).

¹⁷ Extension of the Designation of Somalia for Temporary Protected Status; Automatic Extension of Employment Authorization Documentation for Somali Temporary Protected Status Beneficiaries, 73 FR 13245 (Mar. 12, 2008).

¹⁸ Extension of the Designation of Somalia for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Somali TPS Beneficiaries, 74 FR 37043 (July 27, 2009).

¹⁹ Extension of the Designation of Somalia for Temporary Protected Status, 75 FR 67383 (Nov. 2, 2010).

²⁰ *See* Extension of the Designation of Somalia Under the Temporary Protected Status Program, 67 FR 48950 (July 26, 2002).

²¹ Extension and Redesignation of Somalia for Temporary Protected Status, 77 FR 25723 (May 1, 2012).

²² Extension of the designation of Somalia for Temporary Protected Status, 78 FR 65690 (Nov. 1, 2013).

²³ Extension of the Designation of Somalia for Temporary Protected Status, 80 FR 31056 (June 1, 2015).

²⁴ Extension of the Designation of Somalia for Temporary Protected Status, 82 FR 4905 (Jan. 17, 2017).

²⁵ Extension of the Designation of Somalia for Temporary Protected Status, 83 FR 43695 (Aug. 27, 2018).

²⁶ Extension of the Designation of Somalia for Temporary Protected Status, 85 FR 14229 (Mar. 11, 2020).

²⁷ Extension and Redesignation of Somalia for Temporary Protected Status, 86 FR 38744 (July 22, 2021).

²⁸ Extension and Redesignation of Somalia for Temporary Protected Status, 88 FR 15434 (Mar. 13, 2023).

²⁹ Extension and Redesignation of Somalia for Temporary Protected Status, 89 FR 59135 (July 22, 2024).

in 1991.³⁰ Following Barre's ouster in January 1991, "no central government reemerged to take the place of the overthrown government . . . the country descended into chaos, and a humanitarian crisis of staggering proportions began to unfold."³¹ In the context of these events, the former U.S. Attorney General designated Somalia for Temporary Protected Status on the basis of extraordinary and temporary conditions in September 1991.³² Following the withdrawal of international forces and years of clan-related conflict, Somalia lacked a functioning central government for more than two decades, until political institutions gradually re-emerged and were formally recognized by the United States in 2013:

"In 2013, the United States officially recognized Somalia's government for the first time in 22 years, underscoring tenuous political improvements and advances against Al Shabaab. The International Monetary Fund (IMF) followed, enabling IMF technical assistance. In 2016, the United States sent its first ambassador to Somalia since 1991 and, in 2008 (*sic* 2018),³³ reestablished a permanent diplomatic presence. With support from donors, [African Union] forces, and other security and development partners, the country has transitioned from a "failed state" to a "fragile state."³⁴

In September 2025, the President of Somalia, Hassan Sheikh Mohamud, addressed the United Nations (UN) General Assembly, describing the country's progress as the result of "real national effort supported by truly committed international partners" and highlighted Somalia's transition away from the all-out civil conflict that began anew in 2012.³⁵ He emphasized that Somalia is now confronting only "the last remaining pockets of international terrorism while building a strong and sustainable national security architecture," a characterization that underscores that the country is no

longer experiencing an ongoing armed conflict.³⁶ Thus, while conditions at the time of previous designations reflected an ongoing armed conflict, Somalia today shows improved national governance and security structures and now experiences localized pockets of violence rather than nationwide, generalized conflict.

Moreover, requiring Somali nationals to return to Somalia would not pose a serious threat to their personal safety as there are areas within Somalia where Somali nationals may live in safety. For example, Somaliland, a territory in the north of Somalia, "has widely been seen as an "oasis" for stability in a turbulent region."³⁷ Additionally, Puntland, an autonomous state, was described in early 2024 as "a destination for many Somalis displaced by violence in the south."³⁸ U.S. Somalia policy historically has recognized the sovereignty and territorial integrity of Somalia within its 1960 borders which includes Somaliland, Puntland, and Jubaland as part of its "One Somalia" policy.³⁹ Additionally, clan ties play a significant role in life and society in Somalia and Somaliland and Puntland are no exception. Somaliland is home to several clans and minority groups. While people belonging to different clans or ethnic groups can generally reside across Hargeisa, the largest city, certain districts are dominated by certain groups. There are no formal requirements or restrictions to access and settle in Hargeisa, despite Somaliland's claim of independence. In Puntland, society is also clan-based and there are members of various clans, including those that came from southern Somalia and minority groups that have a significant presence in the largest city, Garowe.⁴⁰ Furthermore, the data surrounding internal displacement does

indicate parts of the country are suitable for Somali nationals to safely return.⁴¹

Pursuant to INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C), the Secretary examined whether extraordinary and temporary conditions in Somalia that prevent Somali nationals from returning in safety continue to exist, and if permitting Somali nationals to remain temporarily in the United States is contrary to the national interest of the United States.

For decades, Somalia has endured prolonged conflicts and climatic shocks impacting food security. In a recent press briefing, the United Nations Secretary-General spokesperson stated: "severe drought in the country is putting millions of people's lives at risk" and "approximately 3.4 million people in Somalia are currently experiencing high levels of acute food insecurity."⁴² Al Shabaab, a designated Foreign Terrorist Organization, "continues to exploit the Somali government's limited state capacity and the country's dire humanitarian crises to launch indiscriminate attacks against government forces, foreign peacekeepers, and civilians."⁴³

Despite these ongoing challenges in Somalia, the World Bank has stated that "Somalia has made significant progress in recent years, consolidating its federal system of governance, strengthening capacity of government institutions and supporting inclusive private sector-led growth, while leveraging the momentum created by the Heavily Indebted Poor Countries (HIPC) Initiative."⁴⁴ Moreover, "despite multiple climatic shocks and a complicated security situation, Somalia continued advancing structural reforms and maintained a track record of sound macroeconomic management, as evidenced by the satisfactory implementation of the International Monetary Fund (IMF) Extended Credit Facility (ECF) program."⁴⁵ Mogadishu, Somalia's capital, is experiencing a transformative "building boom": ". . . for the first time in decades, the three million inhabitants of the capital Mogadishu . . . are

³⁰ *Id.*

³¹ Council on Foreign Relations, "Somaliland: The Horn of Africa's Breakaway State" (Jan. 21, 2025), <https://www.cfr.org/background/somaliland-horn-of-africa-breakaway-state> (discussing Somalilanders as part of an ethnically and de facto politically separate entity from Somalia).

³² British Broadcasting Corporation (BBC), "Puntland profile" (Apr. 3, 2024), <https://www.bbc.com/news/world-africa-14114727> (Puntland in 2024 declared its functional separation from the federal country of Somalia).

³³ Congressional Research Service, "Somalia" (Jun. 30, 2025), <https://www.congress.gov/crs-product/IF10155>.

³⁴ See European Union Agency for Asylum, "Country of Origin Information Report—Somalia: Country Focus" (May 2025), https://www.euaa.europa.eu/sites/default/files/publications/2025-05/2025_05_EUAA_COI_Report_Somalia_Country_Focus.pdf.

⁴¹ United Nations High Commissioner for Refugees (UNHCR), "Internal Displacement" (last accessed Nov. 21, 2025), <https://data.unhcr.org/en/dataset/1?sv=1&geo=192>.

⁴² United Nations, "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General" (Nov. 13, 2025), <https://press.un.org/en/2025/db251113.doc.htm>.

⁴³ Council on Foreign Relations, "Conflict With Al-Shabaab in Somalia" (Sept. 15, 2025), <https://www.cfr.org/global-conflict-tracker/conflict/al-shabab-somalia>.

⁴⁴ World Bank, "Federal Republic of Somalia: Overview" (last updated Sept. 26, 2025), <https://www.worldbank.org/en/country/somalia/overview>.

⁴⁵ *Id.*

³⁰ U.S. Department of State, Office of the Historian, "Somalia, 1992–1993" (last visited Nov. 21, 2025), <https://history.state.gov/milestones/1993-2000/somalia>.

³¹ *Id.*

³² Designation of Nationals of Somalia for Temporary Protected Status, 56 FR 46804 (Sept. 16, 1991).

³³ U.S. Department of State, Reestablishment of a Permanent Diplomatic Presence in Somalia (Dec. 4, 2018), <https://2017-2021.state.gov/reestablishment-of-a-permanent-diplomatic-presence-in-somalia/>.

³⁴ Congressional Research Service, "Somalia" (June 30, 2025), <https://www.congress.gov/crs-product/IF10155>.

³⁵ UN News, "Post-war Somalia proves multilateralism can make the world a better place, says President" (Sept. 25, 2025) <https://news.un.org/en/story/2025/09/1165952>.

witnessing a building boom.”⁴⁶ The BBC reported: “[a]ccording to the office of the mayor of Mogadishu, over the last years, more than 6,000 buildings have been constructed, marking a significant change in the city’s landscape. Further, “[s]ecurity in Mogadishu has improved, leading to an increase in high-rise and commercial buildings,” says Salah Hassan Omar, the mayor’s spokesperson.”⁴⁷ These recent developments in Somalia underscore the progress made across multiple sectors and demonstrates the country’s commitment to addressing challenges and fostering growth.

Based on the review, the Secretary has determined that while some extraordinary and temporary conditions may exist in Somalia, they do not prevent Somali nationals (or aliens having no nationality who last habitually resided in Somalia) from returning in safety.

By statute, the Secretary is prohibited from designating a country for Temporary Protected Status or extending a Temporary Protected Status designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”⁴⁸ The Secretary has concluded that permitting Somali nationals to remain temporarily in the United States would be contrary to the national interest of the United States.

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).⁴⁹ Determining whether

permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary’s expertise and discretionary judgment, informed by consultations with appropriate U.S. Government agencies.

There are significant public safety and national security risks associated with the continued designation of Temporary Protected Status for Somalia. The United States named Al Shabaab a Foreign Terrorist Organization (FTO) on March 18, 2008.⁵⁰ In Executive Order 13536, former President Obama found “that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions . . . constitute an unusual and extraordinary threat to the national security and foreign policy of the United States” and, declared “a national emergency to deal with that threat.”⁵¹ Although the United States never formally severed diplomatic relations with Somalia, the U.S. Embassy in Somalia was closed in 1991. The United States formally recognized the new Federal Government of Somalia on January 17, 2013, following the adoption of a provisional constitution.⁵² This lack of diplomatic engagement severely limits the U.S. government’s ability to access reliable Somali records. Furthermore, the caliber of the civil and criminal history records is not comprehensive, accurate, or reliable, making meaningful vetting virtually impossible. In a January 20, 2025 Executive Order, President Trump instructed the Secretary of State, Attorney General, Secretary of Homeland Security, and the Director of National Intelligence to “vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States,

particularly those aliens coming from regions or nations with identified security risks.”⁵³ Due to this lengthy gap in U.S. diplomatic engagement, the United States cannot adequately vet Somali nationals, particularly aliens who were approved for TPS during this period of 1991–2013, for identity, criminal history, or potential terrorist affiliations, posing an ongoing threat to public safety and national security of the United States.

These national security and public safety vulnerabilities have already been proven in the United States. In 2009, the U.S. Senate Committee on Homeland Security and Governmental Affairs held hearings titled “Violent Islamist Extremist: Al-Shabaab Recruitment in America” (Mar. 11, 2009) and “Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland” (Sept. 30, 2009).⁵⁴ During a hearing, Chairman Lieberman had the following opening statement:

“Today we are going to focus on what appears to be the most significant case of homegrown American terrorism recruiting based on violent Islamist ideology. The facts, as we know them, tell us that over the last 2 years, individuals from the Somali-American community in the United States, including American citizens, have left for Somalia to support and in some cases fight on behalf of al-Shabaab, which, incidentally was designated as a foreign terrorist organization by our government in February 2008.

There are ideological, tactical, financial, and also personnel links between al-Shabaab and al-Qaeda.

Al-Shabaab, meanwhile, continues to release recruiting videos targeting Westerners, and those videos are surely being watched by some potential followers here in the United States. In the most graphic and deadly example of a direct connection between the Somali-American community and international terrorism, Shirwa Ahmed, a naturalized U.S. citizen living in the Minneapolis area, returned to Somalia within the last 2 years and killed himself and many others in a suicide bombing last October. According to Federal Bureau of Investigations (FBI) Director Robert Mueller, Shirwa Ahmed, who was radicalized in Minnesota, is probably

⁴⁶ Barron’s, “Rising From The Ashes: Mogadishu’s Building Boom” (Nov. 23, 2025), https://www.barrons.com/news/rising-from-the-ashes-mogadishu-s-building-boom-53c34085?ref=desktopwebshare_permalink.

⁴⁷ BBC, “The women at the centre of Somalia’s construction boom” (June 14, 2025), <https://www.bbc.com/news/articles/cj427dy11j0o>.

⁴⁸ See INA sec. 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

⁴⁹ See, e.g., *Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684–86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89–90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D-*

J., 23 I&N Dec. 572, 579–81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890–91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

⁵⁰ U.S. Department of State, “Foreign Terrorist Organizations” (last updated Nov. 24, 2025), <https://www.state.gov/foreign-terrorist-organizations>.

⁵¹ Blocking Property of Certain Persons Contributing to the Conflict in Somalia, 75 FR 19869 (Apr. 15, 2010).

⁵² U.S. Department of State, “U.S.-Somalia Relations” (last visited Nov 24, 2025), <https://2021-2025.state.gov/countries-areas/somalia/#:~:text=Although%20the%20U.S.%20never%20formally,Somalia%20on%20January%2017%2C%202013.>

⁵³ Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 8451 (Jan. 30, 2025).

⁵⁴ U.S. Senate, Committee on Homeland Security and Governmental Affairs, March 11, 2009 and September 30, 2009, <https://www.govinfo.gov/content/pkg/CHRG-111shrg49640/html/CHRG-111shrg49640.htm>.

the first U.S. citizen to carry out a terrorist suicide bombing.”⁵⁵

In a separate congressional hearing by the Committee on Homeland Security in the House of Representatives, the Committee found: “Al-Shabaab has conducted recruitment and fundraising within the Somali diaspora community in the United States, drawing considerable attention from U.S. law enforcement officials. Several Somali-Americans have been prosecuted for terrorist financing, and U.S. citizens (many, but not all, of Somali origin) have been indicted on suspicion of traveling to train and fight with al-Shabaab. Others have been prosecuted for efforts to recruit or provide financial support to the group.”⁵⁶

These threats and concerns remain ongoing. In October 2025, Abdisatar Ahmed Hasan, 23, pled guilty to attempting to provide material support and resources to a designated foreign terrorist organization. Hasan publicly supported Al Shabaab and later ISIS in multiple social media posts and praised terrorist attacks globally and in the United States. In December 2024, he twice attempted to travel one-way from Minnesota to Somalia with the intent to join and fight on behalf of ISIS.⁵⁷ It is deeply troubling that a young Somali man⁵⁸ with so many opportunities in the United States would choose to support Al Shabaab, a terrorist organization in Somalia. This case also raises serious concerns about inadequate vetting processes, reflecting potential gaps in how aliens were screened before being granted access to such opportunities. On December 1, 2025, Treasury Secretary Scott Bessent announced that the U.S. Treasury is “investigating allegations that . . . Minnesotans’ tax dollars may have been diverted to the terrorist organization Al-

Shabaab.”⁵⁹ DHS records indicate there are Somali nationals (or aliens who last habitually resided in Somalia) who are Temporary Protected Status beneficiaries or applicants who are or have been the subject of administrative investigations for fraud, public safety, and national security. The Secretary accordingly took account of those cases in making her determination, as fraud and egregious public safety violations are contrary to the national interest.

In Presidential Proclamation “Restricting the Entry of Foreign Nationals to Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats” President Trump imposed a full suspension on the admission of Somali nationals along with nationals from 11 other countries, upon country identification by the Secretary of State and after accounting for the United States’ foreign policy, national security, and counterterrorism objectives.⁶⁰ For Somalia, reasons included: “Somalia lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures” and “[a] persistent terrorist threat also emanates from Somalia’s territory.”⁶¹ This was in direct response to the January 20, 2025 Executive Order, in which President Trump instructed the Secretary of State, Attorney General, Secretary of Homeland Security, and the Director of National Intelligence to “vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States, particularly those aliens coming from regions or nations with identified security risks.”⁶² On December 16, 2025, President Trump issued a new Presidential Proclamation “Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States,” in which he determined to continue to fully restrict and limit the entry of nationals from Somalia.⁶³

According to the Fiscal Year (FY) 2024 DHS Entry/Exit Overstay Report,

Somalia had a non-visa waiver program countries business or pleasure visitors (B–1/B–2) visa overstay rate of 21.3% and a student and exchange visitors (F, M, J) visa overstay rate of 25%.⁶⁴ These rates exceed by a large margin the global average overstay rates of 2.3% for B–1/B–2 visas and 3.2% for F, M, J visas—over nine times higher for business or pleasure visitors and seven times higher for student and exchange visitors.⁶⁵ Somalia’s visa overstay rates have remained high compared to the global average from FY 2018 to FY 2024.⁶⁶ Overstaying the authorized period of admission in nonimmigrant status is a violation of U.S. immigration laws and presents challenges for immigration enforcement and resource allocation. Visa overstaying diverts resources from other critical enforcement priorities such as addressing illegal border crossings. The high-volume border environment under the previous administration, which facilitated unauthorized entries, coupled with gaps in access to verifiable information for Somali nationals, has left the United States unable to adequately vet nationals from Somalia.

There are well-documented concerns related to benefit fraud with this population. Recently, the Department of Justice charged a defendant with engaging in wire fraud as part of a \$14 million autism fraud scheme. Per the charges filed against the defendant, Asha Farhan Hassan, she and her partners approached parents in the Somali community to recruit their children into Smart Therapy and worked to get children qualified for autism treatment regardless of need. Then, “as a recruitment tactic to drive up enrollment, Hassan and her partners paid monthly cash kickback payments to the parents of children who enrolled their children in Smart Therapy to receive autism services.”⁶⁷ In 2023, a couple pleaded guilty to their roles in a \$250 million fraud scheme that exploited a federally funded child nutrition program during the COVID–19 pandemic. Per the Department of Justice, “Ali and Hussein enrolled their companies, Lido Restaurant and Somali American Faribault Education (SAFE) respectively, in the Federal Child

⁵⁵ *Id.*

⁵⁶ U.S. House of Representatives, Committee on Homeland Security, “From Al-Shabaab to Al-Nusra: How Westerners Joining Terror Groups Overseas Affect the Homeland” (Oct. 9, 2013), <https://www.congress.gov/event/113th-congress/house-event/LC1003/text>.

⁵⁷ U.S. Department of Justice, “Press Release: ISIS Supporter Pleads Guilty to Material Support of Terrorism” (Oct. 1, 2025), <https://www.justice.gov/usao-mn/pr/isis-supporter-pleads-guilty-material-support-terrorism>.

⁵⁸ U.S. Department of Justice, “United States District Court for the District of Minnesota, United States of America v. Abdisatar Ahmed Hassan” Case No. 25–mj–104 (DLM) (Feb. 27, 2025), https://www.justice.gov/d9/2025-02/25-mj-104_complaint_packet.pdf (“HASSAN is a twenty-two-year-old ethnic-Somali male resident of Minneapolis, Minnesota . . . [a] review of records provided by [USCIS] indicate HASSAN was born in Garissa, Kenya, in 2002. HASSAN’s parents were both listed as having been born in Badade (variant Badhadhe), Somalia, which is located in the Lower Juba Region in southern Somalia.”)

⁵⁹ X (formerly known as Twitter), Treasury Secretary Scott Bessent @SecScottBessent (Dec. 1, 2025), <https://x.com/secscottbessent/status/1995615377284628908?s=46&t=qR3vODA0F04X5Pm3n4psEw>.

⁶⁰ Restricting the Entry of Foreign Nationals To Protect The United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 24497 (June 10, 2025).

⁶¹ *Id.*

⁶² Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 8451 (Jan. 30, 2025).

⁶³ Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States, 90 FR 59717 (Dec. 19, 2025) (originally published Dec. 16, 2025).

⁶⁴ U.S. Customs and Border Protection, Entry/Exit Overstay Report, Department of Homeland Security (Jul. 16, 2025), https://www.dhs.gov/sites/default/files/2025-08/25_0826_cbp_entry-exit-overstay-report-fiscal-year-2024.pdf.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ U.S. Department of Justice, “Press Release: First Defendant Charged in Autism Fraud Scheme” (Sept. 24, 2025), <https://www.justice.gov/usao-mn/pr/first-defendant-charged-autism-fraud-scheme-0>.

Nutrition Program under the sponsorship of Feeding Our Future. After enrolling, Hussein and Ali began submitting fraudulently inflated invoices for reimbursement in which they claimed to be serving meals to thousands of children a day.”⁶⁸ In 2024, three others, Haji Osman Salad, Sharmarke Issa and Khadra Abdi, pleaded guilty to their roles in the same \$250 million fraud scheme that exploited a federally funded child nutrition program during the COVID–19 pandemic. According to the Department of Justice, “between June 2020 through 2022, Salad falsely claimed that Haji’s Kitchen was a food vendor for more than 15 million meals to various Federal Child Nutrition Program sites in Minnesota . . . [a]ccording to court documents, Issa, the principal of Minnesota’s Somali Community and Wacan Restaurant LLC, fraudulently received Federal Child Nutrition Program funds under the sponsorship of Sponsor A and Feeding Our Future, respectively.”⁶⁹

Fraud and misrepresentation with U.S. immigration petitions have also been a concern. In 2017, DHS announced that it was seeking denaturalization against four Somali nationals who engaged in fraud and misrepresentation. In that case, Fosia Abdi Adan, a native of Somalia, applied for and received a diversity visa and used her visa to unlawfully obtain beneficiary visas for three aliens who she purported to be her husband and children despite having no relationship to them, and their using completely false identities.⁷⁰ In July 2025, a Somali national with familial ties to ISIS-Somalia was sentenced in federal court for committing asylum fraud.⁷¹

There are compelling foreign policy reasons for ending the Temporary

Protected Status designation for Somalia. In Executive Order “America First Policy Directive to the Secretary of State,” President Trump declared “from this day forward, the foreign policy of the United States shall champion core American interests and always put America and American citizens first.” Moreover, it instructed “as soon as practicable, the Secretary of State shall issue guidance bringing the Department of State’s policies, programs, personnel, and operations in line with an America First foreign policy, which puts America and its interests first.”⁷² In recent remarks, John Kelley, a Political Counselor at the U.S. Mission to the United Nations stated “[t]he United States remains committed to the fight against terrorism in Somalia, but it is ultimately time for other partners with vested interests in Somalia’s security, stability, and future to increase their financial contributions.”⁷³ In light of these directives and statements, it is clear that ending Temporary Protected Status for Somalia aligns with U.S. foreign policy by prioritizing American interests and encouraging greater international responsibility.

In sum, the Secretary’s decision to terminate the Temporary Protected Status designation for Somalia is grounded in a comprehensive assessment of national interest factors including public safety, national security, immigration integrity, foreign policy, as well as an analysis of the nature of the violence in the country today. The significant change in armed conflict from the initial designation of Temporary Protected Status for Somalia in September 1991 to the present shows that violence no longer constitutes an ongoing armed conflict nor does it fully prohibit Somali nationals from returning in safety. Moreover, in light of the continued national security and public safety risks combined with the fraud and foreign policy considerations, these factors considered individually and cumulatively establish that Somalia no longer meets the statutory basis for Temporary Protected Status.

DHS estimates that there are 1,082⁷⁴ current approved beneficiaries under the designation of Somalia for Temporary Protected Status. As of December 8, 2025, there are 1,383 total

pending applications for the designation of Somalia for Temporary Protected Status.

Effective Date of Termination of the Designation

The Temporary Protected Status statute provides that the termination of a country’s Temporary Protected Status designation may not be effective earlier than 60 days after the notice is published in the **Federal Register** or, if later, the expiration of the most-recent previous extension. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

The Temporary Protected Status statute authorizes the Secretary, at her discretion, to allow for an extended “orderly transition” period with respect to the termination and the expiration of any Temporary Protected Status-related documentation, such as EADs. The Secretary has determined, in her discretion, that a 60-day transition period is sufficient and warranted here given the Secretary’s finding that continuing to permit Somali nationals to remain temporarily in the United States is contrary to the U.S. national interest. *See* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3). Accordingly, the termination of the Somalia Temporary Protected Status designation will be effective 60 days from this notice’s publication date.⁷⁵

DHS recognizes that Somalia Temporary Protected Status beneficiaries under the designation continue to be employment authorized during the 60-day transition period.⁷⁶ Accordingly, through this **Federal Register** notice, DHS automatically extends the validity of certain EADs previously issued under the Temporary Protected Status designation of Somalia through March 17, 2026. Therefore, as proof of continued employment authorization through March 17, 2026, Temporary Protected Status beneficiaries can show their EADs that have the notation A–12 or C–19 under Category and a “Card Expires” date of March 17, 2023, September 17, 2024, and March 17, 2026.

The Secretary has considered putative reliance interests in the Somalia Temporary Protected Status designation,

⁷⁵ *See* 8 CFR 244.19 (“Upon the termination of designation of a foreign state, those nationals afforded temporary Protected Status shall, upon the sixtieth (60th) day after the date notice of termination is published in the **Federal Register**, or on the last day of the most recent extension of designation by the [Secretary of Homeland Security], automatically and without further notice or right of appeal, lose Temporary Protected Status in the United States. Such termination of a foreign state’s designation is not subject to appeal.”).

⁷⁶ *See* INA 244(a)(1)(B), 8 U.S.C. 1254a(a)(1)(B); *see also* 8 CFR 244.13(b).

⁶⁸ U.S. Department of Justice, “Press Release: Faibault Couple Plead Guilty to Their Roles in \$250 Million Feeding Our Future Fraud Scheme” (Jun. 6, 2023), <https://www.justice.gov/usao-mn/pr/faribault-couple-plead-guilty-their-roles-250-million-feeding-our-future-fraud-scheme>.

⁶⁹ U.S. Department of Justice, “Press Release: Three Plead Guilty to Wire Fraud in \$250 Million Feeding Our Future Fraud Scheme” (Sept. 20, 2024), <https://www.justice.gov/usao-mn/pr/three-plead-guilty-wire-fraud-250-million-feeding-our-future-fraud-scheme>.

⁷⁰ DHS, “Denaturalization Sought Against Four Somalia-born Individuals Who Falsely Claimed to be a Family and Were Admitted to the United States on Diversity Immigrant Visas” (Nov. 6, 2017), <https://www.dhs.gov/archive/news/2017/11/06/denaturalization-sought-against-four-somalia-born-individuals-who-falsely-claimed>.

⁷¹ U.S. Department of Justice, “Press Release: Somali National with Familial Ties to ISIS-Somalia Sentenced for Committing Asylum Fraud” (Jul. 28, 2025), <https://www.justice.gov/usao-sdca/pr/somali-national-familial-ties-isis-somalia-sentenced-committing-asylum-fraud-0>.

⁷² America First Policy Directive to the Secretary of State, 90 FR 8337 (Jan. 29, 2025).

⁷³ U.S. Mission to the UN, “Remarks at a UN Security Council Briefing on Cooperation Between the UN and the African Union (AU),” Oct. 7, 2025, <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-cooperation-between-the-un-and-the-african-union-au/>.

⁷⁴ DHS, Office of Performance and Quality, estimate as of Dec. 8, 2025.

especially when considering whether to allow for an additional transition period akin to that allowed under certain previous Temporary Protected Status terminations. Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. Temporary Protected Status designations are time-limited and must be periodically reviewed, as frequently as every six months in some cases, and Temporary Protected Status notices clearly notify aliens of the designations' expiration dates. Further, whether to allow for an orderly transition period is left to the Secretary's unfettered discretion. *See* INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3). The statute inherently contemplates advance notice of a termination by requiring timely publication of the Secretary's determination and delaying the effective date of the termination by at least 60 days after publication of a **Federal Register** notice of the termination or, if later, the existing expiration date. *See* INA sec. 244(b)(3)(A)–(B), (d)(3); 8 U.S.C. 1254a(b)(3)(A)–(B), (d)(3).

Notice of the Termination of the Temporary Protected Status Designation of Somalia

By the authority vested in me as Secretary under INA section 244(b)(3), 8 U.S.C. 1254a(b)(3), I have reviewed, in consultation with the appropriate U.S. Government agencies, (a) conditions in Somalia; (b) whether permitting nationals of Somalia (and aliens having no nationality who last habitually resided in Somalia) to remain temporarily in the United States is contrary to the national interest of the United States; and (c) whether Somalia is experiencing ongoing armed conflict that poses a serious threat to the personal safety of Somali nationals. Based on my review, I have determined that Somalia no longer continues to meet the conditions for Temporary Protected Status under INA sections 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A) and 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B), and considering INA section 244(d)(3), 8 U.S.C. 1254a(d)(3), the designation of Somalia for Temporary Protected Status is terminated effective at 11:59 p.m., local time, on March 17, 2026.

(2) Information concerning the termination of Temporary Protected Status for nationals of Somalia (and aliens having no nationality who last habitually resided in Somalia) under the designation will be available at local USCIS offices upon publication of this

notice and through the USCIS Contact Center at 1–800–375–5283. This information will also be published on the USCIS website at www.uscis.gov.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2026–00596 Filed 1–13–26; 11:15 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2509–014–004–125222]

Notice of Realty Action: Noncompetitive (Direct) Sale of Public Land in Moffat County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) is proposing a non-competitive (direct) sale of 2.13 acres of public land in the Little Snake Field Office to Moffat County. The sale would resolve an inadvertent unauthorized use of public land. The sale would be subject to the applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the BLM land sale regulations. The surface estate would be sold for no less than the appraised fair market value of \$17,000.00.

DATES: Interested parties must submit written comments no later than March 2, 2026.

ADDRESSES: Mail written comments to Robert Swithers, District Manager, Northwest District Office, 455 Emerson Street, Craig, CO 81625, or submit them online via the BLM National NEPA Register at <https://eplanning.blm.gov/eplanning-ui/project/2038945/510>.

FOR FURTHER INFORMATION CONTACT: Kymm Hampton at the above address, or by telephone at 970–826–5089, or by email at kgresset@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Browns Park School is in far northwestern Colorado, closer to the Utah and Wyoming borders than to any major Colorado city. For many years, the

Browns Park School property was assumed to be owned by Moffat County. It was discovered in 1994 that the buildings were inadvertently placed on Federal public land in the 1940s and Moffat County only holds ownership over the buildings and associated improvements. After many years of negotiation, the BLM proposes to offer the land for direct sale to resolve the issue.

The following described public land in Moffat County has been examined and found suitable for sale under the authority of sections 203 and 209 of FLPMA, as amended.

Sixth Principal Meridian, Colorado

T. 9 N., R. 102 W.,

Sec. 2, lot 36;

Sec. 3, lot 24.

The area described contains 2.13 acres, according to the official plat of survey of the said land, on file with the BLM.

The above-described land was segregated on September 14, 2020, from all forms of appropriation under the public land laws, including the mining laws, except for the sale provision of the FLPMA (85 FR 56627). Upon publication of this notice and until completion of the sale, the BLM will not accept land use applications affecting the identified public land except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15. Pursuant to 43 CFR 2711.1–2, the land will not be sold until after March 16, 2026.

The proposed sale is in conformance with the BLM Little Snake Resource Management Plan, approved in October 2011, as addressed on page RMP–52 under Management Actions: Allowable Uses and Actions. The mineral potential is unknown and the mineral estate would not be conveyed, in accordance with section 209 of FLPMA. A parcel-specific environmental assessment (EA), document number DOI–BLM–CO–N010–2025–0032–EA, was prepared in connection with this realty action and may be viewed at <https://eplanning.blm.gov/eplanning-ui/project/2038945/510>. Existing historical structures make the subject parcel difficult for the BLM to manage. Under the FLPMA section 203, disposal of the subject parcel is allowable because existing characteristics are difficult and uneconomic to manage and disposal of the tract will serve important public objectives, including but not limited to, expansion of communities and economic development.

In accordance with 43 CFR 2710.0–6 and 43 CFR 2711.3–3(a), direct sales (without competition) may be utilized, when in the opinion of the authorized officer, a competitive sale is not appropriate and the public interest would best be served by a direct sale, including a tract identified for transfer to State or local government or nonprofit organization; or a need to resolve inadvertent unauthorized use or occupancy of the lands. In this case, a direct sale is appropriate because the subject parcel contains inadvertent unauthorized location of historical structures significant to the history of public schools in Moffat County. The county intends to use the property for public education and to enhance tourism in the area.

The BLM considered the minimal acreage to create a manageable boundary to include land needed to protect existing improvements and to resolve the inadvertent unauthorized use. The BLM may serve the public's interest through resolution and receiving fair market value for the subject parcel.

The conveyance document, if issued, would include the following terms, covenants, conditions, and reservations:

1. A mineral reservation to the United States for all minerals;
2. A reservation to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);
3. A reservation for water power rights subject to the conditions and limitations of section 24 of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 818), and subject to the stipulation that, if and when, the lands are required in whole or in part, for power development purposes, any structures or improvements placed thereon which shall be found to obstruct or interfere with such development shall, without expense to the United States, its permittees or licensees, be removed or relocated insofar as is necessary to eliminate interference with power development;
4. Valid existing rights issued prior to conveyance;
5. An appropriate indemnification clause protecting the United States from claims arising out of the purchaser's use, occupancy, or operations on the conveyed land; and
6. Additional terms and conditions that the authorized officer deems appropriate.

The EA, appraisal, maps, and environmental site assessment are available for review at the location listed in the **ADDRESSES** section earlier. Interested parties may submit, in writing, any comments concerning the

sale, including notifications of any encumbrances or other claims relating to the parcel (see **ADDRESSES**).

The BLM Colorado State Director will review adverse comments regarding the parcel and may sustain, vacate, or modify this realty action, in whole or in part. In the absence of timely objections, this realty action will become the final determination of the Department of the Interior.

In addition to this notice of realty action, a sale notice will be published once a week for 3 consecutive weeks in the *Craig Daily Press*. Only written comments submitted by mail or online via the BLM National NEPA Register will be considered as properly filed (see **ADDRESSES**). Electronic mail, facsimile, or verbal comments will not be considered.

Before including your address, phone number, email address, or other personally identifiable information in your comments, please note that the BLM may make your entire comment—including your personally identifiable information—publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2711)

Douglas J. Vilsack,
BLM Colorado State Director.

[FR Doc. 2026–00509 Filed 1–13–26; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222]

Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plat of survey of the following described lands is scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The survey, which was executed at the request of the BLM, is necessary for the management of these lands.

DATES: You must submit written protests to the BLM Colorado State Office by February 13, 2026. Unless there are protests of this action, the plat described in this notice will be filed on February 13, 2026.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, State Director, LLCO956, P.O. Box 151029, Lakewood, CO 80215. The plat of survey is available for public viewing at no cost at the BLM Colorado State Office, Denver Federal Center, Building 40, Public Room, Lakewood, Colorado, 80225.

FOR FURTHER INFORMATION CONTACT:

David W. Ginther, Chief Cadastral Surveyor for Colorado, telephone: (970) 826–5064; email: dginther@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The plat and field notes of the dependent resurvey and subdivision of sections 15, 17, and 30 in Township 49 North, Range 1 West, New Mexico Principal Meridian, Colorado, were accepted on March 24, 2025.

A person or party who wishes to protest any of the above surveys must file a written notice of protest by the date specified in the **DATES** section and at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30-calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personally identifiable information in your protest, please be aware that your entire protest, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. Chap. 3)

David W. Ginther,
Chief Cadastral Surveyor.

[FR Doc. 2026–00567 Filed 1–13–26; 8:45 am]

BILLING CODE 4331–16–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1410]

Certain Disposable Vaporizer Devices; Notice of a Commission Determination To Review in Part the Final Initial Determination and To Request Written Submissions on the Issues Under Review and Remedy, Bond, and the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's ("ALJ") final initial determination ("FID") and to solicit briefing on the issues under review, as well as remedy, bonding, and the public interest.

FOR FURTHER INFORMATION CONTACT: Carl Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 22, 2024, based on a complaint filed on behalf of RAI Strategic Holdings, Inc.; R.J. Reynolds Vapor Company; R.J. Reynolds Tobacco Company; and RAI Services Company (collectively, "Reynolds" or "Complainant"), all of Winston-Salem, North Carolina. 89 FR 59158–60 (Jul. 22, 2024). The complaint, as supplemented, alleges that the respondents violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by importing into the United States, selling for importation, or selling in the United States after importation certain disposable vaporizer devices that infringe one or more of the asserted claims of U.S. Patent No. 11,925,202 ("the '202 patent"). *Id.* at 59,159. The complaint further alleges that a domestic industry exists in the United States.

The Commission's notice of investigation names thirty-five (35) respondents, of which eighteen (18) respondents participated in this investigation. They are Breeze Smoke, LLC of West Bloomfield, Michigan; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Shenzhen, China; Guangdong Qisitech Co., Ltd. of Dongguan, China; Fewo Intelligent Manufacturing Ltd. of Dongguan, City, China; Guangdong Cellular Workshop Electronics Technology Co., Ltd. of Dongguan, City, China; Zhuhai Qisitech Co., Ltd. of Zhuhai, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd. of Shenzhen, China; Maduro Distributors d/b/a The Loon of Minneapolis, Minnesota; Shenzhen Yanyang Technology Co., Ltd. of Shenzhen, China; Pastel Cartel, LLC of Austin, Texas; American Vape Company, LLC of Pflugerville, Texas; Affiliated Imports, LLC of Austin, Texas; Shenzhen Kangvape Technology Co., Ltd. of Shenzhen, China; Shenzhen Pingray Technology Co., Ltd. of Shenzhen, China; SV3, LLC d/b/a Mi-One Brands of Phoenix, Arizona; Price Point Distributors Inc. d/b/a Price Point NY of Farmingdale, New York; and TheSy, LLC d/b/a Element Vape of Alhambra, California (collectively, "Respondents"). *Id.* at 59, 159–160. The Office of Unfair Import Investigations ("OUII") is also named as a party. *Id.* at 59, 160.

Fifteen (15) respondents were subsequently found in default: Vapeonly Technology Co. Ltd. of Hong Kong; iMiracle (Shenzhen) Technology Co., Ltd. of Shenzhen, China; Nevera (HK) Ltd. of Hong Kong; Wonder Ladies Ltd. of British Virgin Islands; Sailing South Ltd. of British Virgin Islands; Marea Morada Ltd. of British Virgin Islands; Social Brands, LLC of Dallas, Texas; Palma Terra Ltd. of British Virgin Islands; Heaven Gifts International Ltd. of Hong Kong; Shenzhen LC Technology Co., Ltd. of Shenzhen, China; LCF Labs, Inc. of Ontario, California; Flumgio Technology Ltd. of Hong Kong; Flawless Vape Shop Inc. of Anaheim, California; Flawless Vape Wholesale & Distribution Inc. of Anaheim, California; and VICA Trading Inc. d/b/a Vapesourcing of Tustin, California (collectively, "Defaulting Respondents"). *See* Order No. 17 (Sept. 16, 2024), *unreviewed by* Comm'n Notice (Oct. 8, 2024).

Two (2) respondents—Kimsun Technology (HuiZhou) Co., Ltd. of Shenzhen, China; and Bidi Vapor, LLC of Orlando, Florida—were terminated from the investigation based on consent orders. Order No. 10 (Aug. 28, 2024), *unreviewed by* Comm'n Notice (Sept.

23, 2024); Order No. 26 (Nov. 5, 2024), *unreviewed by* Comm'n Notice (Dec. 5, 2024).

On June 11, 2024, the same date it filed its complaint, Reynolds filed a motion for a temporary exclusion order ("TEO"). Respondents filed a joint memorandum in opposition to Reynolds's motion for a TEO on August 12, 2024. The presiding ALJ held an evidentiary hearing on September 26 and 27, and October 8, 2024. On November 19, 2024, the ALJ issued an ID denying Reynolds's motion for a TEO, which the Commission determined not to review. Order No. 28 (Nov. 19, 2024), *unreviewed by* Comm'n Notice (Dec. 18, 2024).

On May 1, 2025, the Commission partially terminated the investigation with respect to claims 3, 8, 10, 13, 17–27, and 29–30 of the '202 patent due to voluntary withdrawal of the claims. Order No. 44 (Apr. 7, 2025), *unreviewed by* Comm'n Notice (May 1, 2025).

The presiding ALJ held an evidentiary hearing from April 7–11, 2025, with an additional day of testimony on domestic industry on June 11, 2025. FID at 4. By that time, Reynolds was asserting claims 1, 4, 9, 11–12, and 15 of the '202 patent for purposes of infringement, and claims 1, 2, 4–5, 7, 9, and 14–16 for domestic industry. *Id.* at 5.

On August 29, 2025, the ALJ issued the present FID, which finds that Respondents violated section 337 by way of infringing claims 4 and 12 of the '202 patent, and that neither claim is invalid as anticipated or obvious. *Id.* at 144, 152, 189–90. The FID finds that Respondents also infringed claims 1, 11, and 15, but those claims are invalid as anticipated. *Id.* The FID also finds that Reynolds satisfied both the technical and economic prongs of the domestic industry requirement. *Id.* at 98, 117, 121, 182.

On September 12, 2025, the presiding ALJ issued a Recommended Determination on Remedy, Bonding, and Public Interest ("RD"). The RD recommends that, in the event a violation is found, the Commission should issue a general exclusion order ("GEO") as to claims 4 and 12 of the '202 patent. RD at 3, 26. Should the Commission determine not to issue a GEO, the RD recommends that the Commission issue a limited exclusion order covering infringing articles imported by or on behalf of each respondent found to have violated section 337. *Id.* at 30. The RD also recommends that the Commission issue cease and desist orders against certain respondents and set a bond of 136% of the entered value of infringing articles imported during the period of

Presidential review. *Id.* at 3, 40, 44. Finally, the RD recommends finding that the public interest factors do not preclude issuance of a remedy. *Id.*

On September 15, 2025, the Commission issued a notice requesting submissions on public interest issues raised by the recommended relief, should the Commission find a violation. 90 FR 45056 (Sept. 18, 2025). The Commission issued a second notice on November 18, 2025, and extended the deadline for responses because the original deadline expired during the shutdown of the Federal Government. 90 FR 52700 (Nov. 21, 2025). On December 1, 2025, NJOY, LLC, Altria Group Distribution Company, and Altria Client Service LLC (collectively, “NJOY”) filed a public interest statement, stating they were not named as a respondent and their products have been recognized to be non-infringing, so any GEO that may issue should include a carve-out for NJOY’s products.

On September 15, 2025, Respondents filed a petition for review of the FID’s findings, including the ALJ’s construction of “smoking article,” its findings that Respondents infringed claim 4 and 12, literally and by equivalence, and its findings that claims 4 and 12 were not anticipated or obvious over the prior art.

On September 23, 2025, Reynolds and OUII filed their respective responses to Respondents’ petition for review. Neither Reynolds nor OUII filed a petition for review of their own. Thus, any objections to the FID’s findings that claims 1, 9, 11, and 15 of the ’202 patent are invalid have been waived, per Commission Rule 210.43(b)(2), 19 CFR 210.43(b)(2). As a result, only claims 4 and 12 (and claim 1, on which they depend) remain at issue.

Upon review of the FID, the petition for review and responses thereto, and the evidence of record, the Commission has determined to review the FID in part, specifically its findings that claims 4 and 12 are not invalid as anticipated or obvious over the asserted prior art and its findings that the domestic industry requirement has been satisfied. The Commission has determined not to review, and thereby adopts, the FID’s findings on claim construction, including “smoking article” and “the aerosol that is produced” (claim 4). The Commission notes that the parties have waived broader constructions that do not limit the invention to devices that use tobacco or tobacco components.

The parties are asked to provide additional briefing on the following issues under review:

(1) Explain whether, at the time of the invention, it would have been obvious

to a person skilled in the art to use a porous material capable of wicking liquid toward the heater element in view of Kim (U.S. Patent App. Pub. No. 2006/0016453) with Pienemann (International Patent Publication WO 00/28843). Explain whether it would have been obvious to use a porous chip that permits “the aerosol that is produced” (using the FID’s interpretation of that term) to pass at least partially through that chip, as recited in claim 4 of the ’202 patent.

(2) Explain whether, at the time of the invention, it would have been obvious to a person skilled in the art to design a central channel with a heater coil or other heater element that permits airflow therethrough, as recited in claim 12 of the ’202 patent, in view of Kim with Pienemann.

The parties are requested to brief only the discrete issues identified above, with reference and citations to the applicable law, the evidentiary record, and the parties’ previous briefings. The parties are not to brief any other issues on review, which have already been adequately presented in the parties’ previous filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of: (1) a limited or general exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease-and-desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm’n Op. at 7–10 (December 1994).

The statute requires the Commission to consider the effects of any remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease-and-desist order would have on: (1) the public health and welfare; (2) competitive conditions in the U.S. economy; (3) U.S. production of articles that are like or directly competitive with those that are

subject to investigation; and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission’s action. See Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to this investigation are requested to file written submissions on the issues identified above in this notice. In addition, the parties, interested government agencies, and any other interested parties are requested to file written submissions on the issues of remedy, the public interest, and bonding. Such initial submissions should include views on the recommended determination by the ALJ on remedy and bonding. Explain whether your views on public interest or bonding would differ if the redesigned products (or redesigned components of a product) put forward by Respondents were excluded from any remedy.

In its initial submission, Complainant is requested to identify the remedy sought and to submit proposed remedial orders for the Commission’s consideration. Complainant is also requested to provide the HTSUS subheadings under which the accused products are imported. Complainant is further requested to supply the names of known importers of the Respondents’ products at issue in this investigation. Complainant is also requested to identify and explain, from the record, articles that it contends are “components of” the subject products, and thus potentially covered by the proposed remedial orders, if imported separately from the subject products. See 85 FR at 31211. Failure to provide this information may result in waiver of any remedy directed to “components of” the subject products, in the event any violation may be found.

The parties’ written submissions and proposed remedial orders must be filed no later than the close of business on January 23, 2026. Reply submissions

must be filed no later than the close of business on January 30, 2026. Opening submissions are limited to 40 pages. Reply submissions are limited to 30 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number ("Inv. No. 337-TA-1410") in a prominent place on the cover page and/or first page. (See *Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission vote for this determination took place on January 9, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as

amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 6, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-00524 Filed 1-13-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-471 and 731-TA-1170 (Final)]

Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From Indonesia; Request for Comments Regarding the Institution of a Section 751(b) Review Concerning the Commission's Affirmative Determinations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist sufficient to warrant the institution of a review pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the Act) regarding the Commission's affirmative determinations in investigation Nos. 701-TA-471 and 731-TA-1170 (Final). The purpose of the proposed review would be to determine whether revocation of the existing antidumping and countervailing duty orders on imports of coated paper suitable for high-quality print graphics using sheet-fed presses (certain coated paper) from Indonesia would be likely to lead to continuation or recurrence of material injury (19 U.S.C. 1675(b)(2)(A)).

DATES: January 14, 2026.

FOR FURTHER INFORMATION CONTACT:

Celia Feldpausch (202-205-2387), 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 (<http://www.usitc.gov>). The public record for this matter may be viewed on the

Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—In November 2010, the Commission determined that an industry in the United States was threatened with material injury by reason of imports of certain coated paper from China and Indonesia (75 FR 70289, November 17, 2010) that had been found by the U.S. Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV), and that had been found by Commerce to be subsidized by the governments of China and Indonesia (75 FR 59209, 75 FR 59212, 75 FR 59217, and 75 FR 59223, September 27, 2010). Effective November 17, 2010, Commerce issued antidumping and countervailing duty orders (75 FR 70201, 75 FR 70203, 75 FR 70205, and 75 FR 70206, November 17, 2010).

Following affirmative determinations in the first five-year reviews by Commerce and the Commission, effective January 6, 2017, Commerce issued a continuation of the antidumping and countervailing duty orders on imports of certain coated paper from China and Indonesia (82 FR 1692, January 6, 2017). Following affirmative determinations in the second five-year reviews by Commerce and the Commission, effective June 13, 2022, Commerce issued a continuation of the antidumping and countervailing duty orders on imports of certain coated paper from China and Indonesia (87 FR 35733, June 13, 2022).

On December 3, 2025, the Commission received a request to review its affirmative determinations in investigation Nos. 701-TA-471 and 731-TA-1170 (Final) pursuant to section 751(b) of the Act (19 U.S.C. 1675(b)). The request was filed by PT. Pindo Deli Pulp and Paper Mills ("Pindo Deli") and PT. Indah Kiat Pulp & Paper Tbk. ("Indah Kiat") (for purposes of this notice, collectively "the Requestors"). The Requestors argue that structural changes sufficient to warrant a changed circumstances review have occurred within the Indonesian industry since the Commission determined that the domestic industry was threatened with material injury by reason of subject imports from Indonesia. The Requestors contend that there has been a "significant" and "permanent" reduction in the capacity to produce the subject merchandise by the industry in Indonesia, which they assert has contracted to only two producers. The Requestors further contend that there has been a "marked shift away from exports toward home market sales" such

that, in their view, the Indonesian industry producing the subject merchandise “is no longer export oriented.” They argue that these changes have not been the “natural and direct result” of the subject orders but rather of market factors leading to the shifting of capacity and increasing focus on home market sales.

Written comments requested.—

Pursuant to section 207.45(b) of the Commission’s Rules of Practice and Procedure (19 CFR 207.45(b)), the Commission requests comments concerning whether the alleged changed circumstances, brought about by the aforementioned changes in the industry producing certain coated paper in Indonesia, are sufficient to warrant institution of a review.

*Written submissions.—*Comments must be filed with the Secretary to the Commission by March 4, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission’s rules; any submissions that contain business proprietary information must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission has not included a process for access to business proprietary information pursuant to an administrative protective order during the pre-institution comment period in this proceeding (See 56 FR 11918, 11922 (March 21, 1991)). In the event that the Commission finds sufficient changed circumstances to warrant institution of a review following the comment period, access to business proprietary information under an administrative protective order will be available at that time. 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.

Please note the Secretary’s Office will accept only electronic filings at this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Authority: This notice is published pursuant to section 207.45 of the Commission’s rules.

By order of the Commission.

Issued: January 9, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–00525 Filed 1–13–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Power Converters, Circuit Board Assemblies, and Computing Systems Containing the Same, DN 3874*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant’s filing pursuant to the Commission’s Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission’s Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission’s Rules of Practice and Procedure filed on behalf Vicor Corporation on, January 12, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power converters, circuit board assemblies, and computing systems containing the same. The complaint names as respondents: Delta Electronics, Inc. of Taiwan; Delta Electronics (Americas) Ltd. of Fremont, CA; DET Logistics (USA) Corporation of Fremont, CA; Luxshare Precision Industry Co., Ltd. of China; Dongguan Luxshare Technology Co., Ltd. a/k/a

Luxshare-Tech of China; Shanghai Peiyuan Electronics Co., Ltd. d/b/a MetaPWR Electronics Co., Ltd. and Shanghai MetaPWR Electronics Co., Ltd. of China; Monolithic Power Systems, Inc. of Kirkland, Washington; Chengdu Monolithic Power Systems Co., Ltd. of China; MPS International (Shanghai) Ltd. of China; Wistron Corporation of Taiwan; Wiwynn Corporation of Taiwan; Quanta Computer Inc. of Taiwan; Quanta Cloud Technology Inc. of Taiwan; Quanta Cloud Technology USA LLC of San Jose, CA; and Quanta Computer USA Inc. of Fremont, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents’ alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant’s licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There

will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3874") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the

programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: January 12, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-00607 Filed 1-13-26; 8:45 am]

BILLING CODE 7020-02-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26-004]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than January 29, 2026 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than January 29, 2026 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted

by law, will not be released under the Freedom of Information Act.

Objections and Further Information:

Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: hq-patentoffice@mail.nasa.gov. Questions may be directed to Phone: (202) 358-0646.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: (1) U.S. Patent No. 12,343,930 B2 for an invention titled "Solid-State Additive Manufacturing System and Method" and (2) U.S. Patent No. 12,157,179 B2 for an invention titled "Bobbin Friction Stir Weld Additive Manufacturing System and Method" to LeapFast Manufacturing Inc. having its principal place of business in Youngstown, Ohio. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Olivia Scheuer,

Senior Counsel for Intellectual Property, National Aeronautics and Space Administration.

[FR Doc. 2026-00608 Filed 1-13-26; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL CAPITAL PLANNING COMMISSION

Performance Review Board Members

ACTION: Notice of Senior Executive Service (SES) Performance Review Board (PRB) appointment.

SUMMARY: The National Capital Planning Commission (NCPC) announces the appointment of members to the NCPC

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

SES, fiscal year 2024–2026 PRB. The purpose of the PRB is to provide fair and impartial review of the annual SES performance appraisal prepared by the senior executive's immediate and second level supervisor; to make recommendations to appointing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance-based bonuses and performance-based pay increases.

FOR FURTHER INFORMATION CONTACT: If you have any questions regarding this submission, please contact Lori C. Abdin, lori.abdin@ncpc.gov, (202) 482–7216.

SUPPLEMENTARY INFORMATION: NCPC, as required by 5 U.S.C. 4314(c)(1) through (5), has established a Senior Executive Service PRB. Members of the PRB serve for a period of 36 months. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees, pursuant to 5 U.S.C. 4314(c)(5). The names and titles of the PRB members are as follows:

- Ms. Paige Cottingham-Streater, Executive Director, Japan U.S. Friendship Commission
- Mr. Christopher Roscetti, Deputy Director for Environment, Health, and Safety, U.S. Department of Energy
- Tammy Stidham, Associate Regional Director, National Park Service

Lori Abdin,

HR Officer, Deputy Director, Operations & Administration Division, National Capital Planning Commission.

[FR Doc. 2026–00500 Filed 1–13–26; 8:45 am]

BILLING CODE 7520–02–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:00 a.m. ET, Tuesday, January 27, 2026.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED:

75405 Aviation Investigation Report—Midair Collision Over the Potomac River, PSA Airlines Flight 5342, Mitsubishi Heavy Industries (MHI), RJ Aviation CL–600–2C10 (CRJ700), and US Army Priority Air Transport Flight 25, Sikorsky UH–60L, Washington, District of Columbia, January 29, 2025.

CONTACT PERSON FOR MORE INFORMATION: Candi Bing at (202) 590–8384 or by email at bingc@ntsb.gov.

Media Information Contact: Peter Knudson by email at peter.knudson@ntsb.gov or at (202) 314–6100.

The public may view it through a live or archived webcast by accessing a link under “Upcoming Events” on the NTSB home page at www.nts.gov.

Schedule updates, including weather-related cancellations, are also available at www.nts.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, January 9, 2026.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2026–00605 Filed 1–12–26; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

732nd Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the U.S. Nuclear Regulatory Commission's (NRC) Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on February 5–6, 2026. In addition, the ACRS is implementing Section 4.(b) of Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” dated May 23, 2025, which states, in part, that the functions of the ACRS shall be reduced to the minimum necessary to fulfill ACRS's statutory obligations and that review by ACRS of permitting and licensing issues shall focus on issues that are truly novel and noteworthy. The ACRS will only undertake other work as directed by the Commission in accordance with Sections 29 and 182b of the Atomic Energy Act.

The Committee will be conducting meetings that will include some Members being physically present at the headquarters of the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via Microsoft Teams or via phone at 301–576–2978, passcode 809562187#. A more detailed agenda, including the Microsoft Teams link, may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/>

[index.html](#). If you would like the Microsoft Teams link forwarded to you, please contact: Quynh.Nguyen@nrc.gov or Lawrence.Burkhart@nrc.gov.

Thursday, February 5, 2026

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–5:00 p.m.: Self-Assessment/Lessons Learned/Path Forward/Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will discuss lessons learned from recent reviews and plan for future reviews; discuss planning and procedures topics including items proposed for consideration by the Full Committee during future ACRS meetings; deliberate; and proceed to preparation of reports. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, February 6, 2026

8:30 a.m.–5:00 p.m.: Self-Assessment/Lessons Learned/Path Forward/Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will discuss lessons learned from recent reviews and plan for future reviews; discuss planning and procedures topics including items proposed for consideration by the Full Committee during future ACRS meetings; deliberate; and proceed to preparation of reports. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on July 22, 2025 (90 FR 34522). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry.

Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301-415-5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the ACRS Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least three days before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the ACRS Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, the ACRS public website, or by calling the PDR at 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern daylight time (EDT), Monday through Friday, except Federal holidays, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: January 12, 2026.

For the Nuclear Regulatory Commission
Russell E. Chazell,
Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2026-00550 Filed 1-13-26; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2026-0232]

Performance Review Boards 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: January 14, 2026.

ADDRESSES: Please refer to Docket ID NRC-2026-0232 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-2026-0232. Address questions about Docket IDs in [Regulations.gov](https://www.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
David R. Taggart, Acting General Counsel

Christopher D. Carroll, Chief Financial Officer

Jeremy R. Groom, Acting Director, Office of Nuclear Reactor Regulation

Andrea L. Kock, Director, Office of Nuclear Material Safety and Safeguards

John D. Monninger, Regional Administrator, Region IV

Jennifer M. Golder, Chief Human Capital Officer and Jody C. Martin, 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:

David R. Taggart, Acting General Counsel

Scott C. Flanders, Chief Information Officer

David L. Skeen, Director, Office of International Programs

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

Dated: January 12, 2026.

For the Nuclear Regulatory Commission.

Jennifer Golder,

Secretary, Executive Resources Board.

[FR Doc. 2026-00606 Filed 1-13-26; 8:45 am]

BILLING CODE 7590-01-P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB.

DATES: Submit comments on or before March 16, 2026.

ADDRESSES: Address written comments and recommendations for the proposed information collection to James Olin, FOIA/Privacy Act Officer, by email at pcf@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at (202) 692-2507, or PCFR@peacecorps.gov.

SUPPLEMENTARY INFORMATION:

Title: Peace Corps Awareness and Affinity: National Survey of U.S. Adults.
OMB Control Number: 0420-0575.
Form Number: PC-2210.

Type of Request: Renewal with Change.

Affected Public: Individuals.

Respondents Obligation To Reply: Voluntary.

Respondents: Members of the public and prospective Peace Corps Volunteer applicants.

Burden to the Public:

(a) Estimated number of respondents: 6,200.

(b) Frequency of response: Twice.

(c) Estimated average burden per response: .188 hours.

(d) Estimated total reporting burden: 2333.32 hours.

(e) Estimated annual cost to respondents: 0.00.

General Description of Collection: The Peace Corps will renew its national awareness and recruitment campaign to promote the organization; its mission, goals, and values; and to attract and recruit qualified Volunteer applicants. The Peace Corps' Office of Communications will use the information collected by the Peace Corps Awareness and Affinity: National Survey of U.S. Adults to assess the effectiveness of the campaign. The Peace Corps conducted this survey in 2023, which proved beneficial in measuring general awareness and affinity for the Peace Corps; drivers, barriers, and motivations related to the application process; and perceptions of our audiences following the COVID-19 pandemic. Similar to when the survey was conducted in 2023, the Peace Corps will collect information to help broaden the pool of potential Volunteers and engage new audiences—this time to help meet the agency's goal of sending 8,000 qualified Volunteers overseas by 2030. The information collection will also be used to gather insights to identify key audience segments and help ensure the efficiency and success of future marketing efforts by:

- Identifying levels of awareness, knowledge, attitudes, and opinions about the Peace Corps among the general U.S. public and targeted audience segments;

- Collecting insights to inform communications, education, and outreach strategies by understanding which themes resonate most with different audience segments; and,

- Determining the best channels for communication.

The Office of Communications will conduct this survey twice for optimal monitoring and evaluation.

Request for Comment: The Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC on January 12, 2026.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2026-00599 Filed 1-13-26; 8:45 am]

BILLING CODE 6051-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104570; File No. SR-CboeEDGZ-2026-001]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Market Data Fees

January 9, 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 January 2, 2026, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Options”) proposes to establish fees for certain of its market data feeds. The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, EDGX Options offers the following market data feeds for its options Simple Book:³ EDGX Options Depth Feed⁴ (“EDGX Options Depth”), EDGX Options Top Feed⁵ (“EDGX Options Top”), and EDGX Options Auction Feed⁶ (“EDGX Options

³ The term “Simple Book” means the Exchange's regular electronic book of orders. See EDGX Rule 21.210.

⁴ EDGX Options Depth is an uncompressed data feed that offers depth of book quotations and execution information based on options orders entered into the System. The Exchange offers separate EDGX Options Depth data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book, as such terms are defined in Rule 21.20. See EDGX Rule 21.15.

⁵ EDGX Options Top is an uncompressed data feed that offers top of book quotations and execution information based on options orders entered into the System. The Exchange offers separate EDGX Options Top data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book, as such terms are defined in Rule 21.20. *Id.*

⁶ The EDGX Options Auction Feed is an uncompressed data product that provides information regarding the current status of price and size information related to auctions conducted by the Exchange. The Exchange offers separate EDGX Options Auction data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book, as such terms are defined in Rule 21.20. *Id.*

Auction”) (collectively, the “Simple Book Feeds”). Similarly, the Exchange also offers the following market data feeds for its options Complex Order Book:⁷ EDGX Options Complex Depth,⁸ EDGX Options Complex Top,⁹ and EDGX Options Complex Auction¹⁰ (“Complex Order Feeds”). Currently, Distributors¹¹ of any one of the Simple Book Feeds/Complex Order Feeds may

receive, at no additional charge, access to any of the aforementioned Simple Book Feeds/Complex Order Feeds.¹²

The Exchange now proposes to amend its fees for EDGX Options Top, and implement separate fees for EDGX Options Depth, EDGX Options Auction, and its Complex Order Feeds. The Exchange discusses each of these proposed changes in detail, below.

Simple Book Feeds

The Exchange seeks to modify its fee schedule to amend its fees for EDGX Options Top, and to implement separate fees EDGX Options Depth and EDGX Options Auction. The proposed fees are as follows:

EDGX OPTIONS TOP

Internal Distribution Fee	\$1250/month.
External Distribution Fee	\$1000/month.
Professional User Fee	\$5.00/month/user.
Non-Professional User Fee	\$.10/month/user.
Enterprise Fee	Tier 1: 0–1,500,000 Users: \$20,000/month. Tier 2: 1,500,001–2,500,000 Users: \$40,000/month. Tier 3: Greater than 2,500,001 Users: \$60,000/month.

EDGX OPTIONS DEPTH/EDGX OPTIONS AUCTION

Internal Distribution Fee	\$1250/month.
External Distribution Fee	\$1000/month.
Professional User Fee	\$20.00/month/user.
Non-Professional User Fee	\$1.00/month/user.

Distribution Fees—EDGX Options Top

The Exchange seeks to amend its fee schedule to implement new Distributor¹³ fees for EDGX Options Top. Specifically, the Exchange now proposes to charge Internal Distributors¹⁴ \$1,250.00/month, and External Distributors¹⁵ (collectively, “Distributors”) \$1,000/month, to access and distribute EDGX Options Top. A Distributor that is both an External and Internal Distributor of EDGX Options Top will be charged the greater of the two Distribution Fees.

As is currently the case, a Distributor of EDGX Options Top may request access to and distribute, at no additional charge, EDGX Options Depth and/or EDGX Options Auction. However, Distributors of any one of the Simple Book Feeds (including EDGX Top) will no longer have free access to the Complex Order Feeds and will now need to pay a separate fee in order to access and distribute a Complex Order Feed. Additionally, as is currently the case, new External Distributors of EDGX Options Top will not be charged the

External Distribution Fee for their first three (3) months (the “New External Distributor Credit”). Furthermore, any trial usage period for EDGX Options Top will not be counted towards the first three (3) months.

Moreover, each External Distributor of EDGX Options Top will also be eligible to receive a credit against its monthly External Distributor Fee for the EDGX Options Top equal to the amount of its monthly User Fees or Enterprise Fee up to a maximum of the External Distributor Fee for the EDGX Options Top (the “Distributor Fee Credit”). External Distributors of EDGX Options Top will not be eligible to receive the Distributor Fee Credit during an External Distributor’s trial usage period for EDGX Options Top or while they are receiving the New External Distributor Credit. The New External Distributor Credit and the Distributor Fee Credit will now apply only to the External Distribution Fee for EDGX Options Top and any External Distributor that also distributes EDGX Options Depth, and/or EDGX Options Auction.

Distribution Fees—EDGX Options Depth

The Exchange now proposes implementing separate Distribution Fees for EDGX Options Depth. Specifically, the Exchange proposes to charge Internal Distributors \$1,250/month to access and distribute EDGX Options Depth. Furthermore, the Exchange proposes charging External Distributors \$1,000/month to access and distribute EDGX Options Depth. A Distributor that is both an External and Internal Distributor of EDGX Options Depth will be charged the greater of the two Distribution fees.

A Distributor of any of EDGX Options Top, EDGX Options Depth, and/or EDGX Options Auction, will retain their ability to request access to and distribute, at no additional charge, any of the Simple Book Feeds. However, Distributors of any one of the Simple Book Feeds (including EDGX Options Depth) will no longer have free access to the Complex Order Feeds and will now need to pay a separate fee in order to access and distribute a Complex Order Feed.

⁷ The terms “Complex Order Book” and “COB” mean the Exchange’s electronic book of complex orders used for all trading sessions. See EDGX Rule 21.20.

⁸ *Supra* note 4.

⁹ *Supra* note 5.

¹⁰ *Supra* note 6.

¹¹ A Distributor of an Exchange Market Data product is any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.

¹² For example: a subscriber to EDGX Options Depth may receive access, *at no additional charge*, to each of EDGX Options Top, EDGX Options Auction, EDGX Options Complex Top, EDGX Options Complex Depth, and EDGX Options Complex Auction Feeds.

¹³ A Distributor of an Exchange Market Data product is any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.

¹⁴ An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor’s own entity.

¹⁵ An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor’s own entity.

Distribution Fees—EDGX Options Auction

The Exchange also proposes to implement separate Distribution fees for EDGX Options Auction. Specifically, the Exchange proposes to charge Internal Distributors \$1,250/month to access and distribute EDGX Options Auction. Furthermore, the Exchange proposes charging External Distributors \$1,000/month to access and distribute EDGX Options Auction. A Distributor that is both an External and Internal Distributor of EDGX Options Auction will be charged the greater of the two Distribution fees.

A Distributor of any of EDGX Options Top, EDGX Options Depth, and/or EDGX Options Auction, will retain their ability to request access to and distribute, at no additional charge, any of the Simple Book Feeds. However, Distributors of any one of the Simple Book Feeds (including EDGX Options Auction) will no longer have free access to the Complex Order Feeds and will now

need to pay a separate fee in order to access and distribute a Complex Order Feed.

User Fees—EDGX Options Top

The Exchange does not propose to amend its User ¹⁶ fees, or Enterprise Fee for EDGX Options Top.

User Fees—EDGX Options Depth

The Exchange proposes to establish separate Professional User ¹⁷ fees for EDGX Options Depth. Specifically, the Exchange now proposes to charge Distributors \$20/month per Professional User. The Exchange does not propose to amend its Non-Professional User ¹⁸ fee. As is currently the case, Users of EDGX Options Depth may request, at no additional charge, access to EDGX Options Auction. Similarly, Users of EDGX Options Auction may receive access, at no additional charge, to EDGX Options Depth. However, Users of EDGX Options Depth and/or EDGX Options Auction will no longer have free access to Complex Order Feeds.

User Fees—EDGX Options Auction

The Exchange proposes to establish separate Professional User fees for EDGX Options Auction. Specifically, the Exchange now proposes to charge Distributors \$20/month per Professional User. The Exchange does not propose to amend its Non-Professional User fee. As is currently the case, Users of EDGX Options Auction may request, at no additional charge, access to EDGX Options Depth. Similarly, Users of EDGX Options Depth may receive access, at no additional charge, to EDGX Options Auction. However, Users of EDGX Options Depth and/or EDGX Options Auction will no longer have free access to Complex Order Feeds.

Complex Order Feeds

The Exchange proposes to amend its fee schedule to establish separate fees for its Complex Order Feeds. The proposed fees for the Complex Order Feeds are as follows:

Product	Internal distribution	External distribution
EDGX Options Complex Top	\$1,250/month	\$1,000/month.
EDGX Options Complex Depth	\$1,250/month	\$1,000/month.
EDGX Options Complex Auction	\$1,250/month	\$1,000/month.
Professional User Fee	\$20/month/Professional User.	
Non-Professional User Fee	\$1.00/month/Non-Professional User.	

Distribution Fees

Specifically, the Exchange proposes to charge Internal Distributors of a Complex Order Feed \$1,250/month, and External Distributors of a Complex Order Book Feed \$1,000/month. A Distributor that is both an External and Internal Distributor of a Complex Order Feed will be charged the greater of the two Distribution Fees. Moreover, a Distributor of any one of the Complex Order Feeds may receive access to and distribute, at no additional charge, any of the aforementioned Complex Order Feeds. However, Distributors of any one of the Complex Order Feeds will no longer have free access to the Simple Book Feeds and will now need to pay a separate fee in order to access and distribute a Simple Book Feed.

User Fees

The Exchange seeks to amend its fee schedule to establish separate User fees for its Complex Order Feeds. Specifically, the Exchange proposes to charge Distributors \$1.00/month per Non-Professional User. This is the same Non-Professional User fee for the Complex Order Feeds that exists today. Separately, the Exchange now proposes to charge \$20/month per Professional User. A User of any one of the Complex Order Feeds may receive access to, at no additional charge, any of the aforementioned Complex Order Feeds. However, Users of a Complex Order Feed will no longer have free access to Simple Book Feeds, unless their Distributor also subscribes to a Simple Book Feed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to

¹⁶ A User of an Exchange Market Data product is a natural person, a proprietorship, corporation, partnership, or entity, or device (computer or other automated service), that is entitled to receive Exchange data.

¹⁷ A Professional User of an Exchange Market Data product is any User other than a Non-Professional User.

¹⁸ A “Non-Professional User” of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal

purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an “investment adviser” as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified

under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States.

and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that by offering its Simple Book Feeds and Complex Order Feeds for a fee, it is offering the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act’s goals of facilitating efficiency and competition: “[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.”

By removing “unnecessary regulatory restrictions” on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. The Exchange’s Simple Book Feeds and Complex Order Feeds provide investors with new options for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.

The Simple Book Feeds and Complex Order Feeds are designed for firms that are interested in gaining insight into the real time market data for the Exchange’s Simple Book and Complex Order Book.

The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to Exchange activity to market participants making routing decisions concerning their options order. The Simple Book Feeds and Complex Order Feeds will also enable market participants to make informed decisions for trading on the Exchange’s Simple Book and Complex Order Book by using the Exchange’s Simple Book Feed and Complex Order Feed to assess current market conditions that directly affect such decisions.

The Exchange believes the proposed fees are reasonable as the Exchange is offering any market participant access to subscribe to its Simple Book Feeds and Complex Order Feeds in the subscribing firm’s sole discretion and based on their own unique business needs. The Simple Book Feeds and Complex Order Feeds are optional for market participants to subscribe to if they believe it to be helpful and it is not required for Options Members to purchase in order to access the Exchange. Additionally, a subscriber may cancel their usage of a Simple Book Feed and/or a Complex Order Feed at any time.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange’s subscribers and market data vendors will be subject to the proposed fees on an equivalent basis. The Simple Book Feeds and Complex Book Feeds are distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

The Exchange also believes that its proposal to implement separate fees for its Simple Book Feeds and Complex Order Feeds are reasonable in light of the similar pricing structures utilized by competitor exchanges. Specifically, as

discussed further below, Nasdaq MRX, Nasdaq PHLX LLC, and MIAAX Options all charge separate distribution and user fees for their comparable simple and complex data feeds.

Distribution Fees—Simple Book Feeds

The Exchange believes that its proposed fees for the Simple Book Feeds are reasonable, equitably allocated, and not unreasonably discriminatory. Specifically, the fees for Options Members and non-Options Members are uniform except for reasonable distinctions with respect to Internal Distribution and External Distribution (\$1250 per month versus \$1000 per month). Furthermore, the fees are uniform for each Simple Book Feed—*i.e.*, the fees are the same for each of the EDGX Options Top, EDGX Options Depth, and EDGX Options Auction Feeds. Moreover, by subscribing to any one of the Simple Book Feeds, a Distributor may have access to and distribute, at no additional charge, any of the other aforementioned Simple Book Feeds.

While the Exchange is proposing to increase the existing Internal Distribution fee from \$500 per month to \$1250 per month, and the External Distribution fee from \$500 per month to \$1000 per month, the Exchange notes that the proposed pricing is still less expensive than that charged by the Exchange’s competitor, MIAAX Options (“MIAAX”), whose comparable market data product is more expensive than Exchange’s Simple Book Feeds. Specifically, MIAAX charges its internal distributors \$2000 per month¹⁹ for MIAAX Top of Market (“ToM”), which is a data feed that provides MIAAX distributors with a direct data feed that includes the MIAAX’s best bid and offer, with aggregate size, and last sale information, based on displayable order and quoting interest on the Exchange.²⁰ The \$2000 per month fee is \$750 more than the Exchange’s proposed Internal Distribution fee of \$1250. Similarly, MIAAX charges external distributors \$3000 per month²¹ for MIAAX ToM, which is \$2000 per month more than the Exchange’s proposed External Distribution fee of \$1000.

¹⁹ See MIAAX Options Fee Schedule, MIAAX Top of Market (“ToM”) and Complex Top of Market (“cToM”), available at: https://www.miaaxglobal.com/sites/default/files/fee-schedule-files/MIAAX_Options_Fee_Schedule_09122025.pdf.

²⁰ See MIAAX Options Exchange, Top of Market Feed, ToM Interface Specification, available at: https://www.miaaxglobal.com/sites/default/files/page-files/Top_Of_Market_Feed_ToM_v2.5-2.pdf.

²¹ *Supra* note 19.

Distribution Fees—Complex Order Feeds

The Exchange believes that the proposed Distribution Fees for the Complex Order Feeds are also reasonable, equitably allocated, and not unreasonably discriminatory. Specifically, the fees for Options Members and non-Options Members are uniform except for reasonable distinctions with respect to Internal Distribution and External Distribution (\$1250 per month versus \$1000 per month). Furthermore, the fees are uniform for each Complex Order Feed product—*i.e.*, the fees are the same for

each of the EDGX Options Complex Top, EDGX Options Complex Depth, and EDGX Options Complex Auction Feeds. Indeed, by subscribing to any one of the Complex Order Feeds, a Distributor may have access to and distribute, at no additional charge, any of the other aforementioned Complex Order Feeds.

The Exchange also believes that the Distribution Fees for the Complex Order Feeds are reasonable and fair in light of alternatives offered by other market centers. The Complex Order Feeds provide investors with alternative market data and compete with a similar market data product currently offered by

Nasdaq PHLX LLC (“PHLX”). Specifically, PHLX charges a fee of \$5500 per month for internal distribution, and \$6000 per month for external distribution, of its TOPO Plus Order feed (“TOPO Plus”).²² TOPO Plus provides subscribers with access to both simple and complex PHLX options order data.²³ While subscribers to an Exchange Complex Order Feed product must now separately purchase a Complex Order Feed and Simple Book Feed, the Exchange notes that the costs of doing so are still less than that charged by PHLX, for both internal and external distribution.

EDGX product	Internal	External
EDGX Options Top/EDGX Options Depth	\$1,250/month	\$1,000/month.
Complex Order Feed	\$1,250/month	\$1,000/month.
TOTAL	\$2,500/month	\$2,000/month.
PHLX Product.		
TOPO Plus	\$5,500	\$6,000.

Specifically, an Exchange Internal Distributor who purchased both EDGX Options Top and/or EDGX Options Depth, as well as a Complex Order Feed, would be assessed a total monthly fee of \$2,500 (\$1250 + \$1250), which is less than the monthly fee of \$5500 that an internal distributor would be assessed by PHLX for subscribing to TOPO Plus. Notably, by purchasing any one of EDGX Options Top or EDGX Options Depth, the Internal Distributor can access and distribute, at no additional charge, to both feeds. Likewise, by purchasing any one of the Complex Order Feeds, the Internal Distributor would have access to any of the aforementioned Complex Order Feeds.

Similarly, an Exchange External Distributor who purchased both EDGX Options Top and/or EDGX Options Depth, as well as a Complex Order Feed, would be assessed a total monthly fee of \$2000 (\$1000 + \$1000), which is less than the monthly fee \$6000 that an external distributor would be assessed by PHLX for subscribing to TOPO Plus. Notably, by purchasing any one of EDGX Options Top or EDGX Options Depth, the Internal Distributor would have, at no additional charge, access to both data feeds. Likewise, by purchasing any one of the Complex Order Feeds, the Internal Distributor would have

access to any of the aforementioned Complex Order Feeds.

An Internal and External Distributor of EDGX Options Top and/or EDGX Options Depth, as well as a Complex Order Feed would be charged the greater of two fees for the Simple Book Feeds plus the Complex Order Feed, for a total of \$2,500 per month (\$1250 + \$1250). This fee is less than the fees charged by PHLX for either internal distribution (\$5500 per month) or external distributions (\$6000 per month). Furthermore, the Exchange also notes that PHLX charges internal distributors \$2,500 per month and external distributors \$3000 per month for the Top of PHLX Options,²⁴ which includes PHLX top of book data. PHLX charges internal distributors \$4,232 per month and external distributors \$4,760 per month for the PHLX Depth Data,²⁵ which includes PHLX depth of book quotations. Notably, the Exchange’s proposed fees are either equal to or greater than the fees charged by PHLX.

As an additional point of comparison, the Exchange notes that MIAX charges internal distributors of its Complex Top of Market (“cToM”) ²⁶ \$2,000 per month,²⁷ and external distributors of cToM \$3,000 per month.²⁸ Both of these fees are more expensive than the Exchange’s proposed fees of \$1,250 per

month and \$1,000 per month, for Internal Distribution and External Distribution a Complex Order Feed, respectively. cToM is a real-time data feed provided by MIAX that delivers market-wide information on complex options strategies.

User Fees—Simple Book Feeds

The Exchange believes its proposed Non-Professional and Professional User fees are reasonable because they are comparable to similar fees assessed by the Exchange’s competitors or remain unchanged. In particular, the User fees for Cboe Options Top remain unchanged, and are less than those assessed by MIAX for its ToM Data feed. Specifically, the Professional User fee for EDGX Options Top remains \$5.00/month per Professional User, and the Non-Professional User fee for EDGX Options Top remains at \$0.10/month per Non-Professional User. Both of these fees are less than the \$1.00/month per non-professional user, and \$20/month per professional user fees charged by MIAX for its ToM data feed.²⁹ Similarly, the proposed \$1.00/month per Non-Professional User, and \$20/month per Professional User fees for EDGX Options Depth and EDGX Options Auction are equal to those charged by MIAX for non-

²² See Price List—U.S. Derivatives Data, available at: <https://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions>.

²³ See “Market Data Product Matrix and Specifications,” PHLX—TOPO Plus Order, “Provides simple and complex PHLX order data from the PHLX Orders data feed as well as top of file quotation information and PHLX last sale data

from the Top of PHLX Options (TOPO) data feed.); available at: https://data.nasdaq.com/market-data-specifications#options_q.

²⁴ *Supra* note 22.

²⁵ *Id.*

²⁶ See MIAX Options Exchange, Complex Top of Market Feed, cToM Interface Specification,

available at: https://www.miaxglobal.com/sites/default/files/2022-05/Complex_Top_Of_Market_Feed_cToM_v1.3a_re.pdf.

²⁷ *Supra* note 19.

²⁸ *Id.*

²⁹ *Supra* note 19.

professional users of its ToM Data feed.³⁰

Additionally, Nasdaq Options Market charges \$1.00/month per non-professional user, and \$42.10/month per professional user.³¹ Here, both the Professional and Non-Professional User fees for EDGX Options Top are less than those charged by Nasdaq Options Market. Moreover, the proposed \$1.00/month per Non-Professional User fee, for EDGX Options Depth and EDGX Options Auction is equal to that charged by Nasdaq Options Market for their non-professional users. The proposed \$20/month per Professional User fee is also significantly less than the \$42.10/month per professional user charged by Nasdaq Options Market.

As an additional point of comparison, the Exchange also notes Nasdaq MRX charges Professional Users \$25.25 per month and Non-Professional Users \$1.00 per month for the Nasdaq MRX Top of Market feed.³² In this regard, Nasdaq MRX's professional user fee is more expensive than the existing Professional User fee for EDGX Options Top, as well as the proposed Professional User fees for EDGX Options Depth and EDGX Options Auction. Similarly, EDGX Options Top's existing fee of \$0.10/month per Non-Professional is less expensive than Nasdaq MRX's fee of \$1.00/month per non-professional user. Additionally, the proposed Non-Professional fee for EDGX Options Depth and EDGX Options Auction of \$20/month per User is less expensive than Nasdaq MRX's professional fee of \$25.25/month.

User Fees—Complex Order Feeds

Similarly, the Exchange believes that its proposed Non-Professional and Professional User fees are reasonable when compared to those charged by its competitors. Additionally, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds.

As noted above, Nasdaq Options Market charges \$1.00 per non-professional user, and \$42.10 per professional user.³³ Here, the Exchange also proposes to charge \$1.00 per Non-Professional User, but only \$20.00 per Professional User. The Exchange also notes that its proposed Non-Professional and Professional User fees are identical to those charged by MIAx Options for its Top of Market ("ToM") and Complex

Top of Market ("cToM") data feed.³⁴ Moreover, like MIAx, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds.

Additionally, Nasdaq MRX charges Professional Users \$25.25 per month and Non-Professional Users \$1.00 per month for the Nasdaq MRX Top of Market feed and the Nasdaq MRX Depth of Market Feed.³⁵ The Exchange proposes to charge less than Nasdaq MRX for Professional Users and the same as Nasdaq MRX for Non-Professional Users. Specifically, for each Complex Order Feed the Exchange seeks to charge \$1.00 per month for each Non-Professional User and \$20.00 per month for each Professional User. The Exchange's proposed Professional User fee (\$20.00/per user, per month) is lower than Nasdaq MRX's professional user fee (\$25.25/per user, per month) and its Non-Professional User fee is equal to Nasdaq MRX's non-professional user fee. Additionally, an Exchange User of any one of the Complex Order Feeds may have access to any or all of the other aforementioned Complex Order Feeds. Overall, each of the above examples of other exchanges' market data fees support the proposition that the Exchange's proposed User fees are comparable to those of other exchanges and therefore reasonable.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that charging for separately access to its Complex Order Feeds and Simple Book feeds is aligned with how other exchanges offer their comparable data products. In this regard, the proposed fees will enhance competition by providing market participants with a new option for receiving market data. The Exchange's proposed fees for its Simple Book and Feeds Complex Order Feeds will also further enhance competition between exchanges as other exchanges also offer market data feeds for their own complex order books. Additionally, the Exchange believes the proposed rule change does

not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed Exchange's Simple Book Feeds or Complex Order Feeds. Rather, the Exchange is making these additional order feeds available, and firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

In addition, the proposed fees are constrained by competition. The existence of alternatives to the Exchange's Simple Book Feeds and Complex Order Feeds further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to distribute its Simple Book Feeds and Complex Order Feeds, prospective Users likely would not subscribe to, or would cease subscribing to these market data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act³⁶ and paragraph (f) of Rule 19b-4³⁷ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

³⁶ 15 U.S.C. 78s(b)(3)(A).

³⁷ 17 CFR 240.19b-4(f).

³⁴ See "MIAx Options Fee Schedule," MIAx Top of Market ("ToM") and Complex Top of Market ("cToM"), available at: https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAx_Options_Fee_Schedule_09122025.pdf.

³⁵ See Price List—U.S. Derivatives Data, available at: <https://data.nasdaq.com/price-list#NasdaqMRXSubscriberFees>.

³⁰ *Id.*

³¹ *Supra* note 22.

³² See Price List—U.S. Derivatives Data, available at: <https://data.nasdaq.com/price-list#NasdaqMRXSubscriberFees>.

³³ *Id.*

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2026-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-001 and should be submitted on or before February 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁸

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2026-00517 Filed 1-13-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104569; File No. SR-C2-2026-001]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Reflect Adjustments to the Financial Industry Regulatory Authority, Inc. ("FINRA") Annual System Processing Fee Assessed Only During Renewals and Continuing Education Fee

January 9, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 2, 2026, Cboe C2 Exchange, Inc. (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the "Exchange" or "C2") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend its Fee Schedule to reflect adjustments to the Financial Industry Regulatory Authority, Inc. ("FINRA") Annual System Processing Fee Assessed only during Renewals and Continuing Education Fee. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule regarding Regulatory Fees to reflect updates to the FINRA Annual System Processing Fee Assessed only during Renewals ("FINRA Annual System Processing Fee") and Continuing Education Fee.³ By way of background, FINRA proposed, and the Commission approved, a proposed rule change to increase fees related to FINRA's core regulatory functions and use of its programs and services.⁴ The rule change will occur through phased implementation over several years between 2025 and 2029.⁵ Beginning in 2026, FINRA will assess amended fees for Annual System Processing and Continuing Education.⁶ The Exchange proposes to amend its Fee Schedule to mirror the amended FINRA fees. The applicable fees are collected and retained by FINRA via Web CRD⁷ for the registration of associated persons of the Exchange Trading Permit Holders⁸ ("TPH") that are not also FINRA members ("Non-FINRA members"). The Exchange merely lists these fees on its Fee Schedule and does not collect or retain the fees.

Specifically, the Exchange proposes to amend the current \$70 FINRA Annual System Processing Fee to create a tiered fee structure based on the total number of securities regulators with which each registered person of a TPH is registered, excluding registration as an investment advisor representative. Under the current fee structure, as of January 2, 2024, a flat \$70 fee applies to each registered person of a TPH that is not

³ See Securities Exchange Act Release No. 34-101696 (November 8, 2024), 85 FR 66592 (November 27, 2024) (SR-FINRA-2024-019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adjust FINRA Fees to Provide Sustainable Funding for FINRA's Regulatory Mission).

⁴ See *id.*

⁵ See *id.*

⁶ See *id.*

⁷ FINRA operates Web CRD, the central licensing and registration system for the U.S. securities industry. FINRA uses Web CRD to maintain the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

⁸ See Exchange Rule 1.1. Definitions. The terms "Trading Permit Holder" or "TPH" mean an Exchange-recognized holder of a Trading Permit. A Trading Permit Holder is deemed a "member" under the Exchange Act.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³⁸ 17 CFR 200.30-3(a)(12).

also a FINRA member.⁹ FINRA's costs and resources allocated to processing information for TPHs' registered persons depends, in part, on the number of securities regulators with which each registered person is registered.¹⁰ To account for the variability in costs incurred, FINRA will replace the current flat fee structure with the tiered rate structure described above beginning in 2026.¹¹ This change to the Exchange's Fee Schedule is proposed in accordance with the FINRA rule change adjusting its Annual System Processing Fee.¹²

The proposed fee structure is as follows: a \$70 annual fee for registered persons of a TPH with 1–5 securities regulators; a \$95 annual fee for registered persons of a TPH with 6–20 securities regulators; a \$110 annual fee for registered persons of a TPH with 21–40 securities regulators; and a \$125 annual fee for registered persons of a TPH with 41 or more securities regulators. Thus, the Annual System Processing Fee for Non-FINRA members will be calculated based on the total number of securities regulators with which each registered person of a TPH is registered.

Additionally, the Exchange proposes to amend the Continuing Education Fee for all registration from the current \$18 to \$25. FINRA, in conjunction with other Self-Regulatory Organizations and the Securities Industry/Regulatory Council on Continuing Education, administers the continuing education program for the securities industry.¹³ The Regulatory Element of the continuing education program provides training on significant rule changes and other regulatory developments relevant to each registration category. FINRA will begin assessing an increased fee of \$25 beginning in 2026 for the Regulatory Element of the continuing education program.¹⁴ Thus, the Exchange proposes to amend its Fee Schedule to change the Continuing Education Fee to \$25 beginning in 2026.

The FINRA Web CRD Fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member itself, associated with a FINRA member organization, or a Non-FINRA member. Accordingly, the proposed fees mirror those fees FINRA will begin assessing in 2026.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁷ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. All similarly situated FINRA member organizations are subject to the same fees structure, and all must use the CRD system for registration and disclosure.

The Exchange believes the proposed changes to the FINRA Annual System Processing Fee is reasonable because the proposed fee structure is identical to tiered fee structure adopted by FINRA for use of the Web CRD system.¹⁸ FINRA bears the costs of processing information for TPHs' registered persons through Web CRD. The cost borne depends, in part, on the number of securities regulators with which each registered person is registered.¹⁹ Additionally, the Exchange believes the proposed changes to the FINRA Continuing Education Fee is reasonable because the amended fee will also become identical to the fee adopted by FINRA beginning in 2026 for the provision of continuing education.²⁰ Thus, the Exchange's Fee Schedule will reflect the current rates that will be assessed by FINRA as of 2026 for use of Web CRD by any TPHs' registered person that is not also a FINRA member. The Exchange believes the proposed fee changes are equitable and not unfairly

discriminatory, because the Exchange will not be collecting or retaining these fees, and therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because as the proposed change applies uniformly to all market participants. The proposal will reflect the fees that will be assessed by FINRA to all market participants (FINRA and Non-FINRA members) for uses of Web CRD. Additionally, the Exchange believes that its proposal will not impose an undue burden on competition because the Exchange will not be collecting or retaining these fees, therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²¹ and paragraph (f) of Rule 19b-4²² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

⁹ As part of the proposed change, the Exchange also proposes to remove reference to the \$45 fee that was in effect through December 21, 2023.

¹⁰ *Supra* note 3.

¹¹ *Supra* note 3.

¹² *Supra* note 3.

¹³ *Supra* note 3.

¹⁴ *Supra* note 3.

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(5).

¹⁷ 15 U.S.C. 78f(b)(4).

¹⁸ *Supra* note 3.

¹⁹ *Supra* note 3.

²⁰ *Supra* note 3.

²¹ 15 U.S.C. 78s(b)(3)(A).

²² 17 CFR 240.19b-4(f).

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-C2-2026-001 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-C2-2026-001. 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-C2-2026-001 and should be submitted on or before February 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2026-00520 Filed 1-13-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104568; File No. SR-CBOE-2026-003]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Market Data Fees

January 9, 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 January 2, 2026, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to establish fees for its market data feeds. The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to implement separate fees for its C1 Complex Order Book³ Data Feed ("C1 COB Data Feed"), and to amend its fee schedule to provide that subscribers to Cboe Options Top and/or Cboe Options Depth may request, at no additional charge, access to the Cboe Options Auction Feed.

The C1 COB Data Feed is a real-time data feed that includes data regarding the Exchange's Complex Order Book and related complex order information. The C1 COB Data Feed contains the following information for all C1-traded complex order strategies (multi-leg strategies such as spread, straddles, and buy-writes): (i) Outstanding quotes and standing orders on each side of the market with aggregate size, (ii) last sale data, and (iii) totals of customer versus non-customer contracts.

The proposed fees for the C1 COB Data Feed include the following, each of which are described in detail below: (i) Distributor⁴ fees for both Internal Distributors⁵ and External Distributors;⁶ (ii) User⁷ fees for both Professional Users⁸ and Non-Professional Users;⁹ and (iii) removal of the existing waiver for the Distribution Fee for the C1 COB Feed for Distributors of C1 Options Top/C1 Options Depth Feeds. For a mid-month subscription, the monthly fees shall be prorated based on the initial date of subscription.

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The terms "Complex Order Book" and "COB" mean the Exchange's electronic book of complex orders and used for all trading session. See Rule 5.33(a).

⁴ A Distributor of an Exchange Market Data product is any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party. See Cboe U.S. Options Fee Schedules, C2, "Market Data, Definitions," available at: Cboe C2 Options Exchange Fee Schedule.

⁵ An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes

that data to one or more Users within the Distributor's own entity. *Id.*

⁶ An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *Id.*

⁷ A User of an Exchange Market Data product is a natural person, a proprietorship, corporation, partnership, or entity, or device (computer or other automated service), that is entitled to receive Exchange data. *Id.*

⁸ A Professional User of an Exchange Market Data product is any User other than a Non-Professional User. *Id.*

⁹ A "Non-Professional User" of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States,

is not: (i) registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an "investment adviser" as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States. *Id.*

Internal Distribution Fee	\$3,000/month.
External Distribution Fee	\$1,500/month.
Professional User Fee	\$25/month/Device or User ID.
Non-Professional User Fee	\$1.00/month/per User.

The Exchange will implement these proposed rule change beginning on January 2, 2026.

Distribution Fees

The Exchange proposes charging Internal Distributors of the C2 COB Data Feed \$3,000/month, and External Distributors of the COB Data Feed \$1,500/month, to access and distribute the C1 COB Data Feed.¹⁰ Additionally, the Distributor fee will continue to apply for both Internal and/or External Distribution. A Distributor will be subject to the greater of the two Distribution fees when receiving the C1 COB Feed for both Internal and External Distribution.

Notably, the Distribution fee for the COB Data Feed will no longer be waived for Distributors of C1 Options Top and/or C1 Options Depth. Rather, as proposed, Distributors that subscribe to C1 Options Top and/or C1 Options Depth, will now need to separately subscribe to and pay for the C1 COB Data Feed. To effect this change the Exchange proposes to amend its fee schedule to remove the following language from its fee schedule: “The Distribution Fee for the Cboe Options Depth Feed is waived for Internal Distributors of Cboe Options Top Feed.”

User Fees

Currently, the Exchange only assesses a Professional User fee. The Exchange now proposes to also establish Non-Professional User fee of \$1.00/month per User. The Professional User Fee of \$25/month/Device or User ID will remain as-is, and will continue to apply for both “internal” Professional Users (Devices or User IDs of employees of a Distributor) and “external” Professional Users (Devices or user IDs of Professional Users who receive Data from a Distributor and are not employed by the Distributor).

The Exchange also proposes to remove language from its fee schedule to establish Non-Professional User fees. Specifically, the Exchange will amend its fee schedule to remove language indicating that “No User fee is assessed for Non-Professional Users.”

Cboe Options Auction Feed

The Exchange also proposes to amend its fee schedule to provide that subscribers to Cboe Options Top and/or Cboe Options Depth may request, at no additional charge, access to the Cboe Options Auction Feed. Offering the Cboe Options Auction Feed as part of a subscription to the Exchange’s Cboe Options Top and/or Cboe Options Depth Feeds is consistent with how other exchanges provide their options auction data. For instance, the Nasdaq ISE Order Feed notifies participants of, amongst other things, new orders resting on the ISE order book, as well as new auction orders in the market.¹¹ Similarly, the Nasdaq MRX Order Feed includes options order by order data that rests on the Nasdaq MRX order book and auction messages.¹²

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for

the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that by offering its C1 COB Data Feed for a fee, it is offering the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act’s goals of facilitating efficiency and competition: “[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.”

By removing “unnecessary regulatory restrictions” on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. The Exchange’s C1 COB Data Feed provides investors with new options for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.

The C1 COB Data Feed is designed for firms that are interested in gaining insight into the real time market data for the Exchange’s C1 COB Data Feed. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional

¹⁰ The Exchange notes that it is not proposing to change the Distribution or User fees for C1 Options Top, or C1 Options Depth.

¹¹ See Nasdaq ISE Options—Top of Book (Nasdaq ISE Top Quote Feed) available at: <https://data.nasdaq.com/databases/NITB>.

¹² See Nasdaq MRX Options—Orders (Nasdaq MRX Order Feed), available at: <https://data.nasdaq.com/databases/NMO>.

information and insight to Exchange activity to market participants making routing decisions concerning their options order. The C1 COB Data Feed will also enable market participants to make informed decisions for trading on the Exchange's Complex Order Book by using the Exchange's C1 COB Data Feed to assess current market conditions that directly affect such decisions.

The Exchange believes the proposed fees are reasonable as the Exchange is offering any market participant access to subscribe to its C1 COBE Data Feed in the subscribing firm's sole discretion and based on their own unique business needs. The C1 COB Data Feed is optional for market participants to subscribe to if they believe it to be helpful and it is not required for Options Members to purchase in order to access the Exchange. Additionally, a subscriber may cancel their usage of the C1 COB Data Feed at any time.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's subscribers and market data vendors will be subject to the proposed fees on an equivalent basis. The C1 COB Data Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

The Exchange also believes that its proposal to implement separate fees for its C1 COB Data Feed is reasonable in light of the similar pricing structures utilized by competitor exchanges. Specifically, as discussed further below, Nasdaq MRX, Nasdaq PHLX LLC, and MIAX Options all charge separate distribution and user fees for their comparable simple and complex data feeds.

Distribution Fees

The Exchange believes that its proposed Distributor fees for its C1 COB Data Feed are reasonable, equitably allocated, and not unreasonably discriminatory. Specifically, the fees for Options Members and non-Options Members are uniform except for reasonable distinctions with respect to

Internal Distribution and External Distribution (\$3,000 per month versus \$1,500 per month, respectively). While the Exchange proposes to eliminate the Distribution fee waiver for Distributors of C1 Options Top and/or C1 Options Depth, the Exchange believes that charging separate fees for its Complex Book is in-line with market practice. For instance, the Exchange notes that MIAX Options ("MIAX") offers competing separate data feeds for its simple options book and its complex options book—MIAX Top of Market ("ToM")¹³ and MIAX Complex Top of Market ("cToM"),¹⁴ respectively.¹⁵ Notably, MIAX charges internal distributors \$2,000/month and external distributors \$3,000/month, to access and distribute cToM. While the Exchange's pricing convention differs from MIAX's—i.e., the Exchange's External Distribution Fees are higher than its Internal Distribution Fees, and MIAX's external distribution fees are greater than its internal distribution fees—the Exchange's Distribution fees for its C1 COB Data Feed are on the whole, less expensive than those assessed by MIAX for cToM. Namely, the Exchange's \$1,500 External Distribution Fee is \$500 less than MIAX's internal distribution fee of \$2,000.¹⁶ Accordingly, the Exchange believes are both fair and reasonable in light of these alternative products and fee structures offered by the competitor exchange, MIAX.

User Fees

As noted above, the Exchange currently only charges a Professional

¹³ ToM is a data feed that provides MIAX distributors with a direct data feed that includes the MIAX's best bid and offer, with aggregate size, and last sale information, based on displayable order and quoting interest on the Exchange. See *See MIAX Options Exchange, Top of Market Feed, ToM Interface Specification*, available at: https://www.miaxglobal.com/sites/default/files/page-files/Top_Of_Market_Feed_ToM_v2.5-2.pdf.

¹⁴ cToM is a real-time data feed provided by MIAX that delivers market-wide information on complex options strategies. See *MIAX Options Exchange, Complex To of Market Feed, cToM Interface Specification*, available at: https://www.miaxglobal.com/sites/default/files/2022-05/Complex_Top_Of_Market_Feed_cToM_3a_re.pdf.

¹⁵ See *MIAX Options Fee Schedule*, MIAX Top of Market ("ToM") and Complex Top of Market ("cToM"), available at: https://www.miaxglobal.com/sites/default/files/fee-schedule-files/MIAX_Options_Fee_Schedule_09122025.pdf.

¹⁶ The Exchange notes that it assesses External Distributors of its markets data a lesser fee than those assessed to Internal Distributors to help make its options market data available to a larger population of market participants. Indeed, a majority of the Exchange's external subscribers are extranet providers, who in turn pass data onto their end-clients. As such, the Exchange believes that assessing External Distributors a lesser fee (relative to Internal Distributors), its market data is available to a larger population of investors.

User fee of \$25/month/Device or User ID. At this time, the Exchange does not propose to amend this fee. However, the Exchange is now proposing to also establish Non-Professional User fee of \$1.00/month per User. The Exchange believes this fee is fair and a reasonable as it is either inline or less than the use fees charged by competitor exchanges.

Specifically, Nasdaq Options Market charges \$1.00 per non-professional user, and \$42.10 per professional user.¹⁷ Here, the Exchange also proposes to charge \$1.00 per Non-Professional User, but only \$25.00 per Professional User. The Exchange also notes that its proposed Non-Professional User fee is identical to \$1.00/month per non-professional user charged by MIAX Options for its Top of Market ("ToM") and Complex Top of Market ("cToM") data feed.¹⁸

Additionally, Nasdaq MRX charges Professional Users \$25.25 per month and Non-Professional Users \$1.00 per month for the Nasdaq MRX Top of Market feed and the Nasdaq MRX Depth of Market Feed.¹⁹ The Exchange proposes to charge less than Nasdaq MRX for Professional Users and the same as Nasdaq MRX for Non-Professional Users.

Overall, each of the above examples of other exchanges' market data fees support the proposition that the Exchange's proposed User fees are comparable to those of other exchanges and therefore reasonable. Furthermore, as evidenced by competitor exchanges' fee schedules, the fee distinction between professional and non-professional users is a standard industry practice.

Cboe Options Auction Feed

As noted above, offering the Cboe Options Auction Feed as part of a subscription to the Exchange's Cboe Options Top and/or Cboe Options Depth Feeds is consistent with how other exchanges provide their options auction data. For instance, the Nasdaq ISE Order Feed notifies participants of, amongst other things, new orders resting on the ISE order book, as well as new auction orders in the market.²⁰ Similarly, the Nasdaq MRX Order Feed includes options order by order data that rests on

¹⁷ See *Price List—U.S. Derivatives Data*, available at: <https://data.nasdaq.com/price-list#NasdaqMRXSubscriberFees>.

¹⁸ *Supra* note 14.

¹⁹ See *Price List—U.S. Derivatives Data*, available at: <https://data.nasdaq.com/price-list#NasdaqMRXSubscriberFees>.

²⁰ See *Nasdaq ISE Options—Top of Book (Nasdaq ISE Top Quote Feed)* available at: <https://data.nasdaq.com/databases/NITB>.

the Nasdaq MRX order book and auction messages.²¹

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that charging for separate access to its C1 COB Data Feed is aligned with how other exchanges offer their comparable data products. In this regard, the proposed fees will enhance competition by providing market participants with a new option for receiving market data. The Exchange's proposed fees for C1 COB Data Feed will also further enhance competition between exchanges as other exchanges also offer market data feeds for their own complex order books. Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed Exchange's C1 COB Data Feed. Rather, the Exchange is making the C1 COB Data Feed available for a fee, and firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

In addition, the proposed fees are constrained by competition. The existence of alternatives to the Exchange's C1 COB Data Feed further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to distribute its C1 COB Data Feed, prospective Users likely would not subscribe to, or would cease subscribing to this market data product.

Similarly, the proposed amendments to the Exchange fee schedule regarding the Cboe Options Auction Feed does not impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted, both Nasdaq ISE and Nasdaq MRX provide

their options auction data as part of their larger options data feed offerings. Furthermore, subscribers to either Cboe Options Top and/or Cboe Options Depth may request, at no additional charge, access to the Cboe Options Auction Feed. Moreover, such subscribers are not required to do so. Rather, the Exchange is making the Cboe Options Auction Feed available as part of a Cboe Options Top and/or Cboe Options Depth subscription, and firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- A. significantly affect the protection of investors or the public interest;
- B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²² and Rule 19b-4(f)(6)²³ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2026-003 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-CBOE-2026-003. 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-CBOE-2026-003 and should be submitted on or before February 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026-00518 Filed 1-13-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104571; File No. SR-MEMX-2025-35]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Concerning Options Routing Fees

January 9, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 30, 2025, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities

²¹ See Nasdaq MRX Options—Orders (Nasdaq MRX Order Feed), available at: <https://data.nasdaq.com/databases/NMO>.

²² 15 U.S.C. 78s(b)(3)(A).

²³ 17 CFR 240.19b-4(f)(6).

²⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange’s fee schedule applicable to Members³ (the “Fee Schedule”) pursuant to Exchange Rules 15.1(a) and (c). As is further described below, the Exchange proposes to amend the Options Fee Schedule to increase the routing fees for executions of orders that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan. The Exchange proposes to increase this fee for both executions where the underlying security of the applicable option is in the Penny Interval program and executions of contracts where the underlying security of the applicable option is not in the Penny Interval Program, where either type of option is routed to and executed on an away market. The Exchange proposes to implement the changes to the MEMX Options Fee Schedule (the “Options Fee Schedule”) pursuant to this proposal on January 1, 2026. The text of the proposed rule change is provided in Exhibit 5.

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 purpose of the proposed rule change is to amend the Options Fee Schedule to increase the routing fees for executions of orders that are routed to

one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan. The Exchange proposes to increase this fee for both executions where the underlying security of the applicable option is in the Penny Interval program (“Penny options”)⁴ and executions of contracts where the underlying security of the applicable option is not in the Penny Interval Program (“Non-Penny options”)⁵ that are routed to and executed on an away market.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange is one of only 18 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than approximately 15.6% of the market share and currently the Exchange represents only approximately 3.3% of the market share.⁶ In such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, discontinue, or reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain the Exchange’s transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange’s Fee Schedule sets forth standard rebates and rates applied per contract.

Currently, the Exchange assesses a routing fee of \$0.60 per contract for Penny options routed to another options exchange and \$1.20 per contract for Non-Penny options routed to another exchange. Now, the Exchange proposes to increase the routing fee to \$1.20 per contract for Penny options and \$1.63 per contract for Non-Penny options. The purpose of increasing the routing fees is

to recoup costs incurred by the Exchange when routing orders to other options exchanges on behalf of Options Members. The Exchange will continue to use its affiliated broker-dealer, MEMX Execution Services LLC, to route orders to other options exchanges. Routing services offered by the Exchange are completely optional and market participants can readily select between various providers of routing services, including other exchanges and broker-dealers. Also, the Exchange notes that market participants may elect to mark their orders as “Book Only”⁷ or “Post Only”⁸ to avoid any routing fees. Additionally, the proposed modified routing fees are in line with those charged by at least one other options exchange.⁹

2. Statutory Basis

The Exchange believes that its proposal to amend its Options Fee Schedule is consistent with the provisions of Section 6 of the Act,¹⁰ in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,¹¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Options Members and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

MEMX Options operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS,

⁷ See Exchange Rule 11.6(l)(1).

⁸ See Exchange Rule 11.6(l)(2).

⁹ See the Cboe C2 Options Fee Schedule, available at: https://www.cboe.com/us/options/membership/fee_schedule/ctwo/, noting Linkage Routing Fees for Penny Options ranging from \$1.19 per contract to \$1.20 per contract, depending on capacity, and for Non-Penny options ranging from \$1.55 per contract to \$1.63 per contract, depending on capacity.

¹⁰ 15 U.S.C. 78f.

¹¹ 15 U.S.C. 78f(b)(4) and (5).

³ See Exchange Rule 1.5(p).

⁴ MEMX Options provides Fee Code “P” for transactions in Penny options. Fee Codes are provided by the Exchange on the monthly invoices provided to Options Members.

⁵ MEMX Options provides Fee Code “N” for transactions in Non-Penny options.

⁶ Market share percentage calculated as of December 26, 2025. The Exchange receives and processes data made available through the consolidated data feeds (i.e., OPRA).

the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹²

Accordingly, competitive forces constrain the Exchange’s transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants. The Exchange believes that the proposed change to increase the routing fee for executions of Penny and Non-Penny options that are routed to and execute on away markets is reasonable because the proposed routing fees would enable the Exchange to recover the costs it incurs to route orders to away markets after taking into account the other costs associated with routing orders to other options exchanges. Routing services offered by the Exchange are completely optional and market participants can readily select between various providers of routing services, including other exchanges and broker-dealers. Also, the Exchange notes that market participants may elect to mark their orders as “Post Only” or “Book Only” to avoid any routing fees. The Exchange believes the proposed increased routing fees are reasonable because they are comparable to the routing fees charged to market participants on another options market.¹³

Further, the Exchange’s proposal to amend its routing fees such that all Members would pay a \$1.20 per contract Penny option routing fee and a \$1.63 per contract Non-Penny option routing fee to route to another options exchange is equitable and not unfairly discriminatory because these uniform routing fees will apply equally to all Options Members.

For the reasons discussed above, the Exchange submits that its proposed change to the Options Transaction Fee Schedule satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act¹⁴ in that it provides for the equitable

allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange’s statement regarding burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees described herein are appropriate to address such forces.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange’s proposal would allow it to compete with other routing and execution venues by providing competitive pricing for routed orders that is in line with the routing fees assessed by at least one other options exchange.¹⁵ As a result, the Exchange believes that the proposal furthers the Commission’s goal in adopting Regulation NMS of fostering competition among orders, which promotes “more efficient pricing of individual stocks for all types of orders, large and small.”¹⁶

Intramarket Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed increase routing fees will apply equally to all Options Members. The proposed routing fees are intended to generate additional revenue with respect to its transaction pricing, in a manner that is comparable with the fees assessed by at least on other options exchange.

Intermarket Competition

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 16 other options exchanges and off-exchange venues. Therefore, no exchange possesses significant pricing power in the execution of option order

flow. To the contrary, the Exchange believes that the proposal will increase competition and is intended to encourage market participants to trade on the Exchange by assessing routing fees that are comparable to those offered by another exchange, which the Exchange believes will help to encourage Members to send orders to the Exchange to the benefit of all Exchange participants.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁷ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. SEC*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”¹⁸ Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section

¹⁷ *Id.*

¹⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

¹² Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹³ See *supra* note 9.

¹⁴ 15 U.S.C. 78f(b)(4) and (5).

¹⁵ See *supra* note 9.

¹⁶ See *supra* note 12.

19(b)(3)(A)(ii) of the Act¹⁹ and Rule 19b-4(f)(2)²⁰ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MEMX-2025-35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MEMX-2025-35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2025-35 and should be submitted on or before February 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026-00515 Filed 1-13-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104573]

Order Granting Temporary Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934, From Certain Aspects of Rule 3a71-2(a)(1)

January 9, 2026.

I. Introduction

Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 ("Dodd-Frank Act") established a statutory framework to reduce risk, increase transparency, and promote market integrity within the financial system by, among other things, providing for the registration and regulation of security-based swap dealers ("SBSDs") and major security-based swap participants.¹ Section 3(a)(71)² of the Securities Exchange Act of 1934 ("Exchange Act"),³ which was added by Title VII of the Dodd-Frank Act, defines the term "security-based swap dealer" and provides in relevant part that the Commission shall exempt from designation as an SBSD an entity that engages in a *de minimis* quantity of security-based swap dealing in connection with transactions with or on behalf of its customers.⁴

In 2012, the Commission adopted 17 CFR 240.3a71-2 ("Rule 3a71-2") under the Exchange Act, which provides that to qualify for this *de minimis* exception all security-based swap positions connected with the person's and its affiliates' dealing activity over the immediately preceding twelve months must fall below one of three separate thresholds, as applicable.⁵ Two of the thresholds are subject to temporarily higher, phase-in levels of aggregate gross notional amounts of *de minimis*

security-based swap dealing activity.⁶ As set forth in Rule 3a71-2(a)(1)(i), for credit default swaps ("CDSs") that constitute security-based swaps, the *de minimis* threshold is an aggregate gross notional amount of no more than \$3 billion, subject to a phase-in level of an aggregate gross notional amount of no more than \$8 billion.⁷ As set forth in Rule 3a71-2(a)(1)(ii), for security-based swaps that do not constitute CDSs, the *de minimis* threshold is an aggregate gross notional amount of no more than \$150 million, subject to a phase-in level of an aggregate gross notional amount of no more than \$400 million.⁸

The phase-in period for these *de minimis* security-based swap dealing activity thresholds ends on the "phase-in termination date."⁹ In 2022, the Commission announced that the phase-in termination date is November 8, 2026 (the "default phase-in termination date"), absent additional Commission action pursuant to Rule 3a71-2(a)(2)(ii)(A),¹⁰ as discussed below. The Commission calculated the default phase-in termination date pursuant to a formula specified in Rule 3a71-2(a)(2)(ii)(B), which provided that the phase-in termination date will be five years after the "data collection initiation date," which the Commission established, pursuant to Rule 3a71-2(a)(2)(iii), as November 8, 2021.¹¹

Under Rule 3a71-2(a)(2)(ii)(A), the Commission may terminate the phase-in period and establish a phase-in termination date, which would replace the default phase-in termination date, after the publication in the **Federal Register** of a Commission staff report addressing the rules and interpretations further defining the Exchange Act's definition of the term "security-based swap dealer," including the *de minimis* exception to that definition.¹²

⁶ The higher phase-in levels of *de minimis* security-based swap dealing activity are not available to the extent that a person engages in security-based swap dealing activity with counterparties that are natural persons, other than natural persons who qualify as eligible contract participants by virtue of section 1a(18)(A)(xi)(II) of the Commodity Exchange Act, 7 U.S.C. 1a(18)(A)(xi)(II). See Rule 3a71-2(a)(2)(i).

⁷ Rule 3a71-2(a)(1)(i).

⁸ Rule 3a71-2(a)(1)(ii).

⁹ Rule 3a71-2(a)(2)(i).

¹⁰ See Data Collection Initiation Date and Contingent Phase-In Termination Date for the De Minimis Notional Thresholds of Security-Based Swap Dealing, Release No. 34-94896 (May 11, 2022), 87 FR 29986 (May 17, 2022).

¹¹ Rule 3a71-2(a)(2)(ii)(B).

¹² See 17 CFR 240.3a71-2A ("Rule 3a71-2A"). As appropriate, based on the availability of data and information, the report generally should assess topics including whether any of the *de minimis* thresholds should be increased or decreased. See Rule 3a71-2A(a)(1). Following the completion of the report, the report shall be published in the

¹⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁰ 17 CFR 240.19b-4(f)(2).

²¹ 17 CFR 200.30-3(a)(12).

¹ Public Law 111-203, 124 Stat. 1376 (2010).

² 15 U.S.C. 78c(a)(71).

³ 15 U.S.C. 78a *et seq.*

⁴ See 15 U.S.C. 78c(a)(71)(D).

⁵ See Rule 3a71-2(a); Further Definition of "Swap Dealer," "Security-Based Swap Dealer," "Major Swap Participant," "Major Security-Based Swap Participant" and "Eligible Contract Participant," Release No. 34-66868 (Apr. 27, 2012), 77 FR 30596, 30726-27 (May 23, 2012) ("Intermediaries Adopting Release").

Specifically, nine months after the publication of the report in the **Federal Register**, the Commission may by order either: (i) terminate the phase-in period for the *de minimis* thresholds; or (ii) provide notice of its determination that it is necessary or appropriate in the public interest to propose through rulemaking an alternative to the \$3 billion and \$150 million *de minimis* thresholds. The Commission's order in either case shall establish a phase-in termination date which would replace the default phase-in termination date.¹³ If the Commission does not establish a phase-in termination date as discussed above, the phase-in period will terminate on November 8, 2026.

II. Discussion and Exemptive Relief

The Commission has not yet published a report prepared by Commission staff examining the effect and application of the definitions of "security-based swap dealer" and "major security-based swap participant" pursuant to Rule 3a71-2A.¹⁴ As explained above, nine months after publication of the staff report, the Commission may by order either terminate the phase-in period for the *de minimis* thresholds or provide notice of its determination that it is necessary or appropriate in the public interest to propose through rulemaking an alternative to the \$3 billion and \$150 million *de minimis* thresholds. The phase-in period will otherwise terminate on the default phase-in termination date of November 8, 2026. The staff report is currently in progress and its publication has been delayed; therefore, it is possible that, pursuant to Rule 3a71-2(a)(2)(ii), the Commission may alter the *de minimis* thresholds based on the staff report and public comments thereon after November 8, 2026, or otherwise change the phase-in termination date.

The requirement to register as an SBSB due to meeting the *de minimis* thresholds is based on the immediately preceding twelve-month period.¹⁵ As a result, market participants may have begun counting their transactions

towards the \$3 billion and \$150 million, rather than the \$8 billion and \$400 million, *de minimis* thresholds starting on November 8, 2025. Absent exemptive relief, market participants who are not yet registered with the Commission as SBSBs would either have to manage their activities to stay below those *de minimis* thresholds or begin expending efforts and resources to prepare for registration and compliance with the SBSB regime that may prove unnecessary should the Commission, pursuant to Rule 3a71-2(a)(2)(ii)(A), determine to set the *de minimis* thresholds at levels above \$3 billion and \$150 million, respectively, or otherwise change the phase-in termination date.

When adopting these provisions under Rule 3a71-2(a), the Commission stated its intent that the Commission should have sufficient time after the staff report is published to receive and review public comment on the report, and to draw conclusions regarding establishing the phase-in termination date or proposing potential changes to the rule implementing the *de minimis* exception, in a way that also promotes the orderly and predictable termination of the phase-in period.¹⁶

To facilitate the orderly and predictable termination of the phase-in period,¹⁷ the Commission is providing until May 8, 2028, a temporary exemption, pursuant to section 36(a) of the Exchange Act, from Rules 3a71-2(a)(1)(i) and 3a71-2(a)(1)(ii). Under this exemption, a person that is not currently registered as a security-based swap dealer and that exceeds the *de minimis* thresholds in Rules 3a71-2(a)(1)(i) and 3a71-2(a)(1)(ii) of \$3 billion and \$150 million, respectively, shall be deemed not to be an SBSB, and therefore shall not be subject to section 15F of the Exchange Act, provided that the security-based swap positions connected with the dealing activity in which the person—or any other entity controlling, controlled by or under common control with the person—engages over the course of the immediately preceding twelve months have an aggregate gross notional amount of no more than (a) \$8 billion with regard to CDSs that constitute security-based swaps and (b) \$400 million with regard to non-CDSs that constitute security-based swaps. The effect of this exemption is to continue to apply the phase-in *de minimis* thresholds for CDSs and non-CDSs that constitute security-based swaps until May 8, 2028. Similarly, to ensure the thresholds are

consistent for registration and de-registration, the Commission is providing a temporary exemption for a registered SBSB applying to withdraw its registration pursuant to Rule 3a71-2(c) to the extent that the security-based swap positions connected with the dealing activity in which the SBSB—or any other entity controlled, controlled by or under common control with the SBSB—engages over the course of the immediately preceding twelve months have an aggregate gross notional amount of (a) over \$3 billion but no more than \$8 billion with regard to CDSs that constitute security-based swaps and (b) over \$150 million but no more than \$400 million with regard to non-CDSs that constitute security-based swaps until May 8, 2028.¹⁸

Section 36 of the Exchange Act, subject to certain limitations, authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Exchange Act, or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.¹⁹

This temporary exemption is necessary or appropriate in the public interest and consistent with the protection of investors because it will help to facilitate an effective and orderly implementation of the applicable requirements of Rule 3a71-2(a) in a way that promotes the orderly and predictable termination of the phase-in period²⁰ while preventing entities from incurring potentially unnecessary burdens, depending upon any action the Commission may take to address the *de minimis* thresholds and the phase-in termination date pursuant to Rule 3a71-2(a)(2)(ii)(A). Effectively extending the phase-in period by 18 months by preventing the lower *de minimis* thresholds in Rule 3a71-2(a)(1) from going into effect before the Commission has the opportunity to consider the staff report and public comments thereon, is in the public interest because it would (1) prevent the potential for multiple changes to the *de minimis* thresholds in relatively quick succession, which

Federal Register for public comment. See Rule 3a71-2A(c). The Commission also directed staff to address in this report the rules and interpretations further defining the Exchange Act's definition of the term "major security-based swap participant," to which the *de minimis* thresholds in Rule 3a71-2 do not apply. See Rule 3a71-2A.

¹³ See Rule 3a71-2(a)(2)(ii)(A).

¹⁴ Rule 3a71-2A(b) provides that the staff report should be completed no later than three years following the data collection initiation date established pursuant to Rule 3a71-2(a)(2)(iii). Three years following the data collection initiation date was November 8, 2024.

¹⁵ See Rule 3a71-2(a)(1).

¹⁶ See Intermediaries Adopting Release, 77 FR at 30641.

¹⁷ See *id.*

¹⁸ See Rule 3a71-2(c) (A currently registered SBSB may apply to withdraw that registration, while continuing to engage in security-based swap dealing activity in reliance on Rule 3a71-2, so long as that person has been registered as an SBSB for at least 12 months and satisfies the conditions of the paragraph (a) of the *de minimis* exception.).

¹⁹ 15 U.S.C. 78mm.

²⁰ See Intermediaries Adopting Release, 77 FR at 30641.

could impose burdens that later prove unnecessary, and (2) allow time for the Commission to take the staff report and public comments thereon into consideration in assessing the appropriate *de minimis* thresholds.

The additional time provided by a temporary exemption strikes an appropriate balance between continuing the implementation of Title VII of the Dodd-Frank Act and ensuring an orderly termination of the phase-in period.

III. Conclusion

Accordingly, *it is hereby ordered*, pursuant to section 36(a) of the Exchange Act, that the Commission grants temporary exemptive relief, as set forth in this order, from Rules 3a71–2(a)(1)(i) and 3a71–2(a)(1)(ii), such that a person that is not currently registered as a security-based swap dealer and that exceeds the *de minimis* thresholds in Rules 3a71–2(a)(1)(i) and 3a71–2(a)(1)(ii) of \$3 billion and \$150 million, respectively, shall be deemed not to be an SBSB, and therefore shall not be subject to section 15F of the Exchange Act, provided that the security-based swap positions connected with the dealing activity in which the person—or any other entity controlling, controlled by or under common control with the person—engages over the course of the immediately preceding twelve months have an aggregate gross notional amount of no more than (a) \$8 billion with regard to CDSs that constitute security-based swaps and (b) \$400 million with regard to non-CDSs that constitute security-based swaps, absent additional Commission action, until May 8, 2028.

It is further ordered, pursuant to section 36(a) of the Exchange Act, that the Commission grants temporary exemptive relief, as set forth in this order, from Rules 3a71–2(a)(1)(i) and 3a71–2(a)(1)(ii) to the extent referenced as a condition in Rule 3a71–2(c), such that a person who currently is registered as a security-based swap dealer may apply to withdraw that registration so long as that person has been registered as a security-based swap dealer for at least twelve months and exceeds the *de minimis* thresholds in Rules 3a71–2(a)(1)(i) and 3a71–2(a)(1)(ii) of \$3 billion and \$150 million, respectively, provided that the security-based swap positions connected with the dealing activity in which the person—or any other entity controlling, controlled by or under common control with the person—engages over the course of the immediately preceding twelve months have an aggregate gross notional amount of no more than (a) \$8 billion with regard to CDSs that constitute security-

based swaps and (b) \$400 million with regard to non-CDSs that constitute security-based swaps, absent additional Commission action, until May 8, 2028.

By the Commission.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2026–00523 Filed 1–13–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104565; File No. SR–NYSE–2025–52]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

January 9, 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 December 29, 2025, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) extend a fee waiver for new firm application fees for applicants seeking only to obtain a bond trading license (“BTL”) for 2026; and (2) waive the BTL fee for 2026. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) extend a fee waiver for new firm application fees for applicants seeking only to obtain a BTL for 2026; and (2) waive the BTL fee for 2026.⁴ The Exchange proposes to implement the fee change effective January 2, 2026.

The Exchange currently charges a New Firm Fee ranging from \$2,000 to \$4,000, depending on the type of firm, which is charged per application for any broker-dealer that applies to be approved as an Exchange member organization. The Exchange proposes to amend the Price List to waive the New Firm Fee for 2026 for new member organization applicants that are seeking only to obtain a BTL and not trade equities at the Exchange. The proposed waiver of the New Firm Fee would be available only to applicants seeking approval as a new member organization, including carrying firms, introducing firms, or non-public organizations, which would be seeking to obtain a BTL at the Exchange and not trade equities. Further, if a new firm that is approved as a member organization and has had the New Firm Fee waived converts a BTL to a full trading license within one year of approval, the New Firm Fee would be charged in full retroactively. The Exchange believes that charging the New Firm Fee retroactively within a year of approval is appropriate because it would discourage applicants to claim that they are applying for a BTL solely to avoid New Firm Fees.

⁴ The Exchange initially filed to adopt the fee waiver and waive the BTL fee in 2015. See Securities Exchange Act Release No. 74031 (January 12, 2015), 80 FR 2462 (January 16, 2015) (SR–NYSE–2014–78). The Exchange has filed to extend the fee waiver and waive the BTL fee for each calendar year since 2017. See Securities Exchange Act Release Nos. 79710 (December 29, 2016), 82 FR 1395 (January 5, 2017) (SR–NYSE–2016–89); 82418 (December 28, 2017), 83 FR 568 (January 4, 2018) (SR–NYSE–2017–70); 84899 (December 20, 2018), 83 FR 67395 (December 28, 2018) (SR–NYSE–2018–65); 87952 (January 13, 2020), 85 FR 3089 (January 17, 2020) (SR–NYSE–2019–73); 90891 (January 11, 2021), 86 FR 4147 (January 15, 2021) (SR–NYSE–2021–03); 93992 (January 18, 2022), 87 FR 3635 (January 24, 2022) (SR–NYSE–2022–01); 96622 (January 10, 2023), 88 FR 2697 (January 17, 2023) (SR–NYSE–2023–01); 99323 (January 11, 2024), 89 FR 3464 (January 18, 2024) (SR–NYSE–2024–02); and 102056 (December 30, 2024), 90 FR 699 (January 6, 2025) (SR–NYSE–2024–83).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

Additionally, the Exchange currently charges a BTL fee of \$1,000 per year. The Exchange proposes to amend the Price List to waive the BTL fee for 2026 for all member organizations.

The Exchange believes that the proposed fee changes would provide increased incentives for bond trading firms that are not currently Exchange member organizations to apply for Exchange membership and a BTL. The Exchange believes that having more member organizations trading on the Exchange's bond platform would benefit investors through the additional display of liquidity and increased execution opportunities in Exchange-traded bonds at the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁶ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that it is reasonable to waive the New Firm Fee and the annual BTL fee for 2026 to provide an incentive for bond trading firms to apply for Exchange membership and a BTL. The Exchange believes that providing an incentive for bond trading firms that are not currently Exchange member organizations to apply for membership and a BTL would encourage market participants to become members of the Exchange and bring additional liquidity to a transparent bond market. To the extent the existing New Firm Fees or the BTL fee serves as a disincentive for bond trading firms to become Exchange member organizations, the Exchange believes that the proposed fee change could expand the number of firms eligible to trade bonds on the Exchange. The Exchange believes creating incentives for bond trading firms to trade bonds on the Exchange protects investors and the public interest by increasing the competition and liquidity on a transparent market for bond trading. The proposed waiver of the New Firm Fee and BTL fee is equitable and not unfairly discriminatory because it would be offered to all market participants that wish to trade at the Exchange the narrower class of debt securities only.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,⁷ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Debt securities typically trade in a decentralized over-the-counter ("OTC") dealer market that is less liquid and transparent than the equities markets. The Exchange believes that the proposed change would increase competition with these OTC venues by reducing the cost of being approved as and operating as an Exchange member organization that solely trades bonds at the Exchange, which the Exchange believes will enhance market quality through the additional display of liquidity and increased execution opportunities in Exchange-traded bonds at the Exchange.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues that are not transparent. In such an environment, the Exchange must continually review, and consider adjusting its fees and rebates to remain competitive with other exchanges as well as with alternative trading systems and other venues that are not required to comply with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,⁸ and Rule 19b-4(f)(2)

thereunder⁹ the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing. 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-NYSE-2025-52 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSE-2025-52. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-52 and should be submitted on or before February 4, 2026.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4), (5).

⁷ 15 U.S.C. 78f(b)(8).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026-00522 Filed 1-13-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104572; File No. SR-FINRA-2025-017]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 4210 (Margin Requirements) To Replace the Day Trading Margin Provisions With Intraday Margin Standards

January 9, 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 December 29, 2025, 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, II, and III below, which Items have been prepared by FINRA. 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 amend FINRA Rule 4210 to replace its current day trading margin provisions with modern intraday margin standards. As such, the proposed rule change would eliminate paragraph (f)(8)(B) under Rule 4210 together with associated provisions relating to the day trading margin requirements under paragraphs (b), (f)(10) and (g)(13), would establish new paragraphs (a)(17) through (a)(19), new paragraph (d)(2) and new paragraphs (g)(1)(J) and (g)(1)(K), and would make minor conforming amendments.

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

Day trading is a trading strategy where a customer buys and sells the same security in an account in the same day to profit from intraday movements in the price or value of the security. To address customer trading problems arising at the turn of the century, FINRA adopted special maintenance margin requirements for customers that engage in day trading in margin accounts, including a specified minimum equity requirement of \$25,000 and buying power limitations for customers that demonstrate a pattern of day trading (“pattern day traders”). These current requirements have generally been referred to as the “day trading margin requirements.”³ Informed by extensive input from market participants, including customers, FINRA believes the day trading margin requirements have become outdated, impose unnecessary burdens on both customers and members, and no longer align with the needs of the investing public. As such, the proposed rule change, as described further below, would replace the current day trading margin requirements with new provisions for intraday margin. FINRA believes the proposed new requirements would benefit customers and members alike by addressing current risks of intraday trading exposures, with fewer distorting conditions for customers and more practicable margin standards to be applied by members. The discussion

below reviews the background of the current day trading margin requirements; the concerns expressed by customers and members regarding these requirements; the changes in trading conditions that support revisiting these requirements; and the benefits of the new intraday margin requirements.

A. Background of the Current Day Trading Margin Requirements; Summary of the Current Requirements

Under current Rule 4210, the day trading margin requirements include the following key features:

- Defines “day trading,” subject to specified exceptions, as the purchasing and selling or the selling and purchasing of the same security on the same day in a margin account;⁴
- Defines “pattern day trader” to mean any customer⁵ who executes four or more day trades within five business days.⁶ A customer who is deemed a pattern day trader becomes subject to the special requirements under paragraph (f)(8)(B)(iv) of Rule 4210 that apply to pattern day traders. Chief among these:
 - Minimum equity of \$25,000 is required for the account of a customer deemed to be a pattern day trader.⁷ Under the rule, this minimum equity must be deposited in the account before the customer may continue day trading and must be maintained in the customer’s account at all times;
 - The rule prohibits pattern day traders from trading in excess of their “day-trading buying power,” as defined under the rule.⁸ When pattern day

⁴ See current Rule 4210(f)(8)(B)(i).

⁵ Rule 4210(a)(3) defines the term “customer” to mean “any person for whom securities are purchased or sold or to whom securities are purchased or sold whether on a regular way, when issued, delayed or future delivery basis. It will also include any person for whom securities are held or carried and to or for whom a member extends, arranges or maintains any credit. The term will not include the following: (A) a broker or dealer from whom a security has been purchased or to whom a security has been sold for the account of the member or its customers, or (B) an ‘exempted borrower’ as defined by Regulation T of the Board of Governors of the Federal Reserve System (‘Regulation T’), except for the proprietary account of a broker-dealer carried by a member pursuant to paragraph (e)(6) of this Rule.”

⁶ See current Rule 4210(f)(8)(B)(ii). Under the current rule, if the customer’s number of day trades is six percent or less of their total trades for a five-business day period, the customer will not be considered a pattern day trader.

⁷ See current Rule 4210(f)(8)(B)(iv)a.

⁸ See current Rule 4210(f)(8)(B)(iv)c. Under current paragraph (f)(8)(B)(iii) of the rule, “day-trading buying power” means the equity in a customer’s account at the close of business of the previous day, less any maintenance margin requirement as prescribed in paragraph (c) of Rule 4210, multiplied by four for equity securities. Paragraph (f)(8)(B)(iii) prescribes several additional requirements with regard to day-trading buying power.

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The day trading margin requirements are set forth under paragraph (f)(8)(B) of Rule 4210. Associated provisions are found in references to pattern day trader minimum equity requirements in paragraph (b) of the rule, as well as paragraph (g)(13), which addresses the conditions for applicability of the day trading margin requirements in portfolio margin accounts, and corresponding references to the day trading requirements under paragraph (f)(10), which addresses security futures.

traders exceed their day-trading buying power, that creates a special maintenance margin deficiency and the rule requires the member to take several specified actions.⁹

○ Pattern day traders who fail to meet their special maintenance margin calls as required within five business days from the date the margin deficiency occurs are permitted to execute transactions only on a cash available basis for 90 days or until the special maintenance margin call is met.¹⁰

○ Pattern day traders are restricted from using the guaranteed account provision pursuant to paragraph (f)(4) of Rule 4210 for meeting the requirements of paragraph (f)(8)(B).¹¹ Further, funds deposited into a pattern day trader's account to meet the minimum equity or maintenance margin requirements of paragraph (f)(8)(B) of the rule cannot be withdrawn for a minimum of two business days following the close of business on the day of deposit.¹²

• In the event a customer does not meet a special margin maintenance call by the fifth business day, then on the sixth business day only, members are required to deduct from net capital the amount of the unmet special margin maintenance call pursuant to the SEC's Net Capital Rule (SEA Rule 15c3-1) and, if applicable, Rule 4110(a).¹³

These day trading margin requirements were adopted¹⁴ in their

current form nearly a quarter of a century ago after day trading had gained popularity in the 1990s.¹⁵ At that time regulators and legislators expressed concern that customers needed to be protected from excessively trading their own accounts, largely because high commission costs compounded potential trading losses.¹⁶ It was felt that customer day trading activities risked significant losses to their accounts, as well as exposing firms to risk when day trading accounts lacked adequate equity capital.¹⁷

Over the years since the day trading margin requirements were adopted, the financial markets have undergone significant changes, including broadened access by retail investors; widespread elimination of trading commissions; expansion of the types of products available, some of which are designed for short-term trading; and rapid technological advances. Further, recent years have seen material changes in the profile of the investing public. For example, research by the FINRA Foundation identifies large demographic differences in investors' preferences and attitudes toward investments, with younger investors more comfortable with risk, including trading on margin.¹⁸ Younger investors also are more likely to rely on mobile apps for placing trades and social media for information.¹⁹ Some market participants suggested to FINRA that the day trading margin requirements need

to be modernized to better reflect such changes in the market environment.²⁰ Also, over time, FINRA has received input from members and the investing public that customers are confused and hindered by the current requirements, and they frequently complain about the requirements to members. Against this backdrop, in October 2024, FINRA issued *Regulatory Notice 24-13*²¹ to commence a retrospective review of the requirements governing day trading²² to assess their effectiveness and efficiency.

B. Input From Retrospective Review and Industry Outreach

Commenters on *Regulatory Notice 24-13* reflected a broad set of perspectives, including customers, small and large firms, industry associations and financial professionals.²³ Most of the input FINRA received called upon FINRA to either significantly change or altogether abolish the day trading margin requirements under Rule 4210. In short:

• *Deeming a customer a pattern day trader:* Comments from customers and firms alike expressed frustration with the approach under the current rule of deeming a customer who executes four or more day trades within five business days as a pattern day trader. Commenters felt that keeping count of day trades to detect when a customer engages in pattern day trading is onerous and restrictive, both for members and customers. Commenters said the use of day trade counts captures far too many customers whose trading activity poses little or no risk. More generally, commenters felt the requirements are not aligned with the realities and needs of modern trading.

• *\$25,000 minimum equity:* Customers in particular asserted that the \$25,000 requirement is unfair,

⁹ Specifically: the account must be margined based on the cost of all the day trades made during the day; the customer's day-trading buying power must be limited to the equity in the customer's account at the close of business of the previous day, less the maintenance margin required in paragraph (c) of Rule 4210, multiplied by two for equity securities; and "time and tick" (that is, calculating margin using each trade in the sequence that it is executed, using the highest open position during the day) may not be used. See current Rule 4210(f)(8)(B)(iv)c.1. through c.3.

¹⁰ See current Rule 4210(f)(8)(B)(iv)d.

¹¹ See current Rule 4210(f)(8)(B)(iv)e. Broadly, paragraph (f)(4) of Rule 4210 permits an account guaranteed by another account to be consolidated with that other account, for purposes of margin, subject to specified conditions under the rule.

¹² See current Rule 4210(f)(8)(B)(iv)f.

¹³ Rule 4110(a) is a component of FINRA's capital compliance rules.

¹⁴ In 2001, the SEC jointly approved rule amendments by the New York Stock Exchange ("NYSE") and by the National Association of Securities Dealers ("NASD"), FINRA's predecessor, that established the current day trading margin requirements. See Securities Exchange Act Release No. 44009 (February 27, 2001), 66 FR 13608 (March 6, 2001) (New York Stock Exchange, Inc., and National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Changes Relating to Margin Requirements for Day Trading; Notice of Filing and Order Granting Accelerated Approval of Amendments No. 1 to Each Proposed Rule Change; File Nos. SR-NYSE-99-47 and SR-NASD-00-03) (the "Pattern Day Trading Approval Order"). See also *Notice to Members* 01-26 (March 27, 2001) (SEC Approves Proposed Rule Change Relating to Day-Trading Margin Requirements).

¹⁵ For further discussion of the history of the requirements, see *Regulatory Notice 24-13* (October 29, 2024) (FINRA Requests Comment on the Effectiveness and Efficiency of its Requirements Relating to Day Trading).

¹⁶ See, e.g., Securities Exchange Act Release No. 43021 (July 10, 2000), 65 FR 44082 (July 17, 2000) (Order Approving Proposed Rules Change and Amendment No. 1 and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 Relating to the Opening of Day-Trading Accounts; File No. SR-NASD-99-41) (noting in part that "because a day-trading strategy requires frequent trades, payment of commissions will add to losses or significantly decrease earnings"), at 65 FR 44084; United States Senate, Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, Day Trading: Case Studies and Conclusions, July 27, 2000, 106th Congress, 2d Session, Report 106-364 (stating in part that "the average day trader must realize gains of more than \$200,000 annual just to pay commissions and fees"), at page 3.

¹⁷ See Pattern Day Trading Approval Order, 66 FR 13608, 13613, 13617.

¹⁸ FINRA Investor Education Foundation, *Investors in the United States: A Report of the National Financial Capability Study* (December 2025), available at www.FINRAfoundation.org. See also FINRA Investor Education Foundation, *The Changing Landscape of Investors in the United States: A Report of the National Financial Capability Study* (December 2022); and FINRA Investor Education Foundation and CFA Institute, *Gen Z and Investing: Social Media, Crypto, FOMO and Family* (May 2023), both available at www.FINRAfoundation.org.

¹⁹ See *supra* note 18.

²⁰ For example, industry groups such as Securities Industry and Financial Markets Association and Security Traders Association, and exchanges including BOX Options Market LLC, Cboe Global Markets, Members Exchange, Miami International Holdings, Inc. and Nasdaq, Inc. have suggested that the requirements should be modernized to account for market developments.

²¹ See *supra* note 15.

²² The retrospective review as announced in *Regulatory Notice 24-13* included both the day trading margin requirements and FINRA's rules that govern approval procedures for day-trading accounts (Rule 2130) and specified risk disclosures that address day trading (Rule 2270). As discussed further below, comments received in response to *Regulatory Notice 24-13* overwhelmingly addressed issues related to the day trading margin requirements under Rule 4210. FINRA is deferring consideration of Rule 2130 and Rule 2270 until any further action on the day trading margin requirements under Rule 4210 is complete. As such, Rule 2130 and Rule 2270 are not within the scope of this proposed rule change.

²³ FINRA received approximately 65 comments, available at FINRA.org.

prohibitive and exclusionary. Overall, commenters felt that the \$25,000 minimum equity requirement unfairly restricts retail customer participation in the securities markets and is unnecessary in light of the current capabilities of members to monitor risk in real time. Commenters said that to avoid being deemed a day trader, customers will hold positions overnight that they would have preferred to liquidate, thereby increasing their risk and the risk to members carrying their accounts. As such, many commenters called for a substantial reduction or abolition of this requirement.

- *Day-trading buying power limitation:* Commenters felt that the current day-trading buying power limitations are outdated, confusing and unnecessarily burdensome. Industry organizations commented that many members currently monitor and calculate maintenance margin requirements and account equity in real time, which they suggested is a better approach than relying on the account's equity at the close of the previous business day. Commenters said it is more helpful to customers if they can see their buying power computed and displayed in their accounts in real time as opposed to a figure based on the previous day.

Informed by the input received in response to *Regulatory Notice* 24–13, FINRA engaged in additional extensive outreach to a cross-section of members and other interested parties. Members participating in these outreach efforts urged substituting a new intraday margin rule to replace the current day trading margin requirements, including permitting members to use real-time monitoring of customers' activity and to block trades that would create margin deficits.

C. The Proposed Intraday Margin Requirements

1. Overview of the Proposed Amendments

Informed by the extensive engagement with customers and members, FINRA is proposing to replace the current day trading margin requirements, including the provisions relating to “pattern day traders,” the computation and use of “day trading buying power,” and the \$25,000 pattern day trader minimum equity requirement, with new intraday margin requirements.²⁴ The new

provisions for intraday margin would ensure customers maintain equity in their margin account commensurate with the amount of market exposure they have at any given point in time during the trading day, irrespective of whether they engage in day trading. FINRA believes that the proposed rule change will benefit customers and members alike by reducing risks of intraday trading exposures more broadly and giving customers more freedom to participate in the markets, while reducing compliance costs for members. FINRA notes that one of the primary rationales for the current requirements—that commission costs would seriously undermine returns when investors over-traded in their accounts—is largely gone: customers today have the benefit of zero commission trading. In addition, by removing the current day trading margin requirements, more retail investors may choose to participate in the markets and pursue their preferred trading strategies. Further, FINRA believes customers should also find the intraday margin approach significantly easier to understand than the current day trading margin requirements. Members, relieved of the burdens associated with enforcing outdated pattern day trading requirements, should benefit from lower compliance costs, while reducing risks of overextended trading. Finally, FINRA anticipates that the new proposed requirements, by requiring appropriate margin for intraday risk created by day trades and other intraday activity, such as transactions in options on their expiration dates (“zero day to expiration” or “ODTE” options trading), will be effective in avoiding the build-up of unmarginated positions that could hurt both customers and members during large shifts in market prices.

FINRA notes that the proposed rule change makes no change to the regular maintenance margin requirements as

including: in paragraph (b) the references to the pattern day trader minimum equity requirement; paragraphs (f)(10)(G)(ii) and (f)(10)(G)(iii) in their entirety, given those provisions are premised on applying the current day trading margin requirements in the context of security futures; and paragraph (g)(13) in its entirety, given that provision is premised on specified conditions for applicability of the current day trading margin requirements in portfolio margin accounts. See Exhibit 5.

If the proposed rule change is approved by the SEC, FINRA would also delete associated interpretations relating to the day trading margin requirements that FINRA maintains on its website, FINRA.org. These associated interpretations include: Interpretations/023./025 and/034 under Rule 4210(b)(4); Interpretation/03 under Rule 4210(f)(5); Interpretations/01./02 and/03 under Rule 4210(f)(8)(B)(ii); and all interpretations under Rule 4210(f)(8)(B) and Rule 4210(g)(13).

they exist today.²⁵ Rather, the proposed rule change supplements these existing maintenance margin requirements.

The key features of the proposed intraday margin provisions include:

- Members would be empowered to use real-time monitoring to block trades that would create or increase customer intraday margin deficits;
- Alternatively, members could, at the end of the day, compute each customer's intraday margin deficit, which, for customers that are not day trading or opening option positions on their expiration date, is comparable to their regular maintenance deficits;
- When an account has an intraday margin deficit, the member would require the intraday deficit to be satisfied as promptly as possible, by deposits to the account or liquidations of positions to increase the maintenance margin excess;
- If an intraday margin deficit is not satisfied within five business days, the member would be required to deduct the deficit in its net capital computations (for up to ten business days). If the customer makes a practice of failing to satisfy intraday margin deficits promptly, the member would be required to “freeze” the customer from obtaining additional extensions of credit until the deficit is satisfied (or 90 days elapse).

2. Detailed Summary of the Proposed Rule Change

The proposed rule change would establish a new paragraph (d)(2) (“Intraday Margin”) under Rule 4210.²⁶ The core, operative provision would be set forth in paragraph (d)(2)(A), which establishes the requirement on each member to determine the “intraday margin deficit”²⁷ for each margin account of a customer, as further specified in the rule. Paragraph (d)(2)(B) sets parameters for purposes of making the required determination. Paragraphs (d)(2)(C) and (d)(2)(D) govern the satisfaction of an intraday margin deficit and set forth the provisions for a specified 90 day freeze in the event of failure to satisfy a deficit. FINRA notes the requirements of new paragraph (d)(2) are designed so that members could comply with the rule by implementing real-time monitoring of

²⁵ The maintenance margin requirements are set forth under paragraph (c) of Rule 4210.

²⁶ The provisions under current paragraph (d) would be redesignated, without material change, as paragraph (d)(1), under a new header (“House Margin and Limits”), which FINRA believes is appropriate to the subject matter and function of that paragraph.

²⁷ See further discussion below for the proposed definition of “intraday margin deficit.”

²⁴ As such, the proposed rule change would delete paragraph (f)(8)(B) of Rule 4210 in its entirety. In addition, the proposed rule change would delete, as rendered obsolete, provisions elsewhere in Rule 4210 that refer to or are premised upon the current day trading margin requirements,

customer positions and blocking transactions that would otherwise create or increase intraday margin deficits. As a result, these members' customers should never incur intraday margin deficits. FINRA notes, however, that real-time monitoring is not a requirement under the rule and that members would be permitted, alternatively, to continue to make a single margin calculation at the end of the day, rather than throughout the day, as they do under the current requirements. FINRA expects that, for customers that do not day trade or do not open option positions on their expiration date, the end of day intraday margin computation should not be more burdensome than the regular maintenance margin computation because their intraday margin deficits should not exceed their regular maintenance deficits. FINRA believes this approach would be effective because, whether the member implements real-time monitoring, or conducts end-of-day computations, the rule is designed to result in an effective, disciplined approach to margin.

Following are the elements of proposed paragraphs (d)(2)(A) and (d)(2)(B):

- *Paragraph (d)(2)(A)—Core requirement to determine the intraday margin deficit:* Under new paragraph (d)(2)(A), each member would be required to determine the “intraday margin deficit,” if any, for each margin account of a customer that it maintains, other than a good faith account or portfolio margin account, and for each day in which there is any “IML-reducing transaction.”²⁸ This requirement involves three key new terms defined under the proposed rule: “IML” (or “intraday margin level”); “IML-reducing transaction”; and “intraday margin deficit”:

- “IML” (or “intraday margin level”): Defined under new paragraph (a)(17),²⁹ this term means “with respect to a customer’s margin account for a time or IML-reducing transaction in such margin account during a day, either: (A) the amount of cash that the customer could withdraw while still having the maintenance margin required by provisions of Rule 4210 other than Rule 4210(d)(2); or (B) the amount of additional cash (expressed as a negative number) that the customer would need to deposit into such margin account for it to have the maintenance margin required by provisions of Rule 4210 other than Rule 4210(d)(2), in each case [that is, (A) or (B)] determined as of

such time or immediately after such IML-reducing transaction in accordance with Rule 4210(d)(2)(B).”

- “IML-reducing transaction”: Defined under new paragraph (a)(18),³⁰ this term refers, broadly, to any transaction that reduces the amount available to a customer to withdraw while still meeting the maintenance margin requirement (for example, the purchase of a stock other than to cover a short position or the short sale of an option).

- “Intraday margin deficit”: Defined under new paragraph (a)(19), this term refers, broadly, to the highest deficiency following an “IML-reducing transaction” between the margin to be maintained and the equity in the account.³¹

- *Paragraph (d)(2)(B)—Parameters for determining an IML or intraday margin deficit:* Proposed paragraph (d)(2)(B) sets forth certain parameters for members to take into account in determining an IML or intraday margin deficit:

- *Sweep Programs:*³² A member would be permitted to treat a customer’s deposits at FDIC-insured banks under a Sweep Program, operated by the member, as a credit balance in the customer’s account for this purpose.³³ FINRA notes members would be able to apply such treatment regardless of whether the customer does any day trading;

- *Market value:* The proposed rule would permit use of values more recent than the execution price or previous day’s closing price to determine the current market value of a position. FINRA notes, for example, a member

that makes a single end of day calculation of its customers’ intraday margin deficits could utilize the same end of day prices for that calculation as it uses for determining whether the customer has a maintenance margin deficiency as the end of the day;³⁴

- *“As of” actions:* Members would be permitted to allocate “as of” actions either to the approximate time and day during which they are processed or to the earlier time or day recorded for their occurrence.³⁵

- *Treatment of deposits and withdrawals:* Members would be permitted to treat all deposits and withdrawals of cash or securities into a margin account during the day as occurring simultaneously and immediately after the beginning of the day, notwithstanding the time of occurrence. The same would be permitted for any transaction that closes a position that was open at the beginning of the day. FINRA notes this allows net deposits, and margin released by closing positions existing at the end of the day, to reduce or eliminate intraday margin deficits that otherwise would have occurred as a result of activity before the deposits or liquidations took place;³⁶

- *Multiple legs of a spread and options exercised and liquidated on the same day:* Members would be permitted to treat as occurring simultaneously the substantially contemporaneous execution of multiple legs of a spread, or the creation of a position by the assignment or exercise of an option and

³⁴ See proposed Rule 4210(d)(2)(B)(ii) in Exhibit 5 (stating “the member may follow a written policy or procedure of using values that are more recent than the execution price or the previous business day’s closing price to determine the current market value of a position, provided that such procedure is reasonably designed for the purpose of making computations using more current market values rather than reducing intraday margin requirements”).

³⁵ See proposed Rule 4210(d)(2)(B)(iii) in Exhibit 5 (stating “the member may follow a written policy or procedure for the allocation of ‘as of’ actions either to the approximate time and day during which they are processed, or to the earlier time or day recorded for their occurrence, provided that such procedure is reasonably designed for the purpose of addressing ‘as of’ actions rather than reducing intraday margin requirements, and the member redetermines any previously determined intraday margin deficit that is impacted by the allocation of an ‘as of’ action to the earlier time or day”).

³⁶ See proposed Rule 4210(d)(2)(B)(iv) in Exhibit 5 (stating “the member may treat the following as occurring simultaneously and immediately after the beginning of the day, notwithstanding the actual time of their occurrence: a. all deposits and withdrawals of cash or securities into or from such margin account during such day; or b. any transaction that closes a position that was open at the beginning of such day”).

²⁸ See proposed paragraph (d)(2)(A) in Exhibit 5.

²⁹ See proposed paragraph (a)(17) in Exhibit 5.

³⁰ See proposed paragraph (a)(18) in Exhibit 5.

Paragraph (a)(18) would define “IML-reducing transaction” to mean “with respect to a margin account, any purchase or sale effected in such account (including as the result of the exercise or assignment of an option) that has the effect of reducing the account’s IML, the expiration of any option long in the account that has the effect of reducing the account’s IML, and any withdrawal of cash or securities from such account.”

³¹ See proposed paragraph (a)(19) in Exhibit 5. Specifically, “intraday margin deficit” would be defined to mean “with respect to a margin account for a day in which there is any IML-reducing transaction in such account, an amount determined in accordance with Rule 4210(d)(2)(B) by the member maintaining such account that is not less than the absolute value of the largest negative IML (if any) with respect to any IML-reducing transaction in such margin account during such day.”

³² See the provisions under SEA Rule 15c3–3(j) governing “Sweep Programs” as defined under SEA Rule 15c3–3(a)(17).

³³ See proposed Rule 4210(d)(2)(B)(i) in Exhibit 5 (stating the member “may follow a written policy or procedure of treating the aggregate amount of such customer’s deposits at FDIC-insured banks under a Sweep Program operated by such member as a credit balance in such account”).

the liquidation of such position during the same day;³⁷

○ *Computing IML*: The proposed rule would provide that, for purposes of paragraph (d)(2)(B), if two or more activities in a margin account occurred during a day and the member cannot demonstrate that one activity occurred before another activity, then the IML with respect to such activities must be computed on the assumption that the activities occurred in an order that results in the highest intraday margin deficit for such day.³⁸

Paragraphs (d)(2)(C) and (d)(2)(D) are designed to help support a disciplined approach to intraday margin. Following are the elements of those paragraphs.

• *Paragraph (d)(2)(C)—Satisfaction of intraday margin deficit*: Proposed new paragraph (d)(2)(C) would include three core provisions:

○ If a margin account (other than a good faith account or portfolio margin account) has an intraday margin deficit with respect to a day in which there is an IML-reducing transaction in such account, then the member must require such intraday margin deficit to be satisfied as promptly as possible;³⁹

○ An intraday margin deficit for a day would be “satisfied” for purposes of the rule if, from the end of such day to the end of a subsequent day, the customer has made net deposits, or otherwise caused an increase in the account’s IML, sufficient to equal such intraday margin deficit. The rule would provide that net deposits or increases in IMLs may satisfy multiple outstanding intraday margin deficits for the same margin account;⁴⁰

○ An intraday margin deficit would remain outstanding until satisfied or until immediately after the close of business on the fifteenth business day after the date of the intraday margin deficit.⁴¹

• *Paragraph (d)(2)(D)—90 day freeze*: Proposed new paragraph (d)(2)(D) would provide that, if a customer makes a practice of failing to satisfy intraday margin deficits as promptly as possible and fails to satisfy an intraday margin

deficit by the close of business on the fifth business day after it occurs, the member must enforce written policies and procedures reasonably designed to prevent the customer from creating or increasing a short position or debit balance (other than by closing a short position) for 90 calendar days after such fifth business day or until the intraday margin deficit has been satisfied (without regard to its expiration pursuant to proposed Rule 4210(d)(2)(C)(iii)). The rule would provide a customer shall not be considered to be making a practice of failing to satisfy intraday margin deficits as promptly as possible due to intraday margin deficits that: (i) do not exceed the lesser of 5% of the equity in the margin account or \$1,000; or (ii) are reasonably determined by the member to have occurred under extraordinary circumstances such that failures to satisfy such intraday margin deficits do not reflect a practice of failing to satisfy intraday margin deficits as promptly as possible.

Finally, the proposed rule change would update the provisions of paragraph (g) under Rule 4210 with respect to portfolio margin. Because the proposed rule change would render obsolete references under Rule 4210 that are premised on specified conditions for the applicability of the current day trading margin requirements, FINRA would delete paragraph (g)(13).⁴² In lieu of paragraph (g)(13), the proposed rule change would establish new paragraphs (g)(1)(J) and (g)(1)(K), which would provide that, among the other monitoring provisions for portfolio margin, a member, in performing the risk analysis of portfolio margin accounts required by the rule, would need to include in the written risk analysis methodology procedures and guidelines for: determining and monitoring intraday risk created by activity in each portfolio margin account;⁴³ and requiring each portfolio margin account that maintains less than \$5 million in equity to maintain margin for intraday risk that is substantially similar to the margin the member requires for positions existing at the end of the day.⁴⁴ FINRA believes this approach, which preserves the \$5 million threshold that currently applies, is well understood by industry participants and appropriate given the nature of portfolio margin activity.

3. Implementation

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice*. FINRA recognizes that some members may need time to prepare to implement the new requirements while other members may be able to implement the requirements more quickly. As such, FINRA believes members should be permitted for an interim period to continue to apply the current day trading margin requirements where they deem appropriate—for example, by account—while they prepare to implement the new provisions. By the same token, FINRA believes that members that prefer to implement the new provisions more quickly should be permitted to do so at any time prior to the expiration of this interim period. FINRA anticipates that that the interim period would be for 12 months after FINRA announces the effective date of the proposed rule change in a *Regulatory Notice*. FINRA invites comment on this proposed approach to implementation of the proposed change, including on whether a 12 month interim period is appropriate. In particular, FINRA invites comment on the most appropriate way to achieve a smooth transition that treats customers and members equitably.⁴⁵

To aid members in preparing for implementation of the proposed rule change, FINRA will make available on its website training materials, illustrative examples and other guidance as appropriate regarding the application of intraday margin.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁴⁶ 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.

The proposed rule change is informed by extensive input that FINRA has received from customers and industry participants. Based upon this input, FINRA believes that the current day trading margin requirements are no longer tailored to meet the regulatory objective to protect both customers and

³⁷ See proposed Rule 4210(d)(2)(B)(v) in Exhibit 5 (stating “the member may treat as occurring simultaneously: a. the execution of multiple legs of a spread, or other strategy with a reduced maintenance margin requirement, as a result of a single order submission, or otherwise substantially contemporaneously; or b. the creation of a position by the assignment or exercise of an option and the liquidation of such position during the same day”).

³⁸ See proposed Rule 4210(d)(2)(B)(vi) in Exhibit 5.

³⁹ See proposed Rule 4210(d)(2)(C)(i) in Exhibit 5.

⁴⁰ See proposed Rule 4210(d)(2)(C)(ii) in Exhibit 5.

⁴¹ See proposed Rule 4210(d)(2)(C)(iii) in Exhibit 5.

⁴² See *supra* note 24.

⁴³ See proposed Rule 4210(g)(1)(J) in Exhibit 5.

⁴⁴ See proposed Rule 4210(g)(1)(K) in Exhibit 5.

⁴⁵ FINRA notes that the proposed rule change would not impact members that are funding portals or that have elected to be treated as capital acquisition brokers (“CABs”), given that neither funding portals nor CABs are subject to Rule 4210.

⁴⁶ 15 U.S.C. 78o-3(b)(6).

members and do not meet the needs of today's customers, members and markets. FINRA believes that, by eliminating these requirements and establishing in their place new requirements that address the risks of intraday trading exposures, the proposed rule change will benefit customers by providing more freedom to participate in the markets and will benefit members by reducing compliance costs. Further, the proposed rule change will provide, to customers and members alike, additional protection that accounts for new intraday products and the dynamics of the modern markets. FINRA believes this will help promote the public interest by facilitating greater participation in the securities markets, without the loss of investor protection.

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

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives considered in assessing how best to meet its regulatory objective.

A. Regulatory Need

As discussed previously, FINRA believes it is appropriate to propose a new rule to replace the day trading margin requirements that were established in a different era. FINRA believes the proposed rule change aligns with the developments of modern technology, the evolution of modern markets and the needs of today's retail customers. Some of the risks the current rule was intended to address no longer exist in the same form, such as commission charges from frequent trading turning otherwise profitable trading into losses. At the same time, new risks have emerged that are not covered by current rule, such the

expansion in ODTE options trading, which generally does not qualify as day trading under the current rule.⁴⁷ Modern technology also makes it feasible for members to implement more sophisticated approaches to managing risk with fewer unintended consequences for both members and their customers.

B. Economic Baseline

As noted above, under the current rule, a customer who executes four or more day trades within five consecutive business days in a margin account is generally designated a pattern day trader ("PDT").

FINRA estimated the number of PDTs in two ways. The primary estimate is based on data FINRA requested and received on PDTs from ten members as of January 17, 2025. FINRA estimates these ten firms account for over 85% of PDT accounts.⁴⁸ Together, these members identified approximately 1.3 million current customers that were designated as PDTs. These PDTs account for 2.4% of approximately 54 million customers with margin accounts and 0.9% of approximately 150 million total customers at the ten firms providing data.⁴⁹ There is substantial variation in the proportion of PDT customers across the ten firms, with a standard deviation of 7.8% for the percentage of customers with margin

accounts and 18% for PDTs as a proportion of all customers.

To provide additional color on the overall scope of PDT activity, FINRA also attempted to identify the number of accounts engaged in pattern day trading using CAT data.⁵⁰ FINRA classified accounts of type individual or employee as defined by CAT as PDT accounts based on the maximum number of equity and option day trades during any consecutive five business day period between January and March 2025. These estimates are likely to be substantially less accurate than the data provided by members.⁵¹ However, the CAT data allows FINRA to study pattern day trading in a broader universe and in greater detail than possible based on the data provided by the ten firms.

Using the CAT data, FINRA estimates that approximately 1.1 million accounts qualified as PDTs based on trading activity in this three-month time period. These account for approximately 3% of the 36 million individual or employee accounts with at least one equity or options trade in the sample period. Approximately 75% of PDT-qualified accounts were well over the rule threshold with six or more day trades in a five day period.

⁵⁰ The CAT system is composed of two separate databases: the order audit trail database (which has information on order events, such as origination and executions of orders); and the Customer Account Information System ("CAIS") database (which includes certain limited information on individual customer accounts and account owners). FINRA did not utilize information from the CAIS database in its analysis discussed here; thus, the data used in this analysis does not include or rely upon any personal identifying information related to any individual account holder. Throughout this proposed rule change, the order trail database is referred to as CAT.

⁵¹ FINRA's identification of PDT accounts using CAT data is likely to differ from actual PDT accounts for several reasons. First, the CAT data does not distinguish margin accounts from cash accounts, so our accounts include cash accounts that are not affected by the PDT requirements. Second, an account may have been designated as a PDT account based on trading prior to our sample period. This would result in underestimating the number of PDT accounts and is likely to be a primary reason the member data request identified a higher number of PDTs. Third, this analysis is conducted at the account level whereas the PDT designation is applied at the customer level by members. Finally, trades identified as day trades in the CAT data may not correspond exactly to day trades as identified by members. FINRA allows multiple methodologies for counting day trades. See *Regulatory Notice* 21-13 (March 2021).

⁴⁷ For a broader discussion and additional information on ODTE options, see: Zeroing in on an Options Trading Strategy: ODTE (June 6, 2023), available at: <https://www.finra.org/investors/insights/zeroing-in-options-trading-strategy>; The Evolution of Same Day Options Trading (August 3, 2023), available at <https://www.cboe.com/insights/posts/the-evolution-of-same-day-options-trading/>; and Heiner Beckmeyer, Nicole Branger & Leander Gayda, Retail Traders Love ODTE Options . . . But Should They? (March 30, 2023), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4404704.

⁴⁸ FINRA requested data from larger firms that have substantial self-directed business, which are likely to have a higher proportion of PDTs. When attempting to identify PDT accounts using Consolidated Audit Trail ("CAT") data as discussed below, approximately 85% of PDT accounts originated orders from one of the ten firms that provided data. Because this CAT data analysis is based on the member that originated the order, this 85% may underrepresent the coverage of data provided by these ten firms by excluding accounts for which they clear trades.

⁴⁹ These customers may not be distinct if they hold accounts at multiple firms.

TABLE 1—NUMBER OF ACCOUNTS BY COUNT OF DAY TRADES BASED ON CAT DATA, JANUARY–MARCH 2025

[Number of accounts by the maximum count of day trades they made in a 5-Day window during the period January–March 2025, and whether they would be classified as PDT or not PDT]

Maximum day trades per 5 days	Number of accounts	% of Total
0, Not PDT	32,801,857	90.9
1, Not PDT	1,289,184	3.6
2, Not PDT	520,719	1.4
3, Not PDT	402,981	1.1
4, PDT	159,984	0.4
5, PDT	105,550	0.3
6+, PDT	809,769	2.2
Total	36,090,044	100.0

The current rule also impacts investors who day trade less frequently than they would prefer to avoid being subject to the PDT requirements. In particular, the \$25,000 minimum equity requirement is likely constraining the behavior of investors, particularly small investors. Investors who cannot or will not fund the account with \$25,000 of equity must avoid being designated as PDTs to continue trading.

FINRA does not have access to market-wide account-level information that would permit us to directly estimate the number of accounts or customers in this population. Table 1 shows that approximately 6% of

accounts had at least one day trade but never met the threshold for qualifying as a PDT. The vast majority of accounts, 91% of accounts that traded in this time period, engaged in no day trading. Customers with few trades may be somewhat more likely to be constrained by the PDT requirements but there may be other customers who do not currently trade or day trade who could be affected. Information provided to FINRA by seven of the ten firms suggests that some investors are likely constrained by the \$25,000 minimum equity requirement. Table 2 groups these members' cash and margin accounts by the number of day trades and amount of

equity in the account.⁵² Table 2 shows the average and standard deviation across the seven firms of the number of accounts in each group. Cash accounts at all equity levels and margin accounts with \$25,000 or more of equity are not constrained by this minimum equity requirement. For all of those groups, FINRA sees a clear difference in distribution, with the largest numbers of accounts having either 1 day trade or 4+ day trades. However, for margin accounts with less than \$25,000 in equity, FINRA sees few accounts in the 4+ day trade group.

TABLE 2—ACCOUNTS BY COUNT OF DAY TRADES AND EQUITY BASED ON DATA PROVIDED BY MEMBERS⁵³

[Average (standard deviation) of number of accounts, for either cash accounts or margin accounts, for different categories of account equity and number of day trades. The average (standard deviation) is calculated across the members that reported the data]

Account type	Day trades	0 to \$5,000	\$5,000.01 to \$20,000	\$20,000.01 to \$25,000	\$25,000.01 to \$30,000	\$30,000.01 to \$50,000	>\$50,000
Cash Accounts	1	2,755 (4,760)	1,036 (1,143)	176 (194)	158 (165)	414 (451)	2,234 (2,930)
	2	1,476 (2,802)	475 (626)	82 (106)	71 (87)	185 (229)	976 (1,516)
	3	1,035 (2,104)	292 (430)	54 (70)	37 (49)	100 (124)	527 (802)
	4+	4,248 (8,834)	1,263 (2,147)	186 (264)	155 (207)	370 (442)	2,068 (2,985)
Margin Accounts ...	1	7,454 (17,022)	2,733 (5,635)	429 (851)	596 (875)	1,321 (2,025)	5,185 (7,976)
	2	3,543 (8,000)	1,169 (2,499)	167 (346)	281 (395)	603 (895)	2,159 (3,271)
	3	2,707 (6,339)	802 (1,783)	112 (245)	210 (302)	405 (618)	1,317 (1,953)
	4+	463 (815)	236 (333)	110 (168)	984 (1,167)	1,724 (2,286)	5,233 (7,804)

Investors may avoid receiving a PDT designation either by limiting their intraday trading or by holding positions overnight. Where investors adapt to the rule by holding positions longer than they would otherwise, they may take on more risk than they would prefer. The minimum equity requirement also may cause some investors to cease trading after being designated as PDTs. Information provided to FINRA by members shows that accounts with under \$25,000 equity are more likely to

become inactive after being designated as PDTs relative to larger accounts or non-PDT accounts.

FINRA sought to identify the number of members that might be impacted by the current PDT requirements. Based on members' margin debits and credits as of June 2025, FINRA estimates approximately 78 member clearing firms are directly affected by the PDT requirements. All of these 78 firms have customers, or may obtain new customers, whose accounts could

potentially meet the criteria to be designated as PDTs and so need to have controls in place to identify such accounts. Seven of these 78 firms are primarily self-directed retail firms which are most likely to be significantly impacted by the current PDT requirements. Thirty-six of these 78 firms are other retail firms, many of which offer wealth management services and are less likely to be significantly impacted by the current PDT requirements, but some of which

⁵² The seven firms that provided information on the number of cash and margin accounts grouped by the number of day trades and amount of equity in the account represent 43% of the approximately

1.3 million total PDT customers and 70% of the approximately 150 million total customers in the data provided by the ten firms.

⁵³ FINRA requested information based on the number of day trades for the 5-day period of January 13, 2025 through January 17, 2025 and the equity in the account as of January 17, 2025.

also offer self-directed trading. Thirty-two of these 78 firms serve primarily institutional customers and offer prime brokerage services. Such members are generally likely to have many customers who qualify as PDTs, but few for which the minimum equity requirement is an obstacle. Three of the 78 firms are affiliate clearing firms for foreign banks and unlikely to be substantially impacted by the PDT requirements.

Based on available information from Form BD and Form Custody, FINRA identified 1,185 members that clear some or all of their equity and options trades through one or more of the estimated 78 clearing firms impacted by the current rule.⁵⁴ Some of these introducing firms may also self-clear some of their trades. Introducing firms with PDT customers are impacted by the current PDT requirements as they are involved in the application of these requirements and handle related customer communications.

Using CAT data from January through March 2025, FINRA identified 879 firms originating equity or options orders on behalf of individual or employee accounts that resulted in at least one trade. PDT activity appears to be highly concentrated.⁵⁵ Ten of these firms accounted for over 95% of identified PDT accounts. Of the 879 firms, 568 had no accounts that met the criteria to be designated PDTs based on activity during this time period. The firms with no PDT accounts had very little day trading in general. Of those 568 firms, 334 had no day trades and none had more than 100 total day trades across all customers.

Members expressed to FINRA that they expend substantial resources responding to customer inquiries regarding the PDT requirements. Customers have frequent questions regarding how day trades are counted and ask for their PDT designations to be lifted.

C. Economic Impacts

Anticipated Benefits

The proposed rule change is expected to result in direct and indirect benefits to members and the investor community. First, it addresses gaps in the current rule regarding risks from investor activity resulting from day trading. These risks may arise from the use of intraday leverage, either through

trading on margin or 0DTE options or from customers holding positions open overnight to avoid the PDT designation.

Second, the proposed rule change would alleviate the challenges investors encounter stemming from the PDT requirements and designation and reduce confusion with the rule and its implementation, as discussed above. Eliminating the PDT designation is expected to ease trading choices for investors, especially for investors with lower account equity that would otherwise fall under the current minimum account equity requirement. After the initial transition period, FINRA expects a decrease in customer inquiries or complaints related to the issue of trading throughout the day and taking on intraday risk. In addition to the direct benefits to investors, members will benefit from lower costs responding to such inquiries.

Under the baseline, customers who are designated PDTs and have account equity under \$25,000 have a higher probability of becoming inactive or closing the account. The proposed rule change is expected to reduce incentives for such customers to engage in “firm hopping,” a practice in which customers designated as PDTs close their accounts (or stop trading) at one firm and open new accounts at different firms to avoid being restricted by the PDT requirements. Doing so would benefit members and investors in terms of minimizing the costs associated with account opening and closure and is expected to increase customer retention.

The proposed rule change is therefore designed to address these gaps and challenges by removing the special margin requirements and treatment of day trading and aligning the treatment of day trading activity with other parts of Rule 4210(c). Removing the PDT designation, the need to count day trades, the day-trading buying power, and the \$25,000 minimum equity requirement will reduce burdens for investors who wish to day trade and the members that facilitate those trades.

Removing the PDT minimum equity requirement would give investors greater discretion in their trading activities. As discussed above, data received from members shows relatively less day trading in margin accounts with under \$25,000 equity compared to margin accounts with more equity or cash accounts, consistent with the PDT minimum equity requirement constraining their trading activity. Based on calls and inquiries received over the years, FINRA understands that the PDT minimum equity requirement could be burdensome on smaller retail investors. Such investors who wish to

day trade may take on risk to borrow sufficient funds away from the broker-dealer to be able to meet the \$25,000 requirement. Thus, the proposed rule change is expected to provide relief to such investors.

Finally, removing the day trading buying power (“DTBP”) requirements should benefit both members and investors.⁵⁶ Members would no longer need to accurately calculate, track, and display customers’ DTBP. Removing the DTBP requirements and replacing them with intraday margin would give customers more flexibility in how they use their liquidity. Customers would not need to maintain equity in an account as of the previous day’s close in anticipation of potentially day trading. Instead, customers could fund the account as necessary to avoid incurring an intraday margin deficit. Additionally, allowing certain activities, such as the use of a customer’s aggregate amount of deposits at a FDIC-insured bank under a sweep program, as a credit in the determination of the customer’s IML would benefit customers by allowing them to satisfy margin requirements while still benefitting from the generally higher interest rates of sweep accounts. Inclusion of bank sweep balances is expected to decrease the free credits in customers’ margin accounts,⁵⁷ which members have expressed would benefit them from an operational perspective by reducing unnecessary transactions.

The proposed rule change gives members some discretion in their implementation of the rules. First and foremost, members would have the discretion to choose between a single margin calculation at the end of the day that reflects the largest intraday margin deficiency, or multiple margin calculations throughout the day. The treatment of the margin deficiency in the former would align with the current requirements for maintenance margin deficiencies at the end of day in other parts of Rule 4210, except that it would reflect intraday margin deficits. This method may be less difficult for members to implement and manage.

⁵⁶ See *supra* note 8.

⁵⁷ Pursuant to FINRA Rule 4521(d), FINRA members carrying margin accounts for customers are required to submit, on a settlement date basis, as of the last business day of the month, the following customer information: the total of all debit balances in securities margin accounts; and the total of all free credit balances in all cash accounts and all securities margin accounts. The data is aggregated across members and made available on FINRA’s website at <https://www.finra.org/rules-guidance/key-topics/margin-accounts/margin-statistics>. The historical data shows a trend of growth in the aggregate debit balance and aggregate free credit balance in customers’ securities margin accounts.

⁵⁴ This reflects the number of introducing brokers that have a clearing agreement with any of the clearing firms that report margin accounts. It does not mean that the set of introducing brokers all have customers who have margin accounts or engage in day trading.

⁵⁵ See *supra* note 51 for a discussion of FINRA’s identification of PDT accounts using the CAT data.

The method of multiple calculations could benefit both members and their customers. For members, it would provide the ability to manage intraday risk and increase margin requirements intraday, as needed, potentially enhancing protections for the member and its customers. For customers, multiple calculations would enable the use of prices closer to real time prices. When prices move in a favorable direction for the customer, this could relax margin constraints. The use of multiple calculations or intraday margin monitoring could reduce investor risk in terms of major market events and conversely allow members to increase margin requirements as needed throughout the day.

Anticipated Costs

FINRA believes that the proposed rule change would result in direct and indirect costs to members and investors. Clearing and introducing firms that have accounts engaging in day trading would likely incur technology-related implementation costs. These costs would stem from unwinding the current technological infrastructure associated with identifying, monitoring and, where necessary, limiting day trading, and building or adapting and implementing new infrastructure to monitor customers' IMLs. FINRA expects new infrastructure costs would be mitigated by the choice of aligning the proposed rule change with the current requirements of Rule 4210.

The costs of building systems to determine customers' intraday margin deficits will vary across members. The costs associated with single intraday margin calculation are expected to be lower than those associated with multiple intraday margin calculations. Members that possess intraday risk monitoring technology or pre-trade monitoring systems that prevent customers from incurring intraday margin deficits, are expected to utilize their existing systems and incur lower costs resulting from the proposed rule change. Members that do not possess such capabilities may choose to invest and would be expected to incur significant start-up costs, which may be offset by potential future gains in business and reduced risk exposure. Members could seek to build their own solutions or rely upon third-party providers, as best meets their business needs.

Members impacted by the proposed rule change would also likely incur non-technology-related implementation costs in the transition from the current rule. These will stem from three main sources. First, members would need to

update their written supervisory procedures ("WSP"), in compliance with FINRA Rule 3110, including documenting the choices made in the implementation of the rule. Second, members would need to provide appropriate training to their staff to comply with and implement the proposed rule change, as well as how to handle or address customer inquiries or complaints. Third, members may need to invest in revising various related investor-facing communications. FINRA does not expect any increase in these costs relative to the burden of the current rule after the initial transition.

As discussed above, the proposed rule change would lift the existing PDT requirements that pose some trading restrictions on retail investors. The resulting potential increase in trading activity, especially by retail investors with lower account equity, could expose these investors to increased intraday risk. Members may incur costs from such risks, although the extent of the risk will be limited by the intraday margin requirements. In addition to potentially increasing intraday risk, it is also possible that an increase in retail trading activity could impact market volatility and liquidity. However, evidence on the relationship between retail trading activity and market quality is mixed.⁵⁸ Finally, it is possible that, especially at the beginning of the implementation of the new rule while investors and members adapt to it, there would be an increase in margin calls.

Members that provide clearing services to introducing brokers may pass on costs incurred due to the proposed

rule change to the introducing brokers. In addition to the implementation costs discussed above, these clearing firms may incur additional costs related to their introducing brokers. If a clearing firm is able to implement the proposed rule change more quickly than some of its introducing broker customers, this may result in delays or additional technological costs for the clearing firm associated with maintaining parallel systems during the transition. If introducing firms choose to take on customers who pose additional risk due to their day trading activity as a result of the proposed rule change, this could pose new and additional risks to the clearing firm. To manage and mitigate this risk, clearing firms may choose to increase the clearing deposit requirements from their correspondents or revisit their carrying agreements to account for such changes. From the introducing brokers' perspective, additional costs could arise if they clear through multiple clearing firms, and those firms implement the proposed rule change in different ways with different intraday margin policies.

Finally, expanding the scope of securities activities covered under the intraday margin requirements from the scope of activities covered under the current day trading requirements is expected to result in additional costs to some members and customers. These are expected to be both direct, in terms of including additional customer activity in the margin calculations and requirements, as well as indirect costs in terms of the potential changes in investor behavior around these activities.

Anticipated Competitive Impacts

FINRA believes there is potential for competitive effects across members that may arise from differences in implementation costs based on business model and current risk controls and systems.

Some members may be able to implement the proposed rule change more quickly or for less cost, which may give them some competitive advantages in attracting or retaining customers during the transition period. For example, members that currently use pre-trade monitoring to prevent customers from incurring intraday margin deficits may be able to more easily and quickly comply with the proposed intraday margin requirements. This, in turn, may permit them to more quickly offer customers in margin accounts more opportunities to trade. The value of this competitive advantage should be short-lived (vanishing as all members implement the intraday

⁵⁸ For example, Eaton et al. (2022) study outages at retail brokerages and find that "unsophisticated" retail trading is negatively associated with market quality. The authors attribute this effect to herding by retail traders increasing the inventory risk of market makers. However, they also find that other retail trading is associated with decreased volatility and higher liquidity. Peress and Schmidt (2020) find that reduced retail trading due to distracting news events is associated with lower liquidity and lower volatility. Foucault et al. (2011) find a reform that reduced retail trading by increasing the cost of margin trading for retail investors in the French stock market decreased volatility but had mixed impacts on different measures of liquidity. Ozik et al. (2021) find that retail trading alleviated increases in illiquidity during the COVID-19 crisis.

See Gregory Eaton, T. Clifton Green, Brian Roseman & Yanbin Wu, Retail Trader Sophistication and Stock Market Quality: Evidence from Brokerage Outages, 146(2) *Journal of Financial Economics* 502-528 (2022); Joel Peress & Daniel Schmidt, Glued to the TV: Distracted Noise Traders and Stock Market Liquidity, 75(2) *Journal of Finance* 1083-1133 (2020); Thierry Foucault, David Sraer & David Thesmar, Individual Investors and Volatility, 66(4) *Journal of Finance* 1369-1406 (2011); Gideon Ozik, Ronnie Sadka & Siyi Shen, Flattening the Illiquidity Curve: Retail Trading During the COVID-19 Lockdown, 56(7) *Journal of Financial and Quantitative Analysis* 2356-2388 (2021).

margin requirements) and may be of greater value in the market for new account holders than for existing account holders, who would incur costs to move their accounts to another firm. However, members that attract additional customers during the implementation period may continue to benefit from retaining those customers.

Members with multiple clearing arrangements and their customers may be disadvantaged if their clearing partners choose to implement the proposed rule change in different ways. Such members would incur costs associated with building systems and processes to handle multiple implementations or altering their clearing arrangements.

In the long term, FINRA does not expect the proposed rule change to have substantial competitive impacts. Firms are expected to balance the costs of implementation decisions with the demand from potential customers.

D. Alternatives Considered

FINRA has considered possible alternatives to the proposed rule change. For example, FINRA considered eliminating the day trading margin requirements without adopting new intraday margin requirements. This alternative would remove the unnecessary burdens on firms and customers associated with complying with the PDT requirements without imposing the costs of implementing new systems or requirements. However, FINRA believes it would not adequately address risks arising from customers' intraday trading activities. FINRA further considered increasing the number of day trades required for a customer to be designated a PDT. Although this alternative would reduce the number of customers designated as PDT, depending on the threshold chosen, it would result in either an outcome where many customers would still be burdened by the PDT requirements or an outcome that may not adequately address risks arising from customers' intraday trading activities. As shown in Table 1, FINRA estimates 75% of PDT accounts have at least 6 day trades in a five-day window. Under this alternative, firms would also continue to be required to comply with the requirements to identify and apply restrictions to PDT accounts. Finally, FINRA considered amending the PDT requirements to decrease the minimum equity requirements for PDTs. While such an alternative would reduce what is considered a significant burden for small retail investors who are designated as PDTs, under this alternative firms would still need to

comply with the requirements to identify and apply restrictions to PDT accounts. FINRA believes that these alternatives would not sufficiently address risks that are not covered by the current rule as discussed above, nor sufficiently address unnecessary burdens to investors or members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on this specific proposal were neither solicited nor received.

As discussed above, in October 2024, FINRA issued *Regulatory Notice* 24–13⁵⁹ to commence a retrospective review of the requirements governing day trading⁶⁰ to assess their effectiveness and efficiency. FINRA received approximately 65 comments in response to *Regulatory Notice* 24–13. The comments reflected a broad set of perspectives, including customers, small and large firms, industry groups and financial professionals. Most of the comments FINRA received called upon FINRA to either significantly change or altogether abolish the day trading margin requirements under Rule 4210. The comments FINRA received helped to inform the development of the proposed rule change, including the proposed removal of the \$25,000 minimum equity requirement and the day-trading buying power limitations for customers, and the proposed establishment of new intraday margin requirements.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR–FINRA–2025–017 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–2025–017. 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/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–2025–017 and should be submitted on or before February 4, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2026–00519 Filed 1–13–26; 8:45 am]

BILLING CODE 8011–01–P

⁵⁹ See *supra* note 15.

⁶⁰ The retrospective review as announced in *Regulatory Notice* 24–13 included both the day trading margin requirements and FINRA's rules that govern approval procedures for day-trading accounts (Rule 2130) and specified risk disclosures that address day trading (Rule 2270). As discussed in note 22, FINRA is deferring consideration of Rule 2130 and Rule 2270 until any further action on the day trading margin requirements under Rule 4210 is complete. As such, Rule 2130 and Rule 2270 are not within the scope of this proposed rule change.

⁶¹ 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice:12903]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Carol Bove” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Carol Bove” at the Solomon R. Guggenheim Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–00600 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 12898]

30-Day Notice of Proposed Information Collection: Law Enforcement Officers Safety Act (LEOSA) Photographic Identification Card Application

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to February 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Jason Taylor, SA–9 2025 E Street NW, Washington, DC 20588, who may be reached on 202–472–8801 or at TaylorJE@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* LEOSA Photographic Identification Card Application.
- *OMB Control Number:* 1405–0245.
- *Type of Request:* Renewal of a currently approved collection.
- *Originating Office:* Diplomatic Security, Domestic Operations, Security Support Division (DS/DO/DFP/SSD).
- *Form Number:* DS–7809.
- *Respondents:* Current and former Diplomatic Security Service special agents.
- *Estimated Number of Respondents:* 90.
- *Estimated Number of Responses:* 90.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 90 hours.
- *Frequency:* Once per application.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information is being collected in response to the Department’s requirements under the Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended and codified at 18 U.S.C. 926C, which exempts a “qualified retired law enforcement officer” carrying a LEOSA photographic identification card from most state and local laws prohibiting the carriage of concealed firearms, subject to certain restrictions and exceptions.

Methodology

Applicants will download the application form from the Department’s website and fill it out either electronically or by hand and submit via email or mail.

Julia P. Sweeney,

Deputy Assistant Secretary, Diplomatic Security, Department of State.

[FR Doc. 2026–00539 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice: 12908]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Cursed! The Power of Magic in the Ancient World” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the

exhibition “Cursed! The Power of Magic in the Ancient World” at the Toledo Museum of Art, Toledo, Ohio, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–00601 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12909]

Notice of Public Meeting in Preparation for International Maritime Organization PPR 13 Meeting

The Department of State will conduct a public meeting at 1:00 p.m. EST on Wednesday, February 4, 2026, virtually via Microsoft Teams. The primary purpose of the meeting is to prepare for the 13th session of the International Maritime Organization’s (IMO) Pollution Prevention and Response Subcommittee (PPR 13) to be held in London, United Kingdom from Monday, February 9, 2026 to Friday, February 13, 2026. Members of the public may participate in the public meeting up to the capacity of the Microsoft Teams line. The Microsoft Teams information is Conference Call-in number = +1 410–874–6742; Phone Conference ID = 213

768 608#. To RSVP, participants should contact the meeting coordinator, Ms. Nicole M. Schindler, in writing either by email at Nicole.M.Schindler@uscg.mil no later than Monday, February 2, 2026 or in writing at United States Coast Guard (CG–OES), ATTN: Ms. Nicole M. Schindler, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509 to be received no later than Thursday, January 29, 2026 or via phone at (206) 820–5710 no later than Monday, February 2, 2026. Ms. Schindler will provide meeting access information (MS Teams link and phone number) for virtual attendance.

The agenda items to be considered at this meeting are similar those discussed at PPR 13, and include:

- Adoption of the agenda;
- Decisions of other IMO bodies;
- Safety and pollution hazards of chemicals and preparation of consequential amendments to the IBC Code;
- Amendments to MARPOL Annex II in order to improve the effectiveness of cargo tank stripping, tank washing operations and prewash procedures for products with a high melting point and/or high viscosity;
- Development of a legally binding framework for the control and management of ships’ biofouling to minimize the transfer of invasive aquatic species;
- Reduction of the impact on the Arctic of Black Carbon emissions from international shipping;
- Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas;
- Review and development of NO_x emission requirements in MARPOL Annex VI and the NO_x Technical Code 2008;
- Review and amendment of the NTC 2008 to provide a means for certification of engines that operate on non-carbon-containing fuel or mixtures of carbon-containing and non-carbon-containing fuels;
- Revision of MARPOL Annex IV and associated guidelines;
- Follow-up work emanating from the Action Plan to address marine plastic litter from ships;
- Revision of the *Revised guidelines and specifications for pollution prevention equipment for machinery space bilges of ships* (resolution MEPC.107(49));
- Review of the IBTS Guidelines and amendments to the IOPP Certificate and Oil Record Book;

- Unified interpretation of provisions of IMO environment-related conventions;
- Biennial agenda and provisional agenda for PPR 14;
- Election of Chair and Vice-Chair for 2027;
- Any other business; and
- Report to the Marine Environment Protection Committee.

Please note: The IMO may, on short notice, adjust the PPR 13 agenda to accommodate the constraints associated with the meeting format. Any changes to the agenda will be reported to those who RSVP. Those who plan to participate should contact the meeting coordinator, Ms. Nicole M. Schindler, in writing either by email at Nicole.M.Schindler@uscg.mil no later than Monday, February 2, 2026 or via U.S. mail at United States Coast Guard (CG–OES), ATTN: Ms. Nicole M. Schindler, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509 to be received no later than Friday, January 30, 2025 or via phone at (206) 820–5710 no later than Monday, February 2, 2026.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Emily C. Miletello,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, U.S. Department of State.

[FR Doc. 2026–00572 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 12906]

Request for Information for the 2026 Trafficking in Persons Report

SUMMARY: The Department of State (“the Department”) submits this annual request to the public, through the **Federal Register**, seeking written information to assist in reporting on the degree to which the United States and foreign governments meet the minimum standards for the elimination of trafficking in persons (“minimum standards”) that are prescribed by the Trafficking Victims Protection Act of 2000.

DATES: Submissions must be made in writing to the Office to Monitor and Combat Trafficking in Persons (TIP) at the Department of State by 5 p.m. EST on February 27, 2026.

SUPPLEMENTARY INFORMATION: This written information will assist in the preparation of the Trafficking in Persons

Report (“TIP Report”), which the Department submits annually to the U.S. Congress on governments’ concrete actions to meet the minimum standards for the elimination of trafficking in persons (“minimum standards”) that are prescribed by the Trafficking Victims Protection Act of 2000 (Div. A, Pub. L. 106–386), as amended (“TVPA”). Foreign governments that do not meet the minimum standards and are not making significant efforts to do so may be subject to restrictions on nonhumanitarian, nontrade-related foreign assistance from the United States, as defined by the TVPA. Please refer to the *Information Sought Relevant to the Minimum Standards* section of this Notice for the questionnaire and to the *Scope of Interest* and *Information Sought* sections for additional instructions on submission requirements. Written submissions and supporting documentation may be submitted by the following method:

- *Email:* tipreport@state.gov for submissions related to foreign governments and tipreportUS@state.gov for submissions related to the United States.

Scope of Interest: The Department requests information relevant to assessing the United States’ and foreign governments’ concrete actions to meet the minimum standards for the elimination of trafficking in persons during the reporting period (April 1, 2025–March 31, 2026). The minimum standards are listed in the *Background* section. Submissions must include information relevant to efforts to meet the minimum standards and should include, but need not be limited to, answering the questions in the *Information Sought* section. Submissions need not include answers to all the questions; only those questions for which the submitter has direct professional experience should be answered, and that experience should be noted. For any critique or deficiency described, please provide a recommendation to remedy it. Note the country or countries that are the focus of the submission.

Submissions may include written narratives answering the questions presented in this Notice, research, studies, statistics, fieldwork, training materials, evaluations, assessments, and other relevant evidence of local, state/provincial, and federal/central government efforts. To the extent possible, please include precise dates and numbers of officials or individuals affected.

Written narratives providing factual information should provide citations of sources, and copies of and links to the

source material should be provided. Please send electronic copies of the entire submission, including source material. If primary sources are used, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, provide details on the research or data-gathering methodology and any supporting documentation. The Department only includes in the TIP Report information related to trafficking in persons as defined by the TVPA (see definition below).

Confidentiality: Please provide the name, phone number, and email address of a single point of contact for any submission. It is Department practice not to identify in the TIP Report information concerning sources. Note, however, that any information submitted to the Department may be releasable pursuant to the provisions of the Freedom of Information Act or other applicable law. Submissions related to the United States will be shared with U.S. government agencies, as will submissions relevant to efforts of other U.S. government agencies.

Response: This is a request for information only; there will be no response to submissions. Remuneration for responses will not be provided. In order to expend appropriated funds, there must be specific authority to do so. The Department of State has no authority to expend funds for this purpose.

Background

Definitions: The TVPA defines “severe forms of trafficking in persons” as:

- The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act that is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.

- Persons under age 18 in commercial sex are trafficking in persons victims regardless of whether force, fraud, or coercion were involved.

- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- Forced labor may take the form of domestic servitude, forced begging, forced criminal activity (e.g., drug smuggling), and prison labor that is not a consequence of a conviction in a court of law.

- Children recruited or used as soldiers or for labor or services can be a severe form of human trafficking when the activity involves force, fraud, or coercion. Children may be victims regardless of gender.

The TIP Report: The TIP Report assesses governments’ efforts worldwide to combat trafficking in persons. It represents an annual global assessment of the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. government uses the TIP Report to inform diplomacy, encourage partnership in creating and implementing laws and policies to combat trafficking, and target resources on prevention, protection, and prosecution programs. Prosecuting traffickers, protecting victims, and preventing trafficking are the ultimate goals of the TIP Report and of the U.S. government’s anti-trafficking policy.

The TIP Report focuses on concrete actions made by governments to fight trafficking in persons, including prosecutions, convictions, and sentences for traffickers, as well as victim identification and protection measures and prevention efforts. Rankings only consider government actions to combat human trafficking, not the activities of nongovernmental organizations (NGOs) or international organizations. Each TIP Report country narrative includes prioritized recommendations for each country. These recommendations are used to assist the Department in measuring governments’ progress from one year to the next and determining whether governments meet the minimum standards for the elimination of trafficking in persons or are making significant efforts to do so.

The TVPA creates a four-tier ranking system. Tier placement is based principally on the extent of concrete government action to combat trafficking. The Department first evaluates whether the government fully meets the TVPA’s minimum standards for the elimination of trafficking, as set forth in Sec. 108 of the TVPA, as amended (22 U.S.C. 7106). Governments that do so are placed on Tier 1. For other governments, the Department considers the extent of such efforts. Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully meet the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers Watch List criteria and, when applicable, places countries on the Tier 2 Watch List. For more information, the 2025 TIP Report can be found at

www.state.gov/reports/2025-trafficking-in-persons-report.

The 2025 TIP Report included 188 countries and territories. Around the world, the TIP Report has inspired legislation, national action plans, policy implementation, program funding, protection mechanisms to complement prosecution efforts, and a stronger global understanding of this crime.

Since 2010, the TIP Report, through a collaborative interagency process, has included an assessment of U.S. government anti-trafficking efforts in light of the minimum standards to eliminate trafficking in persons set forth by the TVPA.

The Department will maintain adherence to its statutory mandates but may further streamline the TIP Report. Submissions may include input on how the Department could achieve this, which will be considered in preparing for future TIP Reports.

Information Sought Relevant to the Minimum Standards

Submissions should include, but need not be limited to, answers to relevant questions below directly connected with the TVPA Minimum Standards for which the submitter has direct professional experience within the reporting period (April 1, 2025–March 31, 2026). Please see the *Scope of Interest* section above for detailed information regarding submission requirements.

Overview

1. What were the government's major accomplishments in addressing human trafficking since April 1, 2025? In what significant ways have the government's efforts to combat trafficking in persons changed in the past year? How have new laws, regulations, policies, or implementation strategies (e.g., substantive criminal laws and procedures, mechanisms for civil remedies, and victim-witness programs, generally and in relation to court proceedings) affected its anti-trafficking response?

2. Over the past year, what were the greatest deficiencies in the government's anti-trafficking efforts? What were the limitations on the government's ability to address human trafficking problems in practice?

3. Provide observations regarding the implementation of existing laws, policies, and procedures. Are there gaps in anti-trafficking legislation that could be amended to improve the government's response? Are there any government policies that have undermined or otherwise negatively

affected anti-trafficking efforts within that country?

Trafficking Profile

4. Describe human trafficking trends, drivers, methods, source/destination dynamics, industries and sectors, impacted demographics, recruitment methods, etc. during the reporting period. Please report the profile of victims at particular risk of sex trafficking or labor trafficking, including any changes since the last reporting period (e.g., men, women, children, migrants, certain ethnic groups). Please note whether there was labor trafficking or sex trafficking by narcotics traffickers, those involved in migrant smuggling or other migration schemes, and gangs.

5. Are any Chinese, Cuban, or North Korean persons present in the country as part of government-to-government agreements and/or in foreign government-affiliated projects? If present, are these individuals subjected to or at high risk of forced labor?

6. If applicable, describe how traffickers used technology to recruit and exploit victims and how the government responded to tech-facilitated human trafficking.

Prosecution

7. Do government officials, including judges, understand the nature of all forms of trafficking? If not, provide examples. Did the government effectively provide or support anti-trafficking trainings for officials, including on enforcement of policies, and laws; and/or on victim identification measures or procedures? If not, how could it be improved?

8. Provide observations on overall efforts to criminally investigate, prosecute, and convict traffickers. Is the government equally vigorous in pursuing forced labor and sex trafficking, domestic and transnational trafficking, and crimes that involve its own nationals or foreign citizens?

9. Does law enforcement pursue trafficking cases seeking to hold criminally accountable private employers or corporations for forced labor in supply chains?

10. Describe any allegations of official complicity in trafficking crimes, including of state-sponsored forced labor. What measures did the government take to end or prevent official complicity in trafficking in persons crimes? How did the government respond to reports of complicity during the reporting period, including investigations, prosecutions, convictions, and sentencing of complicit officials?

11. Is there evidence nationals of the country deployed abroad as part of a diplomatic, peacekeeping, or other similar mission have engaged in or facilitated trafficking, including in domestic servitude? Has the government vigorously investigated, prosecuted, convicted, and sentenced nationals engaged in these activities?

12. If the government has entered into a bilateral, multilateral, or regional anti-trafficking information-sharing and cooperation arrangements, is the agreement effective and has it resulted in concrete and measurable outcomes?

Protection

13. Did the government make a coordinated, proactive effort to identify victims of all forms of trafficking? If there were any new (or changes to preexisting) formal/standard procedures for screening for trafficking and for victim referral to protection services, were those procedures sufficient and how did the government implement them?

14. If the government had written procedures to guide officials in referring potential trafficking victims to services, did front-line officials implement the referral procedures and was implementation consistent across all affected populations? Did officials effectively coordinate among one another and with relevant NGOs to conduct screenings and refer victims to care? Did the referral procedures require victims to interact with law enforcement before being referred to social service providers?

15. Did government policy require a person to be formally identified as a trafficking victim to receive certain services or benefits? If yes, which services or benefits were limited to people formally identified as trafficking victims?

16. If commercial sex is legalized or decriminalized in the country, how did health officials, labor inspectors, or police identify trafficking victims among persons involved in commercial sex? If commercial sex is illegal, did the government proactively identify trafficking victims during law enforcement operations or other encounters with commercial sex establishments?

17. What was the overall quality of victim care? Were there any new (or changes to preexisting) services available for victims and survivors (legal, medical, food, shelter, interpretation, mental health care, employment, training, etc.)? If NGOs provide the services, does the government support their work either financially or otherwise? Did all victims

and survivors of both labor and sex trafficking receive the same quality and level of access to services?

18. Where were child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers), and what kind of specialized care did they receive?

19. If the government operates or funds any trafficking-specific hotlines (including those run by NGOs), did calls to those hotlines lead to victim identification, victim referral to care, and/or criminal investigations?

20. What is the level of cooperation, communication, and trust between service providers and law enforcement?

21. Were there means by which victims could obtain restitution from defendants in criminal cases or file civil suits against traffickers for damages, and did this happen in practice? Did prosecutors request and/or courts order restitution in all cases where it was required, and if not, why?

22. Please provide observations on the treatment of victims and survivors throughout the criminal legal process. How did the government support victims who assisted in the investigation and prosecution of trafficking cases? Did service providers have the knowledge and skills to support victims through a consistent victim-centered approach? What, if any, alternatives were available to victims instead of speaking to law enforcement during investigations (for example, speaking to a victim-witness advocate, social worker, psychologist, etc.)? In what ways could the government increase support for victims in prosecutions against traffickers?

23. Did the government protect victims of severe forms of trafficking and encourage their assistance in the investigation and prosecution of such trafficking, including through provisions for legal alternatives to their removal to countries in which they would face retribution or hardship? Were such benefits linked to whether a victim assisted law enforcement, whether a victim participated in a trial, or whether there was a successful prosecution? Does the government repatriate victims who wish to return home or assist with third-country resettlement, and are victims awaiting repatriation or third-country resettlement offered services?

24. Does the government effectively assist its nationals exploited abroad? Does the government provide adequate assistance to repatriated victims after their return to their countries of origin, and if so, what forms of assistance?

25. Were potential trafficking victims incarcerated, fined, or otherwise

penalized solely for unlawful acts committed as a direct result of being trafficked (e.g., subject to commercial sex, drug-related, or other criminal charges, or subject to deportation/immigration enforcement or administrative penalties)?

Prevention

26. What efforts has the government made to prevent human trafficking? If the government had a national action plan to address trafficking, how was it implemented in practice? Were NGOs and other relevant civil society stakeholders consulted in the development and implementation of the plan? Who will monitor its implementation and/or measure its impact?

27. Please describe any government-funded anti-trafficking information or education campaigns or training, whether aimed at the public or at specific sectors or stakeholders/actors. Were campaign materials readily available, cost-free, and accessible in various languages, including braille? Does the government provide financial support to NGOs working to promote public awareness?

28. Did the government seek and include the input of civil society and survivors in crafting or implementing anti-trafficking laws, regulations, policies, or programs?

29. How did the government regulate, oversee, and screen for trafficking indicators in the labor recruitment process, including for both licensed and unlicensed recruitment and placement agencies, individual recruiters, and sub-brokers? Did the government prohibit (in any context) charging workers recruitment fees and prohibit the recruitment of workers through knowingly fraudulent job offers (including misrepresenting wages, working conditions, location, or nature of the job), contract switching, and confiscating or otherwise denying workers access to their identity documents? If there are laws or regulations on recruitment, did the government effectively enforce them? Did the government have mechanisms to prevent trafficking by employers in migrant worker programs? Are workers in all industries (e.g., domestic work, agriculture, etc.) sufficiently protected under existing labor laws?

30. Did the government take tangible action to prevent forced labor in domestic or global supply chains? Did the government make any efforts to prohibit and prevent trafficking in the supply chains of its own public procurement?

31. Did the government provide assistance to other governments in combating trafficking in persons through trainings or other assistance programs?

32. What measures have the government taken to reduce its nationals' or foreigners' participation in domestic and extraterritorial child sexual exploitation? Note: This was previously covered as "child sex tourism."

Territories and Semi-Autonomous Regions

33. Provide any information about trafficking trends and government anti-trafficking efforts in dependent territories and semi-autonomous regions to prosecute traffickers, identify and provide services to victims, and prevent trafficking.

Child Soldiering

34. Using the definition of "child soldier" as defined by the Child Soldiers Prevention Act of 2008 (CSPA), describe instances, cases, and reports, including anecdotal reports, of:

a. Use of any person under the age of 18 in direct hostilities as a member of governmental armed forces, police, or other security forces;

b. Conscription or forced recruitment of persons under the age of 18 into governmental armed forces, police, or other security forces;

c. Voluntary recruitment of any person under 15 years of age into governmental armed forces, police, or other security forces;

d. Recruitment (forced or voluntary) or use in hostilities of persons under the age of 18 by armed groups distinct from the armed forces of a state.

e. Abuse of male and female children recruited by governmental armed forces, police, or other security forces, and government-supported armed groups (e.g., sexual abuse or use for forced labor). Describe the manner and age of conscription, noting differences in treatment or conscription patterns based on gender.

35. Did the government provide support to an armed group that recruits and/or uses child soldiers? What was the extent of the support (e.g., in-kind, financial, training, etc.)? Where did the provision of support occur (within the country or outside of the country)? In cases where the government was included on the CSPA list in 2025 based on its support to non-state armed groups that recruit and/or use child soldiers, describe whether the government took steps to pressure the group to cease its recruitment or use of child soldiers, publicly disavow the group's

recruitment or use of child soldiers, or cease its support to that group.

36. Describe any government efforts to prevent or end child soldier recruitment or use, including efforts to disarm, demobilize, and reintegrate former child soldiers. (*i.e.*, enacting any laws or regulations, implementing a United Nations Action Plan or Roadmap, specialized training for officials, procedures for age verification, etc.)

Rachel M. Poynter,

Acting Director, Office to Monitor and Combat Trafficking in Persons, Bureau of Democracy, Human Rights, and Labor Department of State.

[FR Doc. 2026–00513 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF STATE

[Public Notice: 12900]

Specially Designated Global Terrorist Designations of Lebanese Muslim Brotherhood and Muhammad Faqzi Taqqosh

Acting under the authority of and in accordance with section 1(a)(ii)(A) of Executive Order 13224, as amended (“E.O. 13224” or “Order”), I hereby determine that the person known as Lebanese Muslim Brotherhood (also known as al-Jamaa al-Islamiyah, Jamaa Islamiya, al-Jamaah al-Islamiyah, Jama’a Islamiyah, Jamaa Islamiyah, The Islamic Group, Islamic Group in Lebanon, al-Fajr Forces, The Fajr Forces, al-Fajer Forces, The Dawn Forces, Quwat al-Fajr) is a foreign person who has committed or has attempted to commit, poses a significant risk of committing, or has participated in training to commit acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Additionally, acting under the authority of and in accordance with section 1(a)(ii)(B)(2) of E.O. 13224, I hereby determine that the person known as Muhammad Fawzi Taqqosh (also known as Mohammad Takkoush, Mohammed Takkoush, Muhammad Takush, Muhammad Taqush) is a foreign person who is a leader of Lebanese Muslim Brotherhood, an entity whose property and interests in property are blocked pursuant to a determination by the Secretary of State pursuant to E.O. 13224.

Consistent with the determination in section 10 of E.O. 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the

blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This determination shall be published in the **Federal Register**.

Dated: December 19, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2026–00571 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 12899]

Foreign Terrorist Organization Designation of Lebanese Muslim Brotherhood

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter “INA”) (8 U.S.C. 1189), exist with respect to: Lebanese Muslim Brotherhood (also known as al-Jamaa al-Islamiyah, Jamaa Islamiya, al-Jamaah al-Islamiyah, Jama’a Islamiyah, Jamaa Islamiyah, Lebanese Muslim Brotherhood, The Islamic Group, Islamic Group in Lebanon, al-Fajr Forces, The Fajr Forces, al-Fajer Forces, The Dawn Forces, Quwat al-Fajr).

Therefore, I hereby designate the aforementioned organization and its respective aliases as a Foreign Terrorist Organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**. The designation goes into effect upon publication.

Dated: December 19, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2026–00573 Filed 1–13–26; 8:45 am]

BILLING CODE 4710–AD–P

TENNESSEE VALLEY AUTHORITY

Allen Aeroderivative Combustion Turbine Project

AGENCY: Tennessee Valley Authority.

ACTION: Record of Decision.

SUMMARY: Tennessee Valley Authority (TVA) has decided to implement the preferred alternative identified in its Final Environmental Impact Statement (EIS; Document ID EISX–455–00–000–1730803146) for the construction and operation of six aeroderivative combustion turbine (CT) units at its existing Allen CT facility located in Memphis, Tennessee. Under the preferred alternative, TVA would construct and operate the new units to generate approximately 200 megawatts (MW) of power to provide dispatchable generation to support the continued system load growth experienced in the TVA power service area and increase the flexibility and reliability of TVA’s power system by improving TVA’s transmission system stability in western Tennessee.

FOR FURTHER INFORMATION CONTACT:

Matthew Higdon, NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902; telephone 865–632–8051; email mshigdon@tva.gov. The Final EIS, this Record of Decision, and other project documents are available on TVA’s website at <https://www.tva.gov/allenct>.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the National Environmental Policy Act (NEPA), as amended (42 U.S. Code [U.S.C.] §§ 4321 *et seq.*) and TVA’s NEPA procedures (18 CFR part 1318).

TVA is a corporate agency and instrumentality of the United States that provides electricity for 153 local power companies (LPC) serving approximately 10 million people as well as directly serving commercial, industrial, and government customers in the Tennessee Valley—an 80,000-square-mile region comprised of Tennessee and parts of Virginia, North Carolina, Georgia, Alabama, Mississippi, and Kentucky.

Planning Basis and Assumptions

In 2019, TVA completed its IRP and associated IRP EIS. The 2019 IRP identified various energy resource options that TVA may pursue to meet the energy needs of the Tennessee Valley region over a 20-year planning period. The strategic direction established by the 2019 IRP and results from recommended near-term actions formed the basis for TVA’s asset strategy, which continues to support affordable, reliable, and cleaner energy for customers. The 2019 IRP recommendation optimizes TVA’s ability to create a more flexible power-generation system that can successfully meet changing load demands and integrate increasing amounts of

renewable energy sources while ensuring reliability. TVA's target power supply mix includes firm, dispatchable power, which refers to a generating resource that can adjust power output up or down on demand within the specific operating limitations of that resource, thus increasing system reliability and resiliency. The 2019 IRP remains valid and continues to guide future generation planning until TVA updates its IRP and the TVA Board of Directors approves new recommendations.

The 2019 IRP identified the need for up to 5,200 MW of new CT units by 2028. Aeroderivative CT units are highly efficient and can be operated year-round to meet the fluctuating demand on the power system, including overnight, during cold pre-dawn winter mornings, and during warm summer evenings as solar generation fades.

Alternatives Considered

TVA prepared the Final EIS pursuant to NEPA to assess the environmental effects associated with constructing and operating the new units at the existing facility site, utilizing existing natural gas and transmission infrastructure to meet system-wide generation demands. The Notice of Availability (NOA) for the Final EIS was published in the **Federal Register** on July 18, 2025.

In the Final EIS, TVA assessed two alternatives: Alternative A—No Action, and Alternative B—Construction and operation of six aeroderivative CT units at the Allen CT facility. In the Final EIS, TVA identified Alternative B as its preferred alternative and summarized the other alternatives it considered but eliminated from detailed evaluation.

Alternative A: No Action

Alternative—Under the No Action Alternative, TVA would not construct six new aero CT units or the associated support facilities to provide generation of approximately 200 MW at the ACT Plant. TVA would continue to operate two existing units (units 19 and 20) at the ACT Plant on a limited basis, consistent with the 2021 Paradise and Colbert Combustion Turbine EA. This alternative does not meet the purpose and need of TVA's proposed action; however, consistent with the requirements of NEPA, it is included in this evaluation because it represents current baseline conditions against which the proposed action alternative is compared.

Alternative B: Construction and operation of six aeroderivative CT units at the Allen CT facility—Under Alternative B, TVA would construct and operate six aero CT units (GE LM2500s) generating approximately 200 MW of

power and associated support facilities. TVA would continue to operate units 19 and 20 on a limited basis as well. At least four of the new units would have black-start capability, meaning the ability to restore power without needing to rely upon inputs from the external electric power transmission system. The new units would support fast startup dispatching and synchronous condensing for transmission system stability in western Tennessee. TVA would install control systems to minimize and monitor air emissions of the new units; reduction of emissions from each unit would be achieved through a dry-low emissions combustion system and a selective catalytic reduction system. TVA would use potable water obtained from the existing public supply for inlet air evaporative cooling in summer ambient temperatures.

Alternative B would meet TVA's purpose and need to support continued load growth within the Tennessee Valley and increase the flexibility and reliability of the TVA power system by improving TVA's transmission system stability in western Tennessee. These improvements would also help TVA expand and integrate renewable energy resources onto its transmission grid. Alternative B also aligns with the 2019 IRP generation target power supply mix, which allows for the addition of up to 5,200 MW of CT by 2028.

Summary of Environmental Effects

The anticipated environmental effects of the No Action Alternative and Alternative B are described in detail in the Final EIS and summarized in Table 2.2–1. This section summarizes the anticipated environmental effects that would occur.

Under the No Action Alternative, TVA would not construct or operate new aeroderivative CT units at the Allen CT facility. The No Action Alternative would avoid the adverse effects associated with constructing and operating new units at the existing facility. For this reason, TVA identifies this alternative as environmentally preferable. However, TVA would be required to obtain capacity from other sources to maintain reserves, if possible. Without peaking power available when needed, TVA would purchase the power from the cheapest market source, a portion of which would likely be natural gas. Relying on purchased power from a market source could potentially result in adverse effects to TVA generation system reliability and increased costs to customers. Incorporation of renewable energy sources would be limited without the

addition of the reliable dispatchable generation.

As outlined in the Final EIS, TVA's proposed action under Alternative B would have no effect on the following resources: Floodplains, Wetlands, Land Use, Geology/Soils, Vegetation, Prime Farmland, Aquatic Ecology, Visual Resources, Recreation, and Cultural and Historic Resources. In the Final EIS, TVA described minor and temporary effects on the following resources: Groundwater, Natural Areas, Threatened and Endangered Species, Transportation, Public Health and Safety, and Solid and Hazardous Waste. Minor, long-term effects anticipated are Socioeconomics, Climate Change, Utilities, Surface Water Resources, and Noise. Moderate, long-term effects to air quality are anticipated and are discussed in the Final EIS. Generally, constructing and operating the new aeroderivative CT units at the existing CT facility would minimize new ground disturbances and utilize existing natural gas and transmission infrastructure, resulting in fewer environmental effects.

In the Final EIS, TVA also describes beneficial effects to Utilities resulting from implementing Alternative B. Overall, the added dispatchable generation capacity as a result of Alternative B would have potential long-term beneficial effects by helping to ensure that TVA can reliably meet required year-round generation, maximum capacity system demands, and planning reserve margin targets while facilitating the integration of renewable energy onto the electric grid. The synchronous condensing and black-start capabilities of the units would also benefit TVA's transmission system by improving reliability and flexibility.

Public Involvement

TVA initiated a 30-day public scoping period on October 12, 2023, when it published a Notice of Intent in the **Federal Register** announcing the preparation of an environmental document (88 FR 70693, October 12, 2023). TVA also announced the project and requested public input in news releases; notices printed in relevant area newspapers; in letters or messages to federal, state, and local agencies and federally recognized Indian tribes; and on its public web page (<https://www.tva.com/allenct>). TVA held a public scoping meeting on October 24, 2023, attended by 35 individuals. TVA also hosted a public webinar. During the scoping period, TVA received 19 submissions from members of the public, federal agencies, and various organizations.

The NOA of the Draft EIS was published in the **Federal Register** on March 14, 2025, initiating a 45-day public comment period that ended on April 28, 2025 (90 FR 12158, March 14, 2025). The availability of the Draft EIS and request for comments were announced in a news release, newspaper advertisements, and letters or messages to interagency partners, and on social media and TVA's website. Postcards were mailed to over 9,000 addresses within five miles of the project area as well. TVA held a public meeting about the Draft EIS on April 10, 2025, attended by over 110 individuals. TVA also held a public webinar during the comment period. In total, TVA received 210 submissions from the public, local officials, state and federal agencies, and community organizations during the comment period. Responses to these comments are included in Appendix A of the Final EIS.

Decision

TVA has considered the alternatives, information, analyses, material in the record determined to be relevant, and comments submitted by federal and state governments and public commenters for consideration in developing the Final EIS. TVA has decided to implement Alternative B of the Final EIS to construct and operate six new aeroderivative CT units at its existing Allen CT facility to generate approximately 200 MW of dispatchable power. This alternative best achieves TVA's purpose and need to meet the growing system demand and load growth experience over the past few years. The addition of these units to TVA's fleet also aligns with the 2019 IRP recommendation to develop new dispatchable generation sources and to enhance system reliability and flexibility.

Mitigation

TVA would employ standard practices, routine measures, and other project-specific measures to avoid and minimize effects to resources from the implementation of Alternative B. TVA would also implement minimization and mitigation measures based on best management practices, permit requirements, and adherence to erosion and sediment control plans to minimize erosion during construction, operation, and maintenance activities. As discussed in the Final EIS, TVA would also continue (under a prior agreement with the U.S. Fish and Wildlife Service) to monitor the project area for the presence of potential nesting sites for least terns and, if nests are found, would

conduct no activities within 300 feet of the nests.

Authority: 18 CFR 1318.405.

Dated: September 25, 2025.

Donald A. Moul,

President and Chief Executive Officer.

Editorial Note: This document was received for publication by the Office of the Federal Register on January 12, 2026. [FR Doc. 2026-00570 Filed 1-13-26; 8:45 am]

BILLING CODE 8120-08-P

TENNESSEE VALLEY AUTHORITY

Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) is adopting three categorical exclusions (CEs) from the U.S. Department of Energy (DOE), pursuant to section 109 of the National Environmental Policy Act for future application to TVA decisions concerning activities that are similar in nature to the activities for which the CEs were established. This notice describes the categories and consultation between the agencies.

DATES: TVA adopted the three CEs on October 20, 2025.

FOR FURTHER INFORMATION CONTACT: Matthew Higdon, NEPA Compliance Specialist, 400 West Summit Hill Drive #11B, Knoxville, Tennessee 37902; by phone at 865-632-8051; or via email to mshigdon@tva.gov.

SUPPLEMENTARY INFORMATION:

I. National Environmental Policy Act and Categorical Exclusions

Section 109 of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347), enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to "adopt a categorical exclusion listed in another agency's NEPA procedures for a category of proposed agency actions for which the categorical exclusion was established." 42 U.S.C. 4336c. To adopt another agency's CE under section 109, the adopting agency: (1) identifies the relevant CE listed in another agency's ("establishing agency") NEPA procedures "that covers a category of proposed actions or related actions"; (2) consults with the establishing agency "to ensure that the proposed adoption of the categorical exclusion for a category of actions is appropriate"; (3) "identifies to the public the categorical exclusion that the [adopting] agency plans to use

for its proposed actions"; and (4) "documents adoption of the categorical exclusion." 42 U.S.C. 4336c.

This notice documents that TVA has complied with the requirements under section 109 of NEPA and is adopting the DOE's CEs B4.14, B5.5, and B6.9 listed in appendix B of DOE's NEPA implementing procedures, issued June 30, 2025, and in appendix B of 10 CFR 1021. TVA's NEPA procedures at 18 CFR 1318 address how TVA determines when it is appropriate to apply a CE for proposed actions. TVA maintains a list of 50 categorical exclusions available at 18 CFR 1318.200; with these adoptions, TVA now may apply 53 CEs, as appropriate.

II. Identification of the Categorical Exclusions

TVA is adopting three CEs listed in appendix B of DOE's NEPA implementing procedures and in appendix B to 10 CFR part 1021, as follows:

B4.14 Construction and operation of electrochemical-battery or flywheel energy storage systems. Construction, operation, upgrade, or decommissioning of an electrochemical-battery or flywheel energy storage system within a previously disturbed or developed area or within a small (as discussed at section 5.4(b)(2)) area contiguous to a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as land use and zoning requirements) in the proposed project area and the integral elements listed at the start of this appendix and would incorporate appropriate safety standards (including the current National Fire Protection Association 855, Standard for the Installation of Stationary Energy Storage Systems), design and construction standards, control technologies, and best management practices.

B5.5 Short pipeline segments. Construction and subsequent operation of short (generally less than 20 miles in length) pipeline segments conveying materials (such as air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water) between existing source facilities and existing receiving facilities (such as facilities for use, reuse, transportation, storage, and refining), provided that the pipeline segments are within previously disturbed or developed rights-of-way.

B6.9 Measures to reduce migration of contaminated groundwater. Small-scale temporary measures to reduce migration of contaminated groundwater, including the siting, construction, operation, and decommissioning of necessary facilities.

These measures include, but are not limited to, pumping, treating, storing, and reinjecting water, by mobile units or facilities that are built and then removed at the end of the action.

Each of these DOE CEs also includes conditions referred to as integral elements, also listed in appendix B of DOE's NEPA implementing procedures and in appendix B to 10 CFR part 1021. DOE defines the terms "previously disturbed or developed," "small," and "small-scale" in Section 5.4(b) of DOE's NEPA implementing procedures and in 10 CFR 1021.102(g). TVA will review and apply these integral elements and definitions when using any of the three adopted CEs.

TVA has experience with projects involving each of these categories of actions. Regarding CE B4.14, TVA has recently completed construction of a battery energy storage system (BESS) at a facility near Vonore, Tennessee. Several other TVA projects involve the construction and operation of BESS facilities. Among the reviews cited by DOE to substantiate this CE were several TVA environmental assessments for BESS facilities. Because TVA has identified such systems as an important technology to support its power generation portfolio, the adopted CE will assist TVA in streamlining the environmental review process for these types of facilities, when appropriate.

Regarding CE B5.5, TVA has extensive experience with projects involving the construction and operation of pipelines that convey a variety of materials to support its operations. Based on TVA's experience, proposals for short pipeline segments are unlikely to result in significant environmental effects. The adopted CE will streamline TVA reviews of these types of projects.

TVA also has extensive experience in implementing measures to address the migration of contaminated groundwater in a variety of settings. Consistent with the definition of the DOE CE B6.9, some measures conducted by TVA to address groundwater issues are small-scale and temporary in nature and do not result in significant effects. TVA's adoption of the CE will streamline TVA environmental reviews when such measures are proposed.

III. Additional Considerations

TVA NEPA regulations state that "an action that would normally qualify as a categorical exclusion must not be so classified if an extraordinary circumstance is present and cannot be mitigated, including through the application of other environmental regulatory processes." 18 CFR 1318.201. TVA NEPA regulations list resource

conditions that are considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS. 18 CFR 1318.201(a).

For the CEs adopted, as previously noted, TVA will also review the DOE's integral elements (appendix B to DOE's NEPA implementing procedures and appendix B to 10 CFR part 1021) and DOE's definitions of "previously disturbed or developed," "small," and "small-scale" (Section 5.4(b) of DOE's NEPA implementing procedures and 10 CFR 1021.102(g)) to ensure it is appropriate to use the CE. When applying these adopted CEs, TVA will document its review for extraordinary circumstances and integral elements in the form of a CE checklist.

IV. Consultations on CE Adoptions

In August 2025, TVA consulted with DOE to discuss the adoption of CEs B4.14 and B5.5. TVA consulted with DOE about CE B6.9 in October 2025. The consultations included discussion of DOE's experience developing and applying the CEs and of the types of actions for which TVA plans to use the CEs. Through consultation, TVA affirmed that its intended uses of the CEs are consistent with how DOE has applied these CEs. In each case, these types of TVA actions are very similar to DOE actions, and therefore the environmental effects of the TVA actions will be very similar to the impacts of DOE actions, which are not significant, absent the existence of extraordinary circumstances that could involve potentially significant effects.

V. Notice of Adoption

Through consultation, TVA therefore has determined that its proposed uses of the three CEs would be appropriate. This notice serves to document TVA's adoption of DOE's CE B4.14, B5.5, and B6.9, consistent with section 109 of NEPA.

Authority: 42 U.S.C. 4335(c).

Michael McCall,

Vice President, Environment and Sustainability.

[FR Doc. 2026-00564 Filed 1-13-26; 8:45 am]

BILLING CODE 8120-08-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Vinyl Acetate-crotonic Acid Copolymer in a Styrene Solution (x=99, y=1, s=124)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before March 16, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate public docket number IRS-2025-0598 or vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal.

Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Vinyl Acetate-crotonic Acid Copolymer in a Styrene Solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peebles or Andrew J. Clark at (202) 317-6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) Petition Content.

(1) *Substance name:* Vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$.

(2) *Petitioner:* AOC Resins and Coatings, Inc. and AOC, LLC, are importers of vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 3905.29.0000.

(ii) *Schedule B number:* 3905.29.0000.

(iii) *CAS number:* 25609–89–6; 100–42–5.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* August 12, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* January 1, 2023.

(5) *Description from petition:* Vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ is a thermoplastic low-profile additive that expands and thus counteracts the shrinking of the polyester resin as it gels and cures ensuring a smooth surface of the molded part.

Vinyl acetate-crotonic acid copolymer in a styrene solution $((C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s; x=99, y=1, s=124)$ is made from ethylene, methane, and benzene. Taxable chemicals constitute 70.05 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of*

substance: The predominant method of producing vinyl acetate-crotonic acid copolymer in a styrene solution is by dissolving 40 percent Vinnapas C 501 (vinyl acetate-crotonic acid copolymer) in 60 percent styrene. Vinnapas C 501 is produced through the free-radical polymerization of vinyl acetate and crotonic acid monomers.

Vinyl acetate monomer is produced by the reaction of ethylene and acetic acid with oxygen in the presence of a palladium catalyst. Acetic acid is produced through the carbonylation of methanol. Methanol is made from syngas and hydrogen, which is made from steam-methane reforming.

Crotonic [sic] acid monomer is produced by oxidation of crotonaldehyde. Crotonaldehyde [sic] is produced by the aldol condensation of acetaldehyde. Acetaldehyde is produced by the oxidation of ethylene via the Wacker process (*i.e.*, oxidation of ethylene using a homogenous palladium/copper system).

Styrene is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

$$(x+2y+s) C_2H_4 \text{ (ethylene)} + 1/2x CH_4 \text{ (methane)} + s C_6H_6 \text{ (benzene)} + 2x CO \text{ (carbon monoxide)} + (1/2x+3/2y) O_2 \text{ (oxygen)} \rightarrow (C_4H_6O_2)_x-(C_4H_6O_2)_y-(C_8H_8)_s \text{ (vinyl acetate-crotonic acid copolymer in a styrene solution)} + y H_2O \text{ (water)} + 1/2x CO_2 \text{ (carbon dioxide)} + s H_2 \text{ (hydrogen)}$$

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* \$7.48 per ton.

(ii) *Conversion factors:* 0.29 for ethylene, 0.04 for methane, and 0.45 for benzene.

(9) *Public docket number:* IRS–2025–0598.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–00504 Filed 1–13–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service**

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Methyl Methacrylate-ethyl Methacrylate-methacrylic Acid Copolymer in a Styrene Solution (x=75.76, y=8.46, z=1, s=168.4)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before March 16, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate public docket number IRS–2025–0599 or methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Methyl Methacrylate-ethyl Methacrylate-methacrylic Acid Copolymer in a Styrene Solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of

the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Jacob W. Peebles or Andrew J. Clark at (202) 317-6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022-26 (2022-29 I.R.B. 90), as modified by Rev. Proc. 2023-20 (2023-15 I.R.B. 636), requesting that methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022-26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$.

(2) *Petitioner:* AOC Resins and Coatings, Inc. and AOC, LLC, are importers of methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 3906.90.5000.

(ii) *Schedule B number:* 3906.90.6000.

(iii) *CAS number:* 55765-89-4; 100-42-5.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* August 12, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022-26, as modified by section 3 of Rev. Proc. 2023-20:* January 1, 2023.

(5) *Description from petition:* Methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1,$

$s=168.4)$ is a thermoplastic low-profile additive that expands and thus counteracts the shrinking of the polyester resin as it gels and cures ensuring a smooth surface of the molded part.

Methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ is made from benzene, propylene, methane, ammonia, sulfuric acid, and ethylene. Taxable chemicals constitute 81.05 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing methyl methacrylate-ethyl methacrylate-methacrylic acid copolymer in a styrene solution $((C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s; x=75.76, y=8.46, z=1, s=168.4)$ is by dissolving 33 percent 7016 IAXP Acrylic Copolymer in 67 percent styrene. 7016 IAXP Acrylic Copolymer is produced via free-radical polymerization of methyl methacrylate, ethyl methacrylate, and methacrylic acid monomers.

Methyl methacrylate monomer is produced from acetone, hydrogen cyanide, sulfuric acid, and methanol. Acetone is produced from benzene and propylene. Hydrogen cyanide is produced from methane and ammonia. Methanol is produced from syngas and hydrogen is produced from steam-reforming methane.

Ethyl methacrylate monomer is produced from acetone, hydrogen cyanide, sulfuric acid, and ethanol. Ethanol is produced via bio-fermentation.

Methacrylic acid monomer is produced from acetone, hydrogen cyanide, and sulfuric acid.

Styrene is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

$(x+y+z+s) C_6H_6$ (benzene) + $(x+y+z) C_3H_6$ (propylene) + $(5/2x+y+z) CH_4$ (methane) + $(x+y+z) NH_3$ (ammonia) + $5/2(z+y+x) O_2$ (oxygen) + $(x+y+z) H_2SO_4$ (sulfuric acid) + $x CO$ (syngas) + $y CH_3CH_2OH$ (ethanol) + $s C_2H_4$ (ethylene) $\rightarrow (C_5H_8O_2)_x-(C_6H_{10}O_2)_y-(C_4H_6O_2)_z-(C_8H_8)_s$ (methyl methacrylate-ethyl methacrylate-

methacrylic acid copolymer in a styrene solution) + $(x+y+z) C_6H_5OH$ (phenol) + $(2x+3y+2z) H_2O$ (water) + $1/2x CO_2$ (carbon dioxide) + $(x+y+z) NH_4HSO_4$ (ammonium hydrogen sulfate) + $s H_2$ (hydrogen)

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* \$11.55 per ton.

(ii) *Conversion factors:* 0.76 for benzene, 0.14 for propylene, 0.08 for methane, 0.06 for ammonia, 0.32 for sulfuric acid, and 0.18 for ethylene.

(9) *Public docket number:* IRS-2025-0599.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026-00503 Filed 1-13-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; Matching Program

AGENCY: Department of the Treasury, Internal Revenue Service.

ACTION: Notice of a new Matching Program.

SUMMARY: Pursuant to section 552a(e)(12) of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Circular No. A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act, notice is hereby given of the conduct of the Internal Revenue Service (IRS) Disclosure of Information to Federal, State and Local Agencies (DIFSLA) Computer Matching Program.

DATES: Comments on this matching notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comments are received during the period allowed for comment, the re-established agreement will be effective January 15, 2026 provided it is a minimum of 30 days after the publication date.

Beginning and ending dates: The matches are conducted on an ongoing basis in accordance with the terms of the DIFSLA Computer Matching Agreement in effect with each participant as approved by the applicable Data Integrity Board(s). The term of these agreements is expected to cover the 18-month period, January 15, 2026, through July 16, 2027. Ninety days prior to expiration of the agreement, the parties to the agreement

may request a 12-month extension in accordance with 5 U.S.C. 552a(o)(2)(D).

ADDRESSES: Comments may be sent by email to gl.ds.cmpa@irs.gov or by mail to the Internal Revenue Service; Privacy, Governmental Liaison and Disclosure ATTN: Klaudia K. Villegas, Senior Analyst, 300 N Los Angeles Street, Mailstop 1020, Los Angeles, CA 90012.

FOR FURTHER INFORMATION CONTACT:

General questions may be sent to Internal Revenue Service; Privacy, Governmental Liaison and Disclosure; ATTN: Klaudia K. Villegas, Senior Analyst, 300 N Los Angeles Street, Mailstop 1020, Los Angeles, CA 90012; 213-372-4274 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The notice of the matching program was last published at 89 FR 52214 (June 21, 2024). Members of the public desiring specific information concerning an ongoing matching activity may request a copy of the applicable computer matching agreement at the address provided above.

Participating Agencies

Name of Source Agency

Department of the Treasury, Internal Revenue Service.

Name of Recipient Agencies

A. Federal agencies expected to participate:

1. Department of Veterans Affairs, Veterans Benefits Administration
2. Department of Veterans Affairs, Veterans Health Administration
3. Social Security Administration

B. State agencies expected to participate using non-federal records are:

1. Alabama Department of Human Resources
2. Alaska Department of Health and Social Services, Division of Public Assistance
3. Arkansas Department of Human Services
4. California Department of Social Services
5. Connecticut Department of Social Services
6. Delaware Department of Health and Social Services
7. District of Columbia Department of Human Services
8. Florida Department of Children and Families
9. Georgia Department of Human Services, Division of Family and Children Services
10. Hawaii Department of Human Services
11. Idaho Department of Health and Welfare
12. Illinois Department of Human Services

13. Indiana Family and Social Services Administration, Division of Family Resources
14. Iowa Department of Health and Human Services
15. Kansas Department for Children and Families
16. Kentucky Cabinet for Health and Family Services
17. Louisiana Department of Health
18. Louisiana Department of Children and Family Services
19. Maryland Department of Human Services
20. Michigan Department of Health and Human Services
21. Minnesota Department of Human Services
22. Minnesota Department of Children Youth and Families
23. Mississippi Department of Human Services
24. Missouri Department of Social Services
25. Montana Department of Public Health and Human Services
26. Nebraska Department of Health and Human Services
27. New Hampshire Department of Health & Human Services, Division of Economic and Housing Stability, Bureau of Family Assistance
28. New Mexico Human Services Department
29. New York State Office of Temporary and Disability Assistance
30. North Carolina Department of Health and Human Services
31. North Dakota Department of Health and Human Services, Humans Services Division, Economic Assistance Section
32. Ohio Department of Jobs and Family Services
33. Ohio Department of Medicaid
34. Oklahoma Department of Human Services, Adult and Family Services
35. Oregon Health Authority, Oregon Department of Human Resources
36. Pennsylvania Department of Human Services
37. Rhode Island Department of Human Services
38. South Carolina Department of Social Services
39. South Dakota Department of Social Services
40. Tennessee Department of Human Services
41. Texas Health and Human Services Commission
42. Utah Department of Workforce Services
43. Virginia Department of Social Services
44. Washington Department of Social and Health Services
45. Wisconsin Department of Children

and Families

46. Wyoming Department of Family Services

Authority for Conducting the Matching Program: Public Law 98-369, Deficit Reduction Act of 1984, requires the Agency administering certain federally assisted benefit programs to conduct income verification to ensure proper distribution of benefit payments. The records in this match are to be disclosed only for purposes of, and to the extent necessary in, determining eligibility for, or the correct amount of benefits under, these programs. In accordance with section 6103(l)(7) of the Internal Revenue Code (IRC), the Secretary shall, upon written request, disclose current return information from returns with respect to unearned income from the IRS files to any federal, state, or local agency administering a program listed below:

(i) A state program funded under part A of title IV of the Social Security Act;

(ii) Medical assistance provided under a state plan approved under title XIX of the Social Security Act, or subsidies provided under section 1860D-14 of such Act;

(iii) Supplemental security income benefits provided under title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93-66);

(iv) Any benefits provided under a state plan approved under title I, X, XIV, or XVI of the Social Security Act (as those titles apply to Puerto Rico, Guam, and the Virgin Islands);

(v) Unemployment compensation provided under a state law described in section 3304 of the IRC;

(vi) Assistance provided under the Food and Nutrition Act of 2008;

(vii) State-administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93-66);

(viii)(I) Any needs-based pension provided under chapter 15 of title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

(viii)(II) parents' dependency and indemnity compensation provided under section 1315 of title 38, United States Code;

(viii)(III) Health-care services furnished under sections 1710(a)(2)(G), 1710(a)(3), and 1710(b) of such title.

Purpose(s): The purpose of this program is to prevent or reduce fraud

and abuse in certain federally assisted benefit programs while protecting the privacy interests of the subjects of the match. Information is disclosed by the IRS only for the purpose of, and to the extent necessary in, determining eligibility for, and/or the correct amount of, benefits for individuals applying for or receiving certain benefit payments.

Categories of Individuals: Individuals applying for or receiving benefits under federal and state administered programs.

Categories of Records: The IRS will provide return information from information returns (e.g., Forms 1099-DIV, 1099-INT, and W-2G) filed by payers of unearned income in the IRS Information Returns Master File (IRMF) (Treasury/IRS 22.061). The recipient Agency will furnish the IRS with requests for records in accordance with the current IRS Publication 3373, Disclosure of Information to Federal, State, and Local Agencies (DIFSLA) Handbook. The Agency may request return information from IRS on a monthly basis for new applicants and may request information with respect to all beneficiaries once per year. The requests from the Agency will include: the Social Security Number (SSN) and name control (first four characters of the surname) for each individual for whom unearned income information is requested. IRS will provide a response record for each individual identified by the Agency. The total number of records will be equal to or greater than the number of records submitted by the Agency. In some instances, an individual may have more than one record on file. When there is a match of an individual SSN and name control, IRS will disclose the following to the Agency: payee account number; payee name and mailing address; payee taxpayer identification number (TIN); payer name and address; payer TIN; and income type and amount.

System(s) of Records: IRS will extract return information with respect to unearned income from the Information Returns Master File (IRMF), Treasury/IRS 22.061, as published at 80 FR 54081-082 (September 8, 2015), through the DIFSLA Computer Matching Program.

Department of Veterans Affairs will provide to IRS information from the Veterans Benefits Administration—Compensation, Pension and Education, Rehabilitation Records—VA, 58 VA 21/22/28, amended and republished in its entirety at 86 FR 61858 (November 8, 2021); and Veterans Health Administration—Healthcare Eligibility Records, Income Verification Records—VA, 89VA10NB, as published at 73 FR

26192 (May 8, 2008), and updated at 78 FR 76897 (December 19, 2013).

Social Security Administration will provide to IRS information from the Office of Systems Requirements—Supplemental Security Income Record and Special Veterans Benefits, 60-0103, last fully published at 71 FR 1830 (January 11, 2006), amended at 72 FR 69723 (December 10, 2007), 83 FR 31250-51 (July 3, 2018), and 83 FR 54969 (November 1, 2018).

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2026-00576 Filed 1-13-26; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Information Reporting for Payments Made in Settlement of Payment Card and Third-Party Network Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in the notice.

DATES: Written comments should be received on or before March 16, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, “OMB Number: 1545-2205 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Marcus W. McCrary, (470) 769-2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a

matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Information Reporting for Payments Made in Settlement of Payment Card and Third-Party Network Transactions.

OMB Control Number: 1545-2205.

Form Number: 1099-K.

Regulation Project Number: TD 9496.

Abstract: This information collection covers final regulations implementing amendments to the Income Tax Regulations (26 CFR part 1) relating to information reporting under sections 6041, 6041A, 6050W, and 6051 of the Internal Revenue Code (Code). The form reflects payments made in settlement of merchant card and third-party network transactions for purchases of goods and/or services made with merchant cards and through third-party networks.

Current Actions: Two lines were added to Form 1099-K to include cash tips and the Treasury tipped occupation code. There is an increase in the estimated number of respondents previously approved by OMB.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, Business or other for-profit groups, Not-for-profit institutions, Farms, Federal Government, State, Local, or Tribal Governments.

Estimated Number of Respondents: 13,340,100.

Estimated Time per Respondent: 28 minutes.

Estimated Total Annual Burden Hours: 6,225,378.

Dated: January 9, 2026.

Marcus W. McCrary,
Tax Analyst.

[FR Doc. 2026-00508 Filed 1-13-26; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Poly(styrene-divinylbenzene-ethylvinylbenzene), With Styrene Content of Greater than 50% ($x=2.02 \times 10^{17}$, $y=2.98 \times 10^{16}$, $z=7.35 \times 10^{15}$)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that poly(styrene-divinylbenzene-ethylvinylbenzene), with styrene content of greater than 50% ($(C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z$; $x=2.02 \times 10^{17}$, $y=2.98 \times 10^{16}$, $z=7.35 \times 10^{15}$), also known as Styrene-DVB-EVB (Styrene > 50%), be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before March 16, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate public docket number IRS-2025-0600 or Styrene-DVB-EVB (Styrene > 50%) ($(C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z$; $x=2.02 \times 10^{17}$, $y=2.98 \times 10^{16}$, $z=7.35 \times 10^{15}$) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Styrene-DVB-EVB (Styrene > 50%) ($(C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z$; $x=2.02 \times 10^{17}$, $y=2.98 \times 10^{16}$, $z=7.35 \times 10^{15}$), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Jacob W. Peeples or Andrew J. Clark at (202) 317-6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Request To Add Substance to the List**

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022-26 (2022-29 I.R.B. 90), as modified by Rev. Proc. 2023-20 (2023-15 I.R.B. 636), requesting that Styrene-DVB-EVB (Styrene > 50%) be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of Styrene-DVB-EVB (Styrene > 50%) to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022-26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) Petition Content.

(1) *Substance name:* Poly(styrene-divinylbenzene-ethylvinylbenzene), with styrene content of greater than 50% ($(C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z$; $x=2.02 \times 10^{17}$, $y=2.98 \times 10^{16}$, $z=7.35 \times 10^{15}$).

The substance is also known as Styrene-DVB-EVB (Styrene > 50%).

(2) *Petitioner:* Puro-lite LLC is an importer of Styrene-DVB-EVB (Styrene > 50%).

(3) Proposed classification numbers:

- (i) *HTSUS number:* 3903.90.5000
- (ii) *Schedule B number:* 3903.90.0000
- (iii) *CAS number:* 69011-20-7

(4) Petition filing dates:

(i) *Petition filing date for purposes of making a determination:* August 12, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022-26, as modified by section 3 of Rev. Proc. 2023-20:* April 1, 2025.

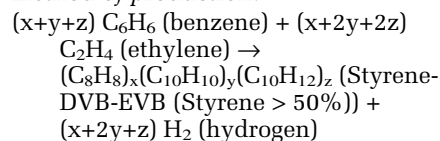
(5) *Description from petition:* Styrene-DVB-EVB (Styrene > 50%) is a copolymer made of styrene, divinylbenzene ("DVB"), and ethylvinylbenzene ("EVB") monomers. Styrene-DVB-EVB (Styrene > 50%) is mainly used for the production of ion exchange resins, but can also be used as a column packing material in liquid chromatography, a separation medium in thin-layer chromatography, and an adsorbent.

Styrene-DVB-EVB (Styrene > 50%) is made from benzene and ethylene. Taxable chemicals constitute 100 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of*

substance: The predominant method of producing Styrene-DVB-EVB (Styrene > 50%) is through the polymerization of styrene, DVB, and EVB monomers. Styrene monomer is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene. DVB is produced by the dehydrogenation of diethylbenzenes. Diethylbenzenes arise as side-products of the alkylation of benzene with ethylene. EVB is produced by the partial dehydrogenation of diethylbenzenes.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*



(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

- (i) *Tax rate:* \$9.93 per ton.
- (ii) *Conversion factors:* 0.72 for benzene and 0.30 for ethylene.

(9) *Public docket number:* IRS-2025-0600.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026-00507 Filed 1-13-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Poly(styrene-divinylbenzene-ethylvinylbenzene), With Styrene Content of Less Than 50% ($x=7.64 \times 10^{16}$, $y=1.03 \times 10^{17}$, $z=2.28 \times 10^{16}$)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that poly(styrene-divinylbenzene-ethylvinylbenzene), with styrene content of less than 50% ($(C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z$; $x=7.64 \times 10^{16}$, $y=1.03 \times 10^{17}$, $z=2.28 \times 10^{16}$), also known as Styrene-DVB-EVB (Styrene < 50%), be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of

filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before March 16, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate public docket number IRS-2025-0601 or Styrene-DVB-EVB (Styrene <50%) $((C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z; x=7.64 \times 10^{16}, y=1.03 \times 10^{17}, z=2.28 \times 10^{16})$)) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Styrene-DVB-EVB (Styrene <50%) $((C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z; x=7.64 \times 10^{16}, y=1.03 \times 10^{17}, z=2.28 \times 10^{16})$, Room 5203, P.O. Box 7604, Ben Franklin Station, Washington DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peebles or Andrew J. Clark at (202) 317-6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022-26 (2022-29 I.R.B. 90), as modified by Rev. Proc. 2023-20 (2023-15 I.R.B. 636), requesting that Styrene-DVB-EVB (Styrene <50%) be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of Styrene-DVB-EVB (Styrene <50%) to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022-26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Poly(styrene-divinylbenzene-ethylvinylbenzene), with styrene content of less than 50% $((C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z; x=7.64 \times 10^{16}, y=1.03 \times 10^{17}, z=2.28 \times 10^{16})$.

The substance is also known as Styrene-DVB-EVB (Styrene <50%).

(2) *Petitioner:* PuroLite LLC is an importer of Styrene-DVB-EVB (Styrene <50%).

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 3903.90.5000.

(ii) *Schedule B number:* 3903.90.0000.

(iii) *CAS number:* 69011-20-7.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* August 12, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022-26, as modified by section 3 of Rev. Proc. 2023-20:* April 1, 2025.

(5) *Description from petition:* Styrene-DVB-EVB (Styrene <50%) is a copolymer made of styrene, divinylbenzene ("DVB"), and ethylvinylbenzene ("EVB") monomers. It is mainly used for the production of ion exchange resins, but can also be used as a column packing material in liquid chromatography, a separation medium in thin-layer chromatography, and an adsorbent.

Styrene-DVB-EVB (Styrene <50%) is made from benzene and ethylene. Taxable chemicals constitute 100 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing Styrene-DVB-EVB (Styrene <50%) is through the polymerization of styrene, DVB, and EVB monomers. Styrene monomer is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene. DVB is produced by the dehydrogenation of diethylbenzenes. Diethylbenzenes arise as side-products of the alkylation of benzene with ethylene. EVB is produced by the partial dehydrogenation of diethylbenzenes.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

$$(x+y+z) C_6H_6 \text{ (benzene)} + (x+2y+2z) C_2H_4 \text{ (ethylene)} \rightarrow (C_8H_8)_x(C_{10}H_{10})_y(C_{10}H_{12})_z \text{ (Styrene-DVB-EVB (Styrene <50\%))} + (x+2y+z) H_2 \text{ (hydrogen)}$$

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* \$10.03 per ton.

(ii) *Conversion factors:* 0.65 for benzene and 0.38 for ethylene.

(9) *Public docket number:* IRS-2025-0601.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026-00505 Filed 1-13-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Acrylate Monomer Synthetic Rubber in a Water Emulsion (x=537.29, y=664.03, z=223.59)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that acrylate monomer synthetic rubber in a water emulsion $((C_5H_8O_2)_x-(C_7H_{12}O_2)_y-(C_6H_{10}O_3)_z; x=537.29, y=664.03, z=223.59)$, also known as ACM Latex, be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before March 16, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate public docket number IRS-2025-0602 or ACM Latex $((C_5H_8O_2)_x-(C_7H_{12}O_2)_y-(C_6H_{10}O_3)_z; x=537.29, y=664.03, z=223.59)$ by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for ACM Latex $((C_5H_8O_2)_x-(C_7H_{12}O_2)_y-(C_6H_{10}O_3)_z; x=537.29, y=664.03, z=223.59)$), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to <https://www.regulations.gov>,

including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples or Andrew J. Clark at (202) 317-6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022-26 (2022-29 I.R.B. 90), as modified by Rev. Proc. 2023-20 (2023-15 I.R.B. 636), requesting that ACM Latex be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of ACM Latex to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022-26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Acrylate monomer synthetic rubber in a water emulsion $((C_5H_8O_2)_x-(C_7H_{12}O_2)_y-(C_6H_{10}O_3)_z)$; $x=537.29$, $y=664.03$, $z=223.59$.

The substance is also known as ACM Latex.

(2) *Petitioner:* Zeon Chemicals L.P. is an importer of ACM Latex.

(3) *Proposed classification numbers:*

- (i) *HTSUS number:* 4002.91.0000
- (ii) *Schedule B number:* 4002.91.0000
- (iii) *CAS number:* 93410-24-3

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* August 12, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022-26, as modified by section 3 of Rev. Proc. 2023-20:* April 1, 2023.

(5) *Description from petition:* ACM Latex is a water emulsion of acrylate monomer synthetic rubber ("ACM Rubber"). Often, the ACM Rubber has small quantities of cure site monomers which affect physical properties and performance. ACM Latex and ACM Rubber are used in electric vehicle battery manufacture.

ACM Latex is made from propylene, methane, and ethylene. Taxable chemicals constitute 45.45 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing ACM Latex is by emulsion polymerization of ethyl acrylate, butyl acrylate, and methoxy ethyl acrylate in the presence of an emulsifier and a free-radical initiator. Ethyl acrylate monomer is produced by acid-catalyzed esterification of acrylic acid with ethanol. Acrylic acid is produced by the oxidation of propylene. Ethanol is produced by biological processes (fermentation of sugars with yeast). Butyl acrylate monomer is produced by the acid-catalyzed esterification of acrylic acid with butanol. Butanol is produced by the hydroformylation of propylene to butanal, which is then reduced with hydrogen. Hydrogen is produced from steam-methane reforming. Methoxyethyl acrylate monomer is produced by acid-catalyzed esterification of acrylic acid with methoxyethanol. Methoxyethanol is produced from methanol and ethylene glycol. Methanol is produced from carbon monoxide and hydrogen.

Ethylene glycol is produced from ethylene oxide and water. Ethylene oxide is produced by the oxidation of ethylene.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

$$(x+2y+z) C_3H_6 \text{ (propylene)} + ((1/2)y+z) CH_4 \text{ (methane)} + z C_2H_4 \text{ (ethylene)} + x C_2H_5OH \text{ (ethanol)} + (3/2)(x+y)+2z O_2 \text{ (oxygen)} + (y+z) CO \text{ (carbon monoxide)} \rightarrow (C_5H_8O_2)_x-(C_7H_{12}O_2)_y-(C_6H_{10}O_3)_z \text{ (ACM Latex)} + (2x+y+z) H_2O \text{ (water)} + (1/2)(y+z) CO_2 \text{ (carbon dioxide)}$$

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* \$5.73 per ton.

(ii) *Conversion factors:* 0.52 for propylene, 0.04 for methane, and 0.04 for ethylene.

(9) *Public docket number:* IRS-2025-0602.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026-00506 Filed 1-13-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10., that the Advisory Committee on the Readjustment of Veterans will meet virtually on March 10, 2026. The session will begin and end as follows, and is open to the public:

Dates	Times	Locations	Open session
March 10, 2026	10 a.m. to 2:30 p.m. Eastern Standard Time (EST)	Via Microsoft Teams link shown below	Yes.

The purpose of the Committee is to advise the VA regarding the provision by VA of benefits and services to assist Veterans in the readjustment to civilian life. The Committee, comprised of 9 subject matter experts, advises the Secretary through the VA Readjustment Counseling Service. In carrying out this duty, the Committee shall take into account the needs of Veterans who served in combat theaters of operation.

On March 10, 2026, the Committee will meet to discuss yet-to-be-finalized topics emerging from prior briefings that are relevant to the Committee's scope and mission. The Committee will also begin developing draft recommendations for the Committee's 26th annual report. The meeting will be open to the public and time will be allotted for the public to provide comments starting at 2 p.m. EST and ending no later than 2:30 p.m. EST. The

comment period may end sooner if no comments are presented or they are exhausted before the end time. Individuals interested in providing comments during the public comment period are allowed no more than three minutes for their statements. Additionally, the Committee will accept written comments from interested parties on issues outlined in the meeting agenda or other issues regarding the readjustment of Veterans. Parties should

contact Mr. Joshua Mathis via email at Joshua.Mathis@va.gov or by mail at Department of Veterans Affairs, Readjustment Counseling Service (10RCS), 810 Vermont Avenue, Washington, DC 20420.

Any member of the public seeking additional information should contact Mr. Mathis at the email address noted above.

March 10, 2026

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGUxM2Y3NzMtMTk2Zi00NTI0LWFkYWQzMtCWNmMxMzRjYmJm%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%223370e162-17c2-4423-8174-023497fa6815%22%7d.

%223370e162-17c2-4423-8174-023497fa6815%22%7d.

You can dial in by phone at 1-872-701-0185 and use the access code 381082558#.

Dated: January 12, 2026.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2026-00552 Filed 1-13-26; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Meeting Cancellation

The Department of Veterans Affairs (VA) gives notice under the Federal

Advisory Committee Act, 5 U.S.C. Ch. 10, that the Advisory Committee on the Readjustment of Veterans meetings, previously scheduled to be held on January 27, at the Tulsa Vet Center, and on January 28 at the Muscogee Creek Nation Veterans Office, *have been cancelled.*

For more information, please Joshua A. Mathis, Designated Federal Officer, Readjustment Counseling Service (10RCS), at 313-310-3891 or email Joshua.Mathis@va.gov.

Dated: January 12, 2026.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2026-00551 Filed 1-13-26; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

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Part II

Department of Transportation

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

Pipeline Safety: Class Location Change Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials
Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2017–0151; Amdt. No.
192–155]

RIN 2137–AF29

Pipeline Safety: Class Location
Change Requirements

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: PHMSA is updating its regulations to allow operators to apply modern risk management principles in addressing the safety of gas pipelines affected by class location changes. Relying on an approach originally developed in the 1950s, PHMSA's regulations use class locations to provide an additional margin of safety in the design, construction, testing, operation, and maintenance of gas pipelines based on population density. When the class location of a pipeline changes due to an increase in population density, an operator may need to take certain actions to confirm or to revise the maximum allowable operating pressure of a segment. Because the methods traditionally used for that purpose do not account for modern risk management principles, PHMSA has granted special permits for more than two decades allowing operators to use an integrity-management-based alternative. This final rule adopts that 'IM alternative' by regulation to provide operators with an additional method for confirming or restoring the maximum allowable operating pressure of certain eligible segments that experience class location changes.

DATES: This rule is effective March 16, 2026. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of March 16, 2026. Comment related to the information collection may be submitted by March 16, 2026, as detailed in Section VII.H.

FOR FURTHER INFORMATION CONTACT: Robert Jagger, Senior Transportation Specialist, at 202–557–6765 or robert.jagger@dot.gov.

SUPPLEMENTARY INFORMATION:

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- B. Summary of the Major Regulatory Provisions

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I. Executive Summary*A. Purpose of the Regulatory Action*

The idea of using “class locations” to provide an additional, population-density-based margin of safety in the design, construction, and testing of gas pipelines dates to the second edition of the American Standard Code for Pressure Piping, Section 8, Gas Transmission and Distribution Piping Systems, ASA B31.1.8–1955.¹ Published in 1955, B31.1.8–1955 directed operators to use one-mile and 10-mile population density indices to determine the appropriate class location of a pipeline at the time of construction. B31.1.8–1955 recognized four different class locations, ranging from Class 1 for areas with the lowest population

density to Class 4 for areas with the highest population density.

B31.1.8–1955 also included provisions for operators to follow in determining the maximum allowable operating pressure (MAOP) of a pipeline. B31.1.8–1955 directed operators to select the lowest of three pressures in determining MAOP: (1) the design pressure, (2) the test pressure, and (3) the maximum safe operating pressure of the pipeline based on the information known about the strength and operating history. To provide an additional margin of safety, B31.1.8–1955 accounted for the class location of a pipeline in providing operators with more conservative design and test pressure factors to use in determining MAOP.²

The 1968 edition of the B31.8 added a new provision for addressing class location changes. The provision directed operators to conduct a study if an increase in the population density indicated that the class location of a pipeline had changed since the original installation. And, depending on the results of that study, the provision directed operators to confirm or to revise the MAOP of the pipeline, either by relying on a prior pressure test, by reducing the MAOP, or by conducting a new pressure test. Operators could also maintain the current MAOP by replacing the pipe in the affected segment.

Adopted by PHMSA³ in 1970, the original version of the Federal Gas Pipeline Safety Regulations incorporated the B31.8's class location concept, albeit with certain modifications.⁴ Rather than using population density indices, the 1970 final rule required operators to determine the class location of a pipeline based on the number of buildings intended for human occupancy in a “class location unit,” defined as an area extending 220 yards on either side of the centerline of any

² ASME retained these provisions in the ensuing editions of that standard, which became known as the B31.8. ASME, American Standard Code for Pressure Piping, Section 8, ASA B31.8–1958, *Gas Transmission and Distribution Piping Systems* (1959); ASME, American Standard Code for Pressure Piping, Section 8, ASA B31.8–1963, *Gas Transmission and Distribution Piping Systems* (1963); ASME, USA Standard Code for Pressure Piping, USAS B31.8–1967, *Gas Transmission and Distribution Piping Systems* (1967); ASME, USA Standard Code for Pressure Piping, USAS B31.8–1968, *Gas Transmission and Distribution Piping Systems* (1968).

³ For ease of reference, PHMSA and its predecessor agencies at the U.S. Department of Transportation that have regulated pipeline safety are referred to as PHMSA throughout this document.

⁴ *Establishment of Minimum Standards*, 35 FR 13248 (Aug. 19, 1970) (Minimum Standards).

¹ Am. Soc. of Mech. Eng'rs (ASME), American Standard Code for Pressure Piping, Section 8, ASA B31.1.8–1955, *Gas Transmission and Distribution Piping Systems* (1955).

continuous one-mile length of pipeline. The final rule also required operators to follow more stringent operation and maintenance (O&M) requirements as the class location increased in value.

Of particular significance here, the 1970 final rule required operators to consider class location in establishing the MAOP of a pipeline segment as well. Like the B31.8, the final rule required operators to consider the design pressure, test pressure, and maximum safe operating pressure of a pipeline in determining MAOP, along with the highest actual operating pressure experienced during the preceding five years for existing lines. To provide an additional margin of safety based on population density, the final rule also accounted for the class location of a pipeline in the design and test pressure factors that operators had to use in determining MAOP.

Finally, as in the B31.8, the 1970 final rule included requirements for addressing class location changes. The

final rule required operators to conduct a study and, if necessary, to confirm or to revise the MAOP of a segment, either by relying on the results of a prior pressure test, by reducing the MAOP, or by conducting a new pressure test. An operator could also maintain the current MAOP by replacing the pipe in the affected segment.

After adopting the integrity management (IM) program for gas transmission lines in the early 2000s, PHMSA established a new policy for granting special permits (or waivers) of the requirements for addressing class location changes.⁵ PHMSA adopted that policy on the grounds that IM principles could be used to manage effectively the integrity of class change segments, provided operators complied with a series of additional terms, conditions, and limitations. PHMSA has granted special permits to more than 45 operators in the two decades since issuing that policy, and no pipeline segment subject to a class location

special permit has ever experienced a failure.

In this final rule, PHMSA is adopting an IM alternative as an additional option for addressing class location changes on gas transmission lines. Modeled on the successful class location special permit program, operators can use the IM alternative to confirm the MAOP of eligible Class 3 segments by complying with a comprehensive set of initial and recurring programmatic requirements. Operators can also use the IM alternative to restore the previously established MAOP of eligible Class 3 segments by complying with certain additional requirements. PHMSA concludes that the benefits and cost-savings of allowing operators to use the IM alternative justify their costs. PHMSA therefore adopts the IM alternative in this final rule.

B. Summary of the Major Regulatory Provisions

Subject	Final rule
Applicability	Section 192.611(a)(4) authorizes an IM alternative for managing class location changes that affect certain eligible gas transmission line segments in Class 3 locations.
Eligibility	Section 192.3 defines the eligible Class 3 segments that may use the IM alternative. That definition excludes segments that (1) contain bare pipe; (2) contain wrinkle bends; (3) have a longitudinal seam formed by lap welding or another method with a joint factor below 1.0; or (4) have experienced an in-service leak or rupture due to cracking on the segment or a pipe with similar characteristics within 5 miles. A segment that experiences an in-service rupture or leak from the pipe body cannot continue using the IM alternative.
Subpart O Compliance	An eligible Class 3 segment applying the IM alternative must be designated as a high consequence area and comply with the requirements in Subpart O.
Initial Programmatic Requirements	An operator must comply with certain initial programmatic requirements within 24 months to use the IM alternative. Those requirements address: (1) integrity assessments and remediation, (2) pressure testing, (3) material records verification, (4) rupture mitigation valves, (5) cathodic protection and coating, and (6) depth of cover. An operator must also provide a notification to PHMSA.
Recurring Programmatic Requirements.	An operator must comply with certain recurring programmatic requirements to use the IM alternative. Those requirements address: (1) gas quality, (2) close interval surveys, (3) patrolling, (4) leak surveys, (5) line markers, (6) class location studies, (7) shorted casings, and (8) exposed pipe and weld surface examinations.
Other Requirements	MAOP of a segment using the IM alternative may not exceed a hoop stress corresponding to 72 percent of specified minimum yield strength. An operator of an eligible Class 3 segment may use the IM alternative to restore a previously established MAOP after complying with certain uprating and initial programmatic requirements.

C. Costs and Benefits

This final rule is expected to produce substantial cost-savings of \$461 million annually, after accounting for the expected \$61.5 million cost for operators to implement the IM alternative on segments that experience class location changes in a given year (both discounted at 7%). The final rule is also expected to avoid an estimated 1.3 billion cubic feet of gas losses per year from pipeline replacements. Other

non-quantified benefits include reducing service disruptions and increasing regulatory certainty and flexibility. The Regulatory Impact Analysis (RIA) provided in the docket for this rulemaking includes additional information about the costs, benefits, and other impacts of the final rule.

II. Background

A. Overview of Class Location Requirements

Class locations use population density to provide an additional margin of safety for gas pipelines. Four class locations are used for that purpose, with Class 1 representing the areas with the least population density, Class 4 representing the areas with the highest population density, and Class 2 and Class 3 representing areas of

⁵ *Pipeline Safety: Development of Class Location Change Waiver Criteria*, 69 FR 38948 (June 29, 2004).

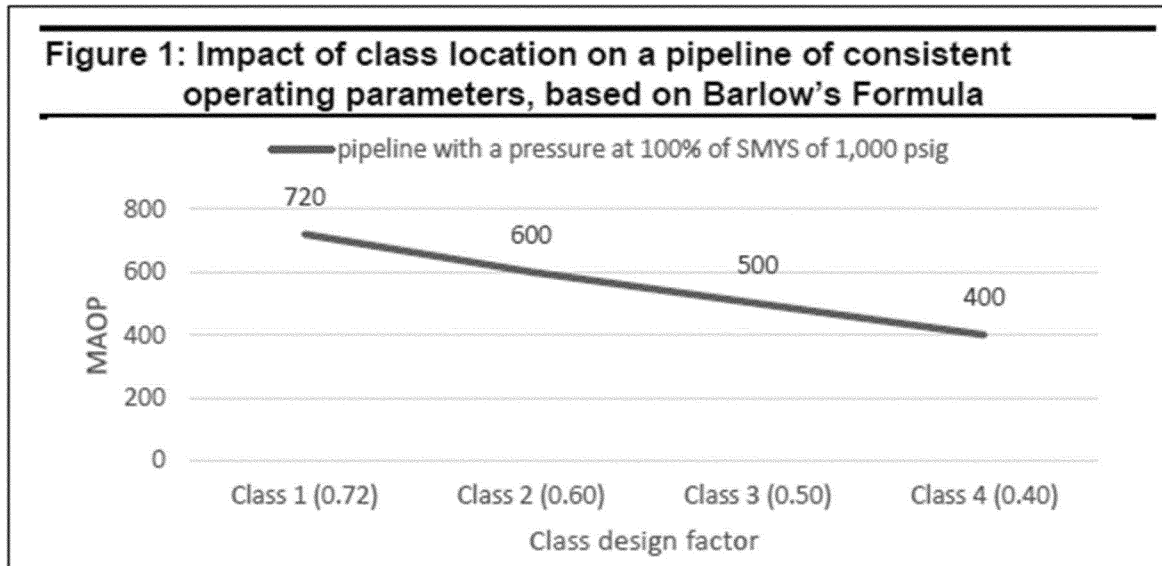
intermediate population density. To account for the additional risk to public safety, more stringent safety standards apply as the class location of a gas pipeline increases in value.

That principle, which is commonly referred to as a safety factor, is reflected in the first instance in determining the design pressure of a pipeline. Design pressure is calculated using a modified version of Barlow's formula, the results of which specify the maximum internal pressure piping can withstand before

failure. A class-location-based design factor is incorporated into that formula to provide more margin—*i.e.*, a lower safety factor—as population density increases.⁶ A similar concept applies in determining the test pressure of a pipeline.⁷ Design and test pressure are two of the factors that limit MAOP, which is the highest pressure that a pipeline is permitted to operate at while in service.⁸

Because Barlow's formula captures the relationship between maximum

pressure, stress (*i.e.*, specified minimum yield strength (SMYS)), wall thickness, and diameter with the class safety factor, an increase in any one input will increase the other inputs.⁹ In practical terms, this means that pipe with additional strength or wall thickness must be installed to maintain the same design pressure in higher class locations. That is because, as Figure 1 shows, a higher class location will lead to a lower MAOP if the other variables used in the formula remain constant.



This phenomenon governs in applying Barlow's formula both at the time of installation and if the class location of a gas pipeline changes at a later point in time due to an increase in population density.¹⁰

Operators currently have three options for confirming or revising MAOP in response to class location changes. First, an operator may reduce the MAOP to reflect the design and test pressure factor applicable to the current class location. Second, an operator may confirm the MAOP through pressure testing, either based on the results of a previous test or by conducting a new test. Third, an operator may replace the pipeline with material of additional strength or wall thickness to maintain the current MAOP.

Each of these methods has drawbacks, particularly if a segment remains in satisfactory condition and can be safely operated at the current MAOP. Pipeline replacements cause construction-related impacts and can lead to service disruptions and natural gas emissions. Pressure testing requires a pipeline to be taken out of service—albeit for a shorter time—and results in similar service disruptions and natural gas emissions. MAOP reductions can affect all aspects of the supply chain, leading to service interruptions and higher costs for consumers.

These drawbacks can be avoided if operators are allowed to use modern risk management principles to confirm or restore the MAOP of class change segments. This final rule achieves that objective by adopting an IM alternative

that operators can implement without resorting to unnecessary MAOP reductions, pressure testing, or pipeline replacements.

B. Origin of Class Location Requirements

In 1952, the American Society of Mechanical Engineers (ASME) released the American Standard Code for Gas Transmission and Distribution Piping Systems (B31.1.8–1952), the first industry safety standard specifically dedicated to gas transmission and distribution pipelines. In 1955, the second edition of that standard, B31.1.8–1955, introduced a new concept—using class locations to provide an additional margin of safety in the design, installation, and testing of

⁶ See 49 CFR 192.105. See also ASME, Code for Pressure Piping, B31.8, *Gas Transmission and Distribution Piping Systems*, § 805.2.3 (2018). This equation in full is: Design pressure = ((2 * Yield Strength * wall thickness) / outside diameter) * class design factor * longitudinal joint factor * temperature factor.

⁷ 49 CFR 192.619(a) (test requirements for establishing MAOP at time of installation, incorporating a class-location-based test factor

which lowers MAOP as the class location increases).

⁸ See 49 CFR 192.3 (defining MAOP), 192.619 (prescribing requirements for determining MAOP).

⁹ See, e.g., Reid T. Stewart, *Strength of Steel Tubes, Pipes, and Cylinders under Internal Fluid Pressure*, 34 J. Fluids Eng'g 312, 312–18 (1912); Barlow's Formula, Am. Piping Prods., <https://amerpipe.com/reference/charts-calculators/barlows-formula/> (last accessed June 18, 2025).

¹⁰ See, e.g., *Confirmation or Revision of Maximum Allowable Operating Pressure; Alternative Method*, 54 FR 24173, 24173–74 (June 6, 1989) (“Section 192.611 requires that, when the class location (population density) of a pipeline segment increases, the maximum allowable operating pressure (MAOP) must be confirmed or revised to be compatible with the existing class location.”).

gas transmission and distribution pipelines.¹¹

B31.1.8–1955 directed operators to use two population density indices to classify the initial location of gas transmission and distribution lines at the time of construction.¹² The first population density index, applicable to one-mile lengths of the pipeline, required operators to count the number of buildings intended for human occupancy within a half-mile-wide zone that ran along those lengths. The second population density index, applicable to 10-mile lengths of the pipeline, directed operators to add the one-mile lengths together into 10-mile sections and divide the sum by 10.

B31.1.8–1955 provided four class locations that could be assigned based on the results of the one-mile and 10-mile population density indices. The least populated areas, known as Class 1 locations, included “waste lands, deserts, rugged mountains, grazing land, and farm land” with a 10-mile population density index of 12 or less and a one-mile population density index of 20 or less. Class 2 locations included “areas where the degree of development [was] intermediate,” such as “[f]ringe areas around cities and towns, and farm or industrial areas,” with a 10-mile index of 12 or more and a one-mile index of 20 or more. Class 3 locations included “areas subdivided for residential or commercial purposes where, at the time of construction of the pipeline or piping system, 10 percent or more of the lots abutting on the street or right-of-way in which the pipe is to be located are built upon.” Class 4 locations included “areas where multistory buildings” with four or more floors aboveground were “prevalent, and where traffic [was] heavy or dense and where there may be numerous other utilities underground.”¹³

To account for the additional risk to public safety, B31.1.8–1955 directed operators to consider the class location at the time of construction in determining the design pressure of the pipeline. Operators had to use a prescribed formula in making design

pressure determinations, and that formula accounted for the SMYS, nominal outside diameter, nominal wall thickness, construction type design factor, longitudinal joint factor, and temperature derating factor for the pipe.¹⁴ The construction type design factors used in the design pressure formula—0.72, 0.60, 0.50, and 0.40—were inversely proportional to the class location, which had the effect of lowering the MAOP of the pipeline as the population density increased. B31.1.8–1955 also directed operators to consider class location in testing the pipeline at the time of installation, generally requiring a progressively higher minimum test pressure to be achieved as the population density increased.¹⁵ ASME retained these provisions in subsequently published editions of that standard, which became known as B31.8.¹⁶

In 1968, ASME published an updated edition of the B31.8 that contained a new provision for addressing class location changes. The provision directed operators to conduct a study if an increase in the population density indicated that the class location of a pipeline had changed since the original installation. Depending on the results of that study, the provision directed operators to confirm or to revise the MAOP of the pipeline, either by relying on a prior pressure test, by reducing the MAOP, or by conducting a new pressure test. An operator could also maintain the current MAOP by replacing the pipe in the affected segment to provide the necessary design and test pressure.¹⁷

In 1970, PHMSA incorporated the class location concept in adopting the original version of the Federal Gas Pipeline Safety Regulations in part 192.¹⁸ But instead of requiring operators to use the one-mile and 10-mile population density indices as in B31.8, PHMSA required operators to count the number of buildings intended for human occupancy in a “class location unit,” defined as an area extending 220 yards on either side of the centerline of any continuous one-mile length of pipeline.¹⁹ In other words, PHMSA

narrowed the width of the zone to be considered in making class location determinations and replaced the one-mile and 10-mile population density indices with a continuous, or sliding, mile approach.

PHMSA also used different criteria in defining the four class locations that could be assigned to each class location unit. PHMSA defined a Class 1 location as any class location unit that has “10 or less buildings intended for human occupancy,” and a Class 2 location as any class location unit that has “more than 10 but less than 46 buildings intended for human occupancy.” PHMSA defined a Class 3 location as any class location unit that has “46 or more buildings intended for human occupancy,” as well as an area where the pipeline lies within 100 yards of a “building that is occupied by 20 or more persons during normal use” or a “small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.” PHMSA defined a Class 4 location as any class location unit “where buildings with four or more stories above ground are prevalent.”²⁰

Like B31.8, PHMSA required operators to follow more stringent construction and initial testing practices as the class location increased. The design and test pressure factors used in determining the MAOP of a pipeline had the same inversely proportional relationship to the class location, resulting in a lower MAOP for segments in more populated areas. PHMSA also went beyond B31.8 in requiring operators to consider class location in determining O&M requirements that applied after a pipeline went into service. As a result, class locations played a much greater role in determining the standards applicable to a pipeline under part 192 than had been the case under the comparable provisions in B31.8.

Of particular significance here, PHMSA included requirements in the 1970 regulations for confirming or revising the MAOP of a segment that experienced a change in class location after installation. Operators had to perform a study “[w]henever an increase in population density indicates a change in class location for a segment of an existing steel pipeline operating at hoop stress that is more than 40 percent

¹¹ Michael Rosenfeld & Rick Gailing, *Pressure Testing and Recordkeeping: Reconciling Historic Pipeline Practices with New Requirements*, at 2–3, 8–9 (Feb. 2013), available at: <https://www.applus.com/dam/Energy-and-Industry/GLOBAL/userfiles/file/Pressure-Testing-and-Recordkeeping-Reconciling-Historic-Pipeline-Practic.pdf>.

¹² ASA B31.1.8–1955, § 841.001(a)–(c).

¹³ ASA B31.1.8–1955, §§ 841.011, 841.012, 841.013, 841.014. For ease of reading and public accessibility, in this document a string of cited material may be cited by a footnote in the final sentence of the paragraph addressing all material from that source.

¹⁴ ASA B31.1.8–1955, § 841.1, tbl. 841.11.

¹⁵ ASA B31.1.8–1955, tbl. 841.412(d).

¹⁶ E.g., ASA B31.8–1958; ASA B31.8–1963; USAS B31.8–1967.

¹⁷ USAS B31.8–1968, § 850.4.

¹⁸ See *Minimum Standards*, 35 FR 13248. See also Natural Gas Pipeline Safety Act of 1968, Pub. L. 90–481, 82 Stat. 720 (Aug. 12, 1968) (authorizing PHMSA to prescribe and enforce minimum Federal safety standards for gas pipeline facilities and persons engaged in the transportation of gas). PHMSA discussed the full history of class locations in the notice of proposed rulemaking, 85 FR 65142, 65145–52 (proposed Oct. 14, 2020) (NPRM).

¹⁹ *Minimum Standards*, 35 FR at 13251, 13258.

²⁰ *Minimum Standards*, 35 FR at 13259 (codifying § 192.5). For additional information about the treatment of Class 3 locations, see PHMSA, PI–81–001, Letter of Interpretation (Jan. 13, 1981), available at: <https://www.phmsa.dot.gov/regulations/title49/interp/pi-81-001>.

of SMYS, or indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a segment of existing pipeline is not commensurate with the present class location.”²¹ After completing that study, operators had to take certain actions to confirm or to revise the MAOP of the segment to align with the new class location. Those actions included reducing the MAOP, relying on a previous pressure test, conducting a new pressure test, or replacing the pipe.²² In addition, to ensure that pipelines installed prior to the adoption of the part 192 regulations had an MAOP commensurate with the current location, PHMSA required operators to complete an initial study and, if necessary, to take action to confirm or to revise the MAOP of existing segments by certain deadlines.²³ The framework established in the original part 192 regulations for addressing class location changes has remained largely unchanged.²⁴

C. Integrity Management Program Requirements

In 2003, PHMSA issued a final rule establishing new IM program requirements for gas transmission lines (2003 Gas IM Rule). The 2003 Gas IM Rule required operators to apply modern risk management principles to ensure the integrity of pipeline segments located in high consequence areas (HCAs), *i.e.*, areas where an incident could cause more harm to people and property, such as Class 3 and Class 4 locations, areas containing facilities that house individuals who are confined, mobility impaired, or hard to evacuate, or places where people gather

for recreational or other purposes.²⁵ The ability to use inline inspection (ILI) tools to conduct integrity assessments of covered segments was a core feature of the 2003 Gas IM Rule.

By way of background, the use of ILI tools as an internal inspection technology for pipelines dates to the 1960s.²⁶ Early generation ILI tools could only detect metal loss anomalies in the bottom quarter of a pipeline, and limitations in battery power capacity meant that inspections could extend for no more than 30 miles.²⁷ However, as the technology advanced, ILI tools became capable of detecting more anomalies and inspecting greater lengths of pipeline. Modern ILI technology allows multiple types of tools to be attached together, permitting detection of different threats at once. Modern ILI tools are also equipped with improved sensor technology, enabling detection of a wider range of defects with greater accuracy. These advances have increased both the probability of detection and probability of identification of pipeline anomalies—commercially available ILI tools today can detect pipe body crack sizing with 90 percent certainty to 1 millimeter via an Electromagnetic Acoustic Transducer (EMAT) tool, and corrosion depth sizing with 80 percent certainty to 0.1 times the wall thickness via axial Magnetic Flux Leakage (MFL–A) tools.²⁸

Dramatic improvements in ILI technology have occurred in the 20 years since the adoption of the 2003 Gas IM Rule, facilitated, in part, by PHMSA’s other technology notification process that allows operators to deploy more modern tools for conducting

integrity assessments.²⁹ Tool manufacturers and operators have incorporated the experience gained by deploying ILI—which operators have expanded to a greater number of pipelines—to advance their ability to detect and model increasingly complex defect types.³⁰ Innovation in data processing and machine learning algorithms have enabled real-time analysis and improved interpretation of complex signals and deformation shapes, expediting decision-making.³¹ Models can now overlay multiple data inputs involving different threats to provide a clearer understanding of the pipeline and greater knowledge about each possible anomaly. Compared with historical assessment practices like hydrostatic testing and direct assessment, modern ILI tools discover and identify more anomalies, offering greater proactive remediation.³²

PHMSA has updated the IM regulations in Subpart O to capitalize on the recent advances in ILI technology. In 2022, PHMSA completed a multi-year process of strengthening its IM regulations to address congressional mandates and National Transportation Safety Board (NTSB) recommendations issued in response to a significant gas transmission line incident that occurred in San Bruno, California, in 2011.³³ The

²¹ *Minimum Standards*, 35 FR at 13272 (codifying § 192.609).

²² PHMSA originally required these actions to be completed within one year of the date of the class location change, but subsequently extended that deadline to two years. See *Extension of Time for Confirmation or Revision of Maximum Allowable Operating Pressure*, 36 FR 18194 (Sept. 10, 1971) (extending period to 18 months); *Pipeline Safety: Periodic Updates to Pipeline Safety Regulations* (2001), 69 FR 32886, 32890 (June 14, 2004) (extending period to 2 years).

²³ *Minimum Standards*, 35 FR at 13272 (codifying original version of § 192.607); *Regulatory Review; Gas Pipeline Safety Standards*, 61 FR 28770, 28785 (June 6, 1996) (repealing original version § 192.607 as obsolete).

²⁴ Slight modification extended the time to complete MAOP confirmation to two years, see *supra* note 23, repealing the class location study for pre-part 192 pipelines when that had completed, see *supra* note 24, and the specific test pressure, see *Confirmation or Revision of Maximum Allowable Operating Pressure; Alternative Method*, 54 FR 24173 (June 6, 1989) (allowing the MAOP to be confirmed or revised based on a past pressure test, with test pressure tied to class location, rather than requiring a test pressure to at least 90 percent SMYS).

²⁵ *Pipeline Safety: Pipeline Integrity Management in High Consequence Areas*, 68 FR 69778 (Dec. 15, 2003) (2003 Gas IM Rule); see *Pipeline Safety Improvement Act of 2002*, 49 U.S.C. 60109.

²⁶ See T.D. Williamson, Comments, Docket ID PHMSA–2017–0151–0024, at 1 (Sept. 29, 2018).

²⁷ See INGAA, Fact Sheet, *Response to NTSB Recommendation: Historic and Future Development of Advanced In-line Inspection (ILI) Platforms for Natural Gas Transmission Pipelines* (April 2012), available at: <https://ingaa.org/wp-content/uploads/2013/01/19697.pdf>; Anand Gupta & Anirbid Sircar, *Introduction to Pigging & a Case Study on Pigging of an Onshore Crude Oil Trunkline*, V Int’l J. Latest Tech in Eng’g, Mgmt. & Applied Sci. at 21 (Feb. 2016), available at: https://www.researchgate.net/publication/307583466_Introduction_to_Pigging_a_Case_Study_on_Pigging_of_an_Onshore_Crude_Oil_Trunkline.

²⁸ See, e.g., Rosen Swiss AG, *RoCorr MFL–A Service: In-line Ultra-High-Resolution Metal Loss Detection and Sizing* (2024), available at: <https://contenthub.rosen-group.com/api/public/content/729e05931aca4953ac0a47dbdf2c6566?v=f9378e13>; Rosen Swiss AG, *RoCD EMAT–C Service: In-line High-Resolution Detection and Sizing of Axial Cracks* (2024), available at: <https://contenthub.rosen-group.com/api/public/content/7e9f40578f924917a4403fa7fc5ba41e?v=0071d845>.

²⁹ See Rosen USA, Comments, Docket ID PHMSA–2017–0151–0025, at 1 (Sept. 28, 2018). See also The Williams Companies, Inc. (Williams), Comments, Docket ID PHMSA–2024–0005–0421 at 3, 5 (Aug. 27, 2024) (noting how study and application between industry and PHMSA “drives the vendors to constantly improve and refine their tools,” and today “[o]perators . . . who regularly deploy this [ILI] technology across its enterprise of pipeline systems[] can assess risk with a level of detail and certainty that was not available 10 years ago”).

³⁰ Just since 2012, operators have expanded the number of pipelines able to accommodate ILI from 60 percent to 74 percent of all gas transmission mileage in 2024. See PHMSA, *Annual Reports*. That number is likely to continue to increase in part as a result of continued PHMSA regulation driving inspection of these gas transmission pipelines. See Alisdair Blackley et. al., Argus, *Pigging Previously Unpigable Pipelines*, Pipeline Pigging and Integrity Management Conference (Feb. 12–16, 2024), available at: <https://www.argusinnovates.com/public/download/files/244219>.

³¹ See Rosen, Comments, Docket ID PHMSA–2011–0151–0025, at 1; T.D. Williamson, Comments, Docket ID PHMSA–2017–0151–0024, at 2.

³² See NTSB, SS–15–01, *Integrity Management of Gas Transmission Pipelines in High Consequence Areas* at 58 (Jan 27, 2015), available at: <https://www.nts.gov/safety/safety-studies/documents/ss1501.pdf> (finding 663 repairs per 1,000 miles assessed for ILI, compared to 264 for direct assessment, 35 for pressure tests, and 26 for other assessment techniques). See also Williams, Docket ID PHMSA–2024–0005–0421 at 5 (noting how “the data provided by the current generation of [ILI] tools gives [an operator] certainty and clarity around the risk assessment decisions . . . regarding potential threats”).

³³ *Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements*,

enhancements to the IM regulations included new assessment procedures for ILI tools and updated requirements for the detection and remediation of anomalies. PHMSA's 2019 and 2022 Safety of Gas Transmission Rules also established a companion assessment and response schedule for other Class 3 and 4 pipelines.³⁴ These changes have created a comprehensive, risk-based scheme for pipeline anomaly detection and remediation, driven in large part by continuing improvements in ILI technology.

D. Class Location Special Permits

PHMSA's experience administering a comprehensive class location special permit program demonstrates that IM principles can be used safely to confirm or to restore the MAOP of pipeline segments in Class 3 locations. When issuing the original IM program requirements for gas transmission lines in 2003, PHMSA acknowledged that "[e]xperience may lead to future changes in the [regulatory] requirements," and that the waiver, or "special permit," process authorized by 49 U.S.C. 60118 and codified in 49 CFR 190.341 could be used to review segments changing class location for suitability to leverage IM principles in place of pipe replacement.³⁵ Specifically, PHMSA stated that: [a] benefit to be realized from implementing this rule is reduced cost to the pipeline industry for assuring safety in areas along pipelines with relatively more population. The improved knowledge of pipeline integrity that will result from implementing this rule will provide a technical basis for providing relief to operators from current requirements to reduce operating stresses in pipelines when population near them increases. Regulations currently require that pipelines with higher local population density operate at lower pressures. This is intended to provide an extra safety margin in those areas. Operators typically replace pipeline when population increases, because reducing pressure to reduce stresses reduces the

ability of the pipeline to carry gas. Areas with population growth typically require more, not less, gas. Replacing pipeline, however, is very costly. Providing safety assurance in another manner, such as by implementing this [integrity management] rule, could allow [the Agency] to waive some pipe replacement. [The Agency] estimates that such waivers could result in a reduction in costs to industry of \$1 billion over the next 20 years, with no reduction in public safety.³⁶

While special permits are considered on a case-by-case basis, PHMSA developed certain threshold requirements for segments to be considered as candidates for a special permit.³⁷ As explained in the 2004 notice articulating those threshold requirements, PHMSA would only consider pipeline segments that operate below 72 percent of SMYS for a Class 3 location; underwent an eight-hour hydrostatic test to at least 1.25 times the MAOP; and did not have bare pipe, wrinkle bends, or significant anomalies. Older pipe and specific seam types would require further justification. PHMSA also explained that operators would be required to apply their IM program and assess the segment using ILI techniques for a distance upstream and downstream.

PHMSA has issued 46 class location special permits since 2004. Thirty-six are active. Each special permit application undergoes individual review by PHMSA, is subject to public notice and comment, includes operational conditions if issued, and must be renewed after 10 years. There has never been a leak or rupture reported on a segment managed by a class location special permit. PHMSA has denied approximately half of the requests submitted, generally for having unsuitable pipe characteristics based on design and operating parameters. Having spent the past twenty years reviewing data, detail, and pipe characteristics in administering the class location special permit program, PHMSA is confident that IM principles can be used to confirm or restore the

MAOP of Class 1 to Class 3 and Class 2 to Class 3 change segments.³⁸

III. Summary of the NPRM

On July 31, 2018, PHMSA published an advance notice of proposed rulemaking (ANPRM) seeking public comment on whether to amend the requirements in part 192 for addressing class location changes.³⁹ PHMSA received 24 comments from a variety of stakeholders in response to the ANPRM, including operators such as Kinder Morgan, Inc. and the Williams Companies (Williams), the Pipeline Safety Trust (PST), the National Association of Pipeline Safety Representatives (NAPSR), the GPA Midstream Association, individual engineers and citizens, and a joint comment by the American Gas Association, American Petroleum Institute, American Public Gas Association, and Interstate Natural Gas Association of America. Many of the commenters reiterated concerns that had been raised in earlier proceedings, particularly from the industry perspective.⁴⁰ PHMSA also received a similar submission from 4,831 commenters recommending that current class location change requirements "remain in place pending further review through proposed rulemaking protocols" and to consider recommendations of the NTSB in light of prominent gas pipeline safety incidents.⁴¹

After considering these comments, PHMSA issued a notice of proposed rulemaking (NPRM) on October 14, 2020.⁴² The NPRM proposed to add an IM alternative for confirming the MAOP of certain class change segments. The NPRM reflected the extensive back and forth on the topic that had occurred between PHMSA, Congress, the public, and the regulated community over the previous years.⁴³

³⁸ PHMSA has never issued a special permit to waive the class location requirements for a pipeline segment in a Class 4 location.

³⁹ *Pipeline Safety: Class Location Change Requirements*, 83 FR 36861 (July 31, 2018) (ANPRM).

⁴⁰ This included feedback from a Notice of Inquiry in 2013, *Class Location Requirements*, 78 FR 46560 (Aug. 1, 2013); public meetings in 2014; comments on the gas transmission NPRM in 2016; and comments to a DOT notice of regulatory review in 2017, *Notification of Regulatory Review*, 82 FR 45750 (Oct. 2, 2017).

⁴¹ Comments, Docket ID PHMSA-2017-0151-0028 (Sept. 25, 2018). These NTSB recommendations were addressed in the 2019 Safety of Gas Transmission Rule. See 84 FR at 52189.

⁴² NPRM, 85 FR 65142.

⁴³ See, e.g., *supra* note 40; PHMSA, *Report to Congress: Evaluation of Expanding Pipeline Integrity Management beyond High-Consequence*

Cathodic Protection, Management of Change, and Other Related Amendments, 87 FR 52224 (Aug. 24, 2022) (2022 Safety of Gas Transmission Rule); *Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments*, 84 FR 52180 (Oct. 1, 2019) (2019 Safety of Gas Transmission Rule).

³⁴ For these non-high consequence segments, the assessment is every 10 years and scheduled repair is designated to occur within 2 years of detection, highlighting the different safety factor found in high consequence areas. See 49 CFR 192.710(b)(2); 192.714(d)(2).

³⁵ 2003 Gas IM Rule, 68 FR at 69782.

³⁶ 2003 Gas IM Rule, 68 FR at 69812. See also Final Regulatory Evaluation, 2003 Gas IM Rule, Docket ID PHMSA-RSPA-2000-7666-0356 (Dec. 2023).

³⁷ *Pipeline Safety: Development of Class Location Change Waiver Criteria*, 69 FR 38948 (June 29, 2004); PHMSA, *Criteria for Considering Class Location Waiver Requests* (June 30, 2024), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/class-location-special-permits/64091/classchangewaivercriteria.pdf> (PHMSA, 2004 Special Permit Criteria).

PHMSA proposed a set of operating parameters and eligibility criteria in the NPRM for using an IM alternative. The segment would have to be changing from a Class 1 to a Class 3 location, be operating below a hoop stress corresponding to 72 percent SMYS, and be capable of assessment using ILI tools. Pipe with certain additional characteristics would be ineligible: bare pipe; pipe with wrinkle bends; pipe lacking traceable, verifiable, and complete material records; pipe without traceable, verifiable, and complete records of a pressure test to 1.25 times MAOP for at least eight hours; where the longitudinal seam had been formed by certain more vulnerable methods; poor external coating; pipe transporting gas not suitable for sale; pipelines with grandfathered MAOPs under § 192.619(c) or an alternative MAOP under § 192.619(d); or where the segment previously had a special permit denied. Many kinds of cracking found in or within five miles of the segment, or past experience of a leak or rupture due to cracking, would make a pipeline ineligible; cracking that may develop could subsequently remove a segment from eligibility. The NPRM proposed to also exclude pipe moving into Class 4 locations which are the areas of highest population density.

PHMSA further proposed that pipe coming into the program would need to follow the IM program in Subpart O and be assessed within 24 months of the change in class location by ILI tools validated to Level 3 under API Standard 1163.⁴⁴ Along with a reassessment interval of at least every seven years, the NPRM included a detailed anomaly response schedule for repairs needed based on the results of these assessments. The proposal included several other preventive and mitigative measures as well, such as requirements to perform close interval surveys, install a cathodic protection test station, install line markers, perform interference surveys, have adequate depth of cover, perform patrols and leak surveys at more frequent intervals, and clear shorted casings. Operators would also have to notify PHMSA of a new segment using this method, install remote-control or automatic shutoff valves, and

examine pipe when otherwise excavated or uncovered.

A 60-day public comment period followed publication of the NPRM. PHMSA received 14 initial comments from a variety of stakeholders, including pipeline industry trade associations, members of NAPS, the NTSB, public advocacy groups such as the PST and Accufacts Inc. (Accufacts), and operators including TC Energy Corporation (TC Energy). The pipeline trade associations submitted a joint comment from the American Gas Association, American Petroleum Institute, American Public Gas Association, GPA Midstream Association, Interstate Natural Gas Association of America, and NACE International Institute (collectively, the “Associations”). Several other operators, including NiSource, Southwest Gas, and Paiute Pipeline Company, submitted comments supporting the Associations’ comment. Commenters across the spectrum supported expanding a strong IM option to manage class location changes. Industry representatives noted the efficiencies it would provide without a drop in safety, while public advocates appreciated how the proposal balanced eligible pipe, the IM requirements, and other supplemental program requirements.

PHMSA held a public meeting of the Gas Pipeline Advisory Committee (GPAC) on March 27 to 29, 2024, to review the NPRM and supporting analyses.⁴⁵ The meeting afforded time for additional public comments and discussion by members of the committee. Pursuant to 49 U.S.C. 60115, the GPAC assessed the technical feasibility, reasonableness, cost-effectiveness, and practicability of the standard proposed in the NPRM. The transcripts and the vote slides constitute the GPAC report for this rulemaking under 49 U.S.C. 60115; PHMSA acknowledged receipt of this report and responded.⁴⁶

PHMSA provided an additional 150-day period for written public comment following the GPAC meeting.⁴⁷ PHMSA

received 10 additional comments during that period from the Associations, the PST, individual operators including Enbridge and Williams, several members of the general public, as well as two then-members of the Committee, Andy Drake and Chad Zamarin, acting in their individual capacity.

PHMSA considered all comments submitted in response to the NPRM in developing this final rule, including the initial written comments, the oral comments provided at the GPAC meeting, and the written comments filed after the GPAC meeting. Public comments to the NPRM are available on the docket for this rulemaking, PHMSA–2017–0151, while comments in response to the GPAC are available on the docket PHMSA–2024–0005. Both are accessible through *regulations.gov*.

IV. Discussion of the Final Rule and Analysis of Comments

The following subsections summarize the proposals in the NPRM, the relevant issues raised by the commenters, and the discussions and recommendations of the GPAC. Subsections conclude by providing PHMSA’s responses as developed in preparing and issuing the final rule.

A. General

1. Summary of Proposal

The NPRM proposed to allow operators to use an IM alternative to confirm the MAOP of certain segments that experience class location changes. Modeled on PHMSA’s class location special permit program, the proposed IM alternative included a list of eligibility criteria and required compliance with an ongoing program of IM and supplemental O&M requirements.

2. Comments Received

The Associations supported the IM alternative, stating that the objective of class locations to ensure an appropriate safety margin when population growth occurs around an existing pipeline “can now be accomplished using modern integrity management programs, which are a more effective, efficient, environmentally sound and less disruptive means of managing pipeline safety.”⁴⁸ The Associations suggested that the IM alternative in general will improve safety, is more cost effective, will reduce emissions, and reduce community impacts. Mr. Drake commented that the historical approach for addressing class changes is outdated and inefficient, observing that the

Areas and Whether Such Expansion Would Mitigate the Need for Gas Pipeline Class Location Requirements (June 6, 2016), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/55521/report-congress-evaluation-expanding-pipeline-imp-hcas-full.pdf>.

⁴⁴ Am. Petroleum Inst. (API), API Standard 1163, *In-line Inspection Systems Qualification* (2nd Ed. 2013).

⁴⁵ See GPAC, *Minutes for GPAC March 2024 Meeting*, Docket ID PHMSA–2024–0005–0408; GPAC, *Voting Slides*, Docket ID PHMSA–2017–0151–0068. The transcript for each day is available via docket number PHMSA–2024–0005 accessible through *regulations.gov*. GPAC members also reviewed comments received on the NPRM.

⁴⁶ PHMSA, *Response to the GPAC’s Report on the ‘Class Location Change Requirements’ Proposed Rule*, Docket ID PHMSA–2024–0005–0424 (Dec. 11, 2024).

⁴⁷ *Meeting Notice*, 89 FR 26118 (Apr. 15, 2024). PHMSA extended the period for submitting written comments after the GPAC meeting to 150 days at the request of several industry associations.

⁴⁸ Associations, Comments, Docket ID PHMSA–2017–0151–0061 at 4 (Dec. 14, 2020).

approach fails to account for the diameter, strength, and operating pressure of a pipeline, and for recent advancements in threat detection and assessment technology.⁴⁹

Williams, which operates approximately one third of the Nation's natural gas transmission and gathering infrastructure, commended the regulatory flexibility provided by the IM alternative, noting that technological and methodological improvements allow operators to “assess risk with a level of detail and certainty that was not available 10 years ago.”⁵⁰ The proposed rule, Williams commented, would allow operators to benefit from these advancements in technology and improvements to IM in Subpart O through the 2022 Safety of Gas Transmission Rule and increase pipeline safety nationwide. Several private citizens similarly supported the proposal, noting that the IM alternative “offers solutions and incentives to improve” pipeline systems and provides benefits to consumers, as reductions in MAOP from population increases near pipelines would likely result in less reliable gas distribution.⁵¹

Members of NAPS, an organization comprised of PHMSA's State pipeline safety partners, were divided on the proposal. Several members expressed support for the NPRM if each of the proposed requirements were accepted, noting that “it appears that adequate safeguards are in place to ensure safety is not compromised.”⁵² On the other hand, several NAPS members were concerned about relaxing class-based design requirements and using IM to manage class location changes based on their experience observing operators “poor management and decision making in implementing [IM] requirements,” pointing to the 2010 Marshall, Michigan incident.⁵³ Some of these NAPS members feared that PHMSA would be sacrificing pipeline safety by adopting the proposed rule, stating that the issues of managing and implementing the IM alternative would be less reliable and effective than the design measures that would be replaced. Accufacts noted that though it had anticipated the implementation of IM would reduce the number of pipeline ruptures, several ruptures on pipelines operating at pressure below MAOP well before the

times predicted by operators engineering assessments under IM had undercut that assumption. Accufacts stated that the number of ruptures occurring shortly after IM tool runs is creating a “credibility gap” with the public that will only be compounded if IM effectiveness continues to be “oversold and misrepresented as to its capability.”⁵⁴ But, Accufacts found that the proposal addressed these concerns by an articulated response schedule for eligible segments.⁵⁵

While the PST was “not convinced of the necessity of this rule, given the existing options for operators to manage their class location changes,” it appreciated the seriousness of PHMSA's proposal. The PST agreed that PHMSA's limitation on eligibility, plus O&M requirements added to the IM requirements, increased the likelihood that the rule will not decrease safety. However, the PST preferred the status quo of class location design requirements, plus special permits on a case-by-case basis, as a “safety backstop. . . to reduce the risk of a failure resulting from shortcomings in an IM plan.”⁵⁶

NAPS members agreed that, as proposed, the requirements for managing a class change without an improvement in design standards should exceed the IM requirements.⁵⁷ The PST agreed that PHMSA's limitation on eligibility, plus O&M requirements added to the IM requirements, demonstrated a careful proposal to “maintain[] an equivalent level of safety” that is provided by the historical management options.⁵⁸ Accufacts supported the proposal as written with the additional prescriptive requirements beyond the then-current IM regulations, noting that the additional requirements would help offset the limitations of IM assessment methods. Accufacts noted how pipeline failures observed after operators perform IM tool runs justified excluding certain pipe from eligibility and “the need to include a combination of additional prescriptive requirements to address shortcomings in many company applications of their IM approaches defined in Subpart O,” as did the proposal.⁵⁹ In addition, Mr. Drake argued that PHMSA's final rule should incorporate the “standard of care based

on the latest technology for inspection, assessment, and repair criteria” established under the 2019 and 2022 Safety of Gas Transmission Rules.⁶⁰

An anonymous commenter viewed the GPAC recommendations for the rule (which are discussed in the ensuing sections) as “major changes” and suggested PHMSA “re-review the safety and integrity of changes proposed in the GPAC Voting Slides . . . and then re-notice the rule for public comment.”⁶¹ Another anonymous commenter suggested that an environmental, cost-benefit, and safety analysis on the overall effect of the GPAC recommendations to the public in the area around pipelines should be developed and publicly noticed.⁶²

Many commenters lauded PHMSA's class location special permit program and noted the similarities between that program and the proposed rule. Highlighting how PHMSA stated in the 2003 Gas IM Rule that experience and data from special permits using IM may lead to future regulatory changes in the class change requirements, the Associations offered that decades of experience demonstrate the effectiveness of IM for managing class location changes.⁶³ Mr. Drake noted the “excellent performance record” of pipelines in the special permit program—improving pipeline safety and reducing environmental impacts—demonstrating “the feasibility and effectiveness of IM as an alternative to class location change pipe replacements or pressure reductions.”⁶⁴

The NTSB expressed concern with drawing conclusions from the operating history of special permit segments, based on the small sample size and small percentage of Class 3 gas transmission mileage. The NTSB noted how special permits are “rigorous by design” and encouraged PHMSA to “consider how [to] provide the same level of scrutiny and attention to detail on the larger scale of locations impacted by this regulation.”⁶⁵

The PST expressed appreciation for the “hard look” PHMSA engages in when considering each special permit, noting that it allows PHMSA to impose prescriptive measures specific to an operator's past performance and the type of pipe and environment in which

⁴⁹ See Andy Drake, Comments, Docket ID PHMSA–2024–0005–0419 at 2 (Aug. 27, 2024).

⁵⁰ Williams, Comments, Docket ID PHMSA–2024–0005–0421 at 3 (Aug. 27, 2024).

⁵¹ Alina Rutherford, Comments, Docket ID PHMSA–2017–0151–0031 (Dec. 2, 2020).

⁵² NAPS, Comments, Docket ID PHMSA–2017–0151–0059 at 5 (Dec. 14, 2020).

⁵³ *Id.* at 2.

⁵⁴ See Accufacts, Comments, Docket ID PHMSA–2017–0151–0058 at 2 (Dec. 14, 2020).

⁵⁵ Docket ID PHMSA–2017–0151–0058 at 3–4.

⁵⁶ PST, Comments, Docket ID PHMSA–2017–0151–0063 at 2, 8 (Dec. 14, 2020).

⁵⁷ See Docket ID PHMSA–2017–0151–0059 at 2–3.

⁵⁸ Docket ID PHMSA–2017–0151–0063 at 8.

⁵⁹ Docket ID PHMSA–2017–0151–0058 at 2.

⁶⁰ Docket ID PHMSA–2024–0005–0419 at 2.

⁶¹ Anonymous, Comments, Docket ID PHMSA–2024–0005–0415 at 1 (Aug. 28, 2024).

⁶² Anonymous, Comments, Docket ID PHMSA–2024–0005–0422 at 1 (Aug. 28, 2024).

⁶³ See Docket ID PHMSA–2017–0151–0061 at 5–8.

⁶⁴ Docket ID PHMSA–2024–0005–0419 at 2.

⁶⁵ NTSB, Comments, Docket ID PHMSA–2017–0151–0055 at 3–4 (Dec. 10, 2020).

the pipe is located. In addition, the PST stated that the data and documents required for special permit applications, including National Environmental Policy Act compliance, benefit the public by providing notice of the application, the location of the waivers, material characteristics about the pipeline, and ensures PHMSA has the opportunity to review the details of each application before acting on it.⁶⁶

While commending the record of special permits to date, the Associations raised several complications posed by the existing special permit process, including: the length of the review process, changing compliance conditions, an uncertain renewal process, and burdensome administrative work—all of which reduce operator participation. Codifying the IM alternative, the Associations argued, would provide more clarity, consistency, and alignment with other previously existing regulations.⁶⁷

Commenters also noted the significant benefits of authorizing the IM alternative. Williams argued that the proposal would provide an additional benefit of lowering emissions by “avoiding [blowdowns and] the unnecessary replacement of perfectly good pipe.”⁶⁸ The Associations likewise observed that “the environmental benefits of applying integrity management requirements instead of replacing. . . pipe are as compelling as the safety benefits,” estimating that class change pipe replacements under the former regulatory regime resulted in up to “800 million standard cubic feet of natural gas blowdown to the atmosphere each year,” which “could meet the [natural gas] needs of over 10,000 homes for a year.”⁶⁹

The Associations estimated that “gas transmission pipeline operators spend \$200–\$300 million annually to replace pipe solely to satisfy the [historical] class location change regulations.” Instead of being allocated to replacing less than 75 miles of pipe per year, the Associations argued that this capital investment could be reallocated to “assess over 25,000 miles [of pipe] with in-line inspection, install [ILI tool] launchers and receivers to enable over 5,000 miles of pipeline to be assessed with in-line inspection tools for the first time, or conduct over 4,000 anomaly evaluation digs.”⁷⁰ Focusing these

resources on segments changing class and expanding the 2019 and 2022 revisions to Subpart O IM regulations to greater pipeline mileage, Williams suggested, will increase safety in these class change segments, improve the IM program, and “reduc[e] risk across natural gas pipelines [throughout] the United States.”⁷¹

3. PHMSA Response

PHMSA appreciates the strong public engagement that occurred throughout the rulemaking process. The NTSB, public advocates, and industry groups each commended the success of the class location special permit program, which provides two decades of data and real-world experience implementing the IM alternative. That data and experience, when combined with the significant improvements to the IM program that have occurred in recent years, strongly support adopting the requirements in this final rule.

PHMSA and operators have gained valuable experience applying the IM alternative through the class location special permit program. That program has led to the development of eligibility criteria and special permit conditions that have a proven track record of ensuring the safety and reliability of gas transmission lines. Rather than continuing to require the use of the special permit process to provide relief from outdated and unduly burdensome requirements, the final rule adopts the relevant eligibility criteria and conditions by regulation. This allows operators and PHMSA to direct their limited resources toward performing other critical safety functions.

As discussed in more detail in the ensuing subsections, the IM alternative that PHMSA is adopting in this final rule sets forth a standardized set of requirements to safely manage class location changes without requiring unnecessary MAOP reductions, pipe replacements, or pressure tests. The key features of the IM alternative include:

- First, the final rule defines under eligibility those pipeline characteristics that can safely be managed by the program.
- Second, to use the program, an eligible class change segment must be designated as an HCA and incorporated into an operator’s IM program in Subpart O. The final rule also includes IM requirements for the baseline assessment, periodic reassessment, assessment methods, and remediation schedule specific to class change segments and their surrounding inspection area.

- Third, the final rule includes supplemental O&M measures based on historical special permit conditions.

- Fourth, the final rule requires maintaining an operating pressure no greater than the design factor corresponding to the original class location and retention of pipeline records. Any segment which experiences an in-service leak from the pipe itself cannot use the IM alternative.

Compliance with these requirements provides a margin of safety that meets or exceeds the historical approach for confirming the MAOP of segments that experience class location changes.

As multiple commenters favorably noted, the IM alternative proposed in the NPRM and adopted in this final rule retains the core elements of the successful class location special permit program. PHMSA agrees with commenters that each of these core elements is necessary to provide for the safety of the eligible Class 3 segments. PHMSA is incorporating the IM alternative directly into § 192.611 as a new paragraph (a)(4) instead of in an entirely new § 192.618 as proposed in the NPRM. For clarity, the program requirements are bifurcated into “one-time” programmatic requirements under § 192.611(a)(4)(i), which must be in place within a 24-month window, and “ongoing” programmatic requirements listed at § 192.611(a)(4)(ii) that must be carried out periodically. The requirements standardized in this final rule, based on years of success through the special permit program, no longer require the individual review of a special permit excepting regulatory requirements.

While several commenters expressed concerns with deficiencies or gaps identified in past incident investigations involving covered segments subject to Subpart O, PHMSA has taken significant actions to address those concerns in other recent rulemaking proceedings. As discussed in section II.C, PHMSA updated the Subpart O requirements in the 2022 Safety of Gas Transmission Rule in response to incidents that occurred after the original adoption of the IM program. PHMSA is confident in the strengthened IM framework that exists today, as were many participants at the GPAC and commenters following the meeting who encouraged PHMSA to incorporate those requirements into this rule.

Many of the requirements of the 2022 Safety of Gas Transmission Rule, such as the remediation criteria, were proposed in this NPRM and have historically been included in class location special permits. Those parts of the NPRM that have since been codified

⁶⁶ Docket ID PHMSA–2017–0151–0063 at 2.

⁶⁷ Docket ID PHMSA–2017–0151–0061 at 11.

⁶⁸ Docket ID PHMSA–2024–0005–0421 at 3.

⁶⁹ Docket ID PHMSA–2017–0151–0061 at 10–11.

⁷⁰ *Id.* at 5. The Associations note that this mileage figure equates to a replacement of less than 0.05 percent of the gas transmission pipeline network.

⁷¹ Docket ID PHMSA–2024–0005–0421 at 2.

into Subpart O no longer need duplication in this final rule and are included in the IM alternative by cross-reference to Subpart O, as was recommended by commenters and during the GPAC meeting. This streamlines and clarifies the IM alternative without substantive change. By incorporating the amendments from the 2022 Safety of Gas Transmission Rule into the IM alternative, PHMSA is responding to the concerns expressed by some commenters about incidents that occurred in the early stages of the IM program. PHMSA is also aligning the IM alternative with the conditions developed during the class location special program, as recommended by the commenters.

PHMSA reiterates its appreciation for the input received throughout the rulemaking process, particularly the comments submitted in response to the ANRPM, the NPRM, and the GPAC's report. These comments have allowed PHMSA to develop a final rule that embodies the views of multiple stakeholders and is supported by a well-developed administrative record.

B. Definitions

1. Summary of Proposal

The NPRM proposed to add definitions for three new terms in § 192.3. First, the NPRM proposed to define the precise segment changing class as the "Class 1 to Class 3 location segment." Second, the NPRM proposed to define the span of the pipeline from the nearest upstream ILI launcher and downstream ILI receiver containing the class change segment as the "in-line inspection segment." That definition was proposed to align with the phrase "special permit inspection area" as used in the class location special permit program. Third, the NPRM proposed to define the term "predicted failure pressure" as used in the Federal Pipeline Safety Regulations for many years.

2. Comments Received

Several commenters found using the term "Class 1 to Class 3 segment" to be confusing and restrictive, and sought a simpler definitional term. Further substantive comments regarding this term are expanded on in section IV.C.ii. Editorially, the Gas Piping Technology Committee (GPTC) stated that the inclusion of the word "and" between the numbered list within the "Class 1 to Class 3 location segment" could imply that if an operator does not confirm or revise a pipeline segment's MAOP in accordance with § 192.611(a)(4), the operator does not come into the IM

alternative program and therefore cannot be eligible.⁷² Oleksa and Associates suggested that the proposed changes to § 192.903 were "circular and confusing," and that they seemed to imply that "an operator might not designate a Class 1 to Class 3 location segment as [an HCA] and that there might be some Class 1 to Class 3 location segments that are not [HCAs]." ⁷³ They requested PHMSA clarify and provided editorial suggestions for doing so.

Regarding the proposed definition of "in-line inspection segment," multiple commenters, including NAPSAR, Sander Resources, and GPTC, recommended focusing on the IM alternative program only, since many operators already use that term to refer to any section of a pipeline between ILI launchers and receivers. In addition, commenters were concerned that the term could be misapplied or cause confusion because applicable segments may or may not contain segments using the IM alternative option.⁷⁴ Further, Sander Resources stated that PHMSA used the word "adjacent" within the proposed definition of "in-line inspection segment" without guidance to what that word means. It noted that the historical 25-mile distance PHMSA references in the NPRM is "significant and appears to be arbitrary without further direction" and requested PHMSA clarify that operators need not assume "large segments of pipe are subject to the review and [MAOP reestablishment] process" but can instead establish and justify their own area of review as appropriate.⁷⁵

Regarding the proposed definition of "predicted failure pressure," NAPSAR and GPTC recommended that PHMSA consider adding the phrase "as determined by the procedures in ASME/ANSI B31G or PRCI PR-3-805 (as incorporated by reference in § 192.7)." Each suggested that this addition would be consistent with similar language used in §§ 192.485 and 192.933(a) and would "provide the same limitations as currently found in [the] code."⁷⁶ NAPSAR members also recommended changing the term "appropriate engineering evaluation" to "acceptable engineering evaluation," which, they

argued, might provide "a stronger basis from which to argue potentially subjective engineering evaluations."⁷⁷ The Associations suggested a minor change to the proposed definition clarifying that the safety factor is "added," rather than "included."⁷⁸ Oleksa and Associates requested PHMSA clarify the definition to indicate that it "applies only to failure by rupture" by modifying it such "that it would not apply to low-pressure, low-stress steel transmission lines" and limit its application "to steel pipelines operating at pressures above 20 percent SMYS."⁷⁹

3. PHMSA Response

PHMSA has made clarifying edits to the definitions as suggested by commenters to simplify application of the IM alternative. This final rule does not finalize a definition of "predicted failure pressure" as proposed in the NPRM. PHMSA adopted new anomaly assessment and remediation criteria that use the predicted failure pressure concept in a final rule issued after publication of the NPRM and is not modifying those requirements in this proceeding. PHMSA concludes that the new anomaly assessment and remediation criteria render the proposed definition of predicted failure pressure definition unnecessary, and that the term has been consistently used in the regulations for many years without need for additional clarity.

This final rule adopts the term "eligible Class 3 segment" to define the specific segments changing class using this IM alternative option. This replaces the proposed term "Class 1 to Class 3 location segment," which numerous commenters noted was unnecessary lengthy and confusing, and resolves other editorial comments by GPTC and Oleksa and Associates. This final rule explicitly includes the eligible Class 3 segment in the definition of an HCA at § 192.903. PHMSA has also included several eligibility factors into this definition as discussed in section IV.C.

This final rule adopts the term "eligible Class 3 inspection area" to define the eligible Class 3 segment and the portion of pipeline extending to the nearest upstream ILI launcher and downstream ILI receiver. This term includes the eligible Class 3 segment and the surrounding ILI inspection area. While conceptually equivalent to what PHMSA proposed as an "in-line inspection area" and the "special permit inspection area" in class location

⁷² See GPTC, Comments, Docket ID PHMSA-2017-0151-0065 at 3 (Dec. 14, 2020).

⁷³ Oleksa and Associates, Docket ID PHMSA-2017-0151-0067 at 1 (Dec. 9, 2020).

⁷⁴ See, e.g., GPTC, Docket ID PHMSA-2017-0151-0065 at 3-4; Sander Resources, Comments, Docket ID PHMSA-2017-0151-0064 at 3 (Dec. 14, 2020); NAPSAR, Docket ID PHMSA-2017-0151-0059 at 4.

⁷⁵ Docket ID PHMSA-2017-0151-0064 at 3.

⁷⁶ NAPSAR, Docket ID PHMSA-2017-0151-0059 at 4; GPTC, Docket ID PHMSA-2017-0151-0065 at 4.

⁷⁷ Docket ID PHMSA-2017-0151-0059 at 4.

⁷⁸ Docket ID PHMSA-2017-0151-0061 at 32.

⁷⁹ Docket ID PHMSA-2017-0151-0067 at 1.

change special permits, this language avoids conflict with the oft used term “in-line inspection,” as commenters requested. Clearly defining the term also addresses concerns raised by Sander Resources regarding potential confusion with how pipelines outside of the class change area were handled in historical special permits. While the eligible Class 3 inspection area is not itself defined as an HCA under § 192.903, it is subject to certain IM requirements as specified in § 192.611(a)(4). These requirements are described in greater detail in section IV.D of this final rule.

The definitions of “eligible Class 3 segment” and “eligible Class 3 inspection area” are specifically limited to gas transmission lines. Section 192.611(a)(4)(vii) further clarifies that the IM alternative is not authorized for gas gathering or gas distribution lines. While the class location change requirements in § 192.611 apply broadly to all gas pipelines, PHMSA indicated in the NPRM and preliminary RIA that the proposed IM alternative would only apply to gas transmission lines. Having failed to address the applicability of that proposal to gas gathering or distribution lines in either document, PHMSA concludes that the IM alternative should be limited to gas transmission lines in the final rule.⁸⁰

C. Eligibility Criteria

i. General

1. Summary of Proposal

The NPRM set out proposed eligibility criteria for use of the IM alternative. PHMSA developed these eligibility criteria from its experience applying the 2004 Special Permit Criteria, published following the initial 2003 Gas IM Rule. In the 2004 criteria and guidance, PHMSA established pipe criteria and conditions that would lead to “probable acceptance” of a special permit to manage a class location change consistent with pipeline safety.⁸¹ Each of the criteria are discussed in further detail in individual sections below.

2. Initial Comments

The NTSB supported the proposed eligibility criteria, observing how “[t]he majority of the restrictions . . . concur[red] with the NTSB’s historical

knowledge of higher risk pipelines.”⁸² The PST found the eligibility exclusions appropriate and “absolutely necessary to ensure that [the IM alternative does] not jeopardize pipeline safety in these newly-populous areas.”⁸³ The PST was pleased the NPRM did not leave identification of eligible segments up to the operator. Accufacts similarly supported the eligibility criteria as technically sound and noted how the attributes reflect the strengths and weaknesses (or limitations) of various assessment approaches used in Subpart O and what pipe could suitably be assessed and managed by ILI.⁸⁴ Operators, like TC Energy, also agreed with the majority of the eligibility criteria.⁸⁵

Sander Resources requested clarification that an operator with a pipe segment that does not meet the eligibility requirements may still use the special permit process governing class location changes.⁸⁶ Relatedly, the NTSB urged PHMSA to consider how to ensure operators will comply with the criteria without the extensive, individualized special permit process.⁸⁷

3. GPAC Consideration

The GPAC discussed the NPRM’s eligibility criteria during the public meeting on March 28 and March 29, 2024, with most members supporting the criteria establishing the types of pipe segments deemed suitable for the program, as discussed below in individual subsections.

4. Post-GPAC Comments

During the public comment period following the GPAC meeting, an anonymous commenter recommended PHMSA make no changes to the proposed eligibility criteria in consideration of the GPAC recommendations, stating they were not publicly noticed for comments and reviewed by the public for their impact

on pipeline integrity, public safety, and environmental consequences.⁸⁸

5. PHMSA Response

PHMSA is including eligibility criteria in the final rule to ensure that the IM alternative is only used to confirm or restore the MAOP of pipe or segments with appropriate characteristics. PHMSA has determined that segments with certain characteristics present an unacceptable risk to public safety and should not be eligible. That determination is supported by PHMSA’s technical expertise and two decades of experience administering the class location special permit program. Operators of pipeline segments that do not meet the eligibility criteria may continue to seek special permits to manage class location changes. PHMSA may also consider modifying some of the eligibility criteria in subsequent rulemaking proceedings as additional information becomes available.

To eliminate unnecessary text and ensure consistency in the application of the IM alternative, the eligibility criteria are incorporated into the definition of an eligible Class 3 segment in § 192.3. Moreover, to more accurately account for their role as compliance obligations, several of the eligibility requirements proposed in the NPRM have been incorporated into the initial or ongoing programmatic requirements in the IM alternative. This better reflects that, for example, an operator can perform a pressure test on an eligible Class 3 segment to use the IM alternative, so that requirement is not *per se* a pipeline characteristic that dictates eligibility. The gas quality assurance is also an ongoing compliance requirement, not a criterion that needs to be satisfied beforehand to use the IM alternative. With those retained as compliance obligations, the eligibility criteria in § 192.3 are limited to immutable pipeline characteristics which define a segment as eligible to use the program.

Considering recommendations from the GPAC, public comments, and additional study by the Agency, PHMSA makes certain adjustments to the eligibility criteria in this final rule, as discussed throughout section IV.C below.

ii. Original Class

1. Summary of Proposal

The NPRM proposed an IM alternative to manage changes to Class

⁸⁰ PHMSA recognizes that some regulated gas gathering lines may experience class location changes that are subject to the requirements in § 192.611. See 49 CFR 192.8, 192.9. However, PHMSA is not aware of any regulated gas gathering line operator ever filing an application for a class location special permit and does not have the information necessary to determine whether and to what extent the use of the IM alternative should be extended to gas gathering lines.

⁸¹ PHMSA, 2004 Special Permit Criteria.

⁸² Docket ID PHMSA–2017–0151–0055 at 4.

⁸³ Docket ID PHMSA–2017–0151–0063 at 4.

⁸⁴ Docket ID PHMSA–2017–0151–0058 at 3.

⁸⁵ See TC Energy, Comments, Docket ID PHMSA–2017–0151–0062 at 4–5 (Dec. 14, 2020). Oleksa and Associates, observing how the rule was aimed at protecting against pipeline incidents, noted that steel pipe operating at low stress levels cannot rupture and recommended that PHMSA make clear several eligibility criteria and other provisions do not apply to “pipe that operates at 100 psig or more,” or “pipelines that operate with an MAOP less than 20 percent of SMYS.” Docket ID PHMSA–2017–0151–0067 at 2. As this 20 percent of SMYS limit corresponds to the threshold at which a pipeline is a gas transmission line under § 192.3, and given this rule applies only to gas transmission lines, further clarification is not needed.

⁸⁶ Docket ID PHMSA–2017–0151–0064 at 2.

⁸⁷ Docket ID PHMSA–2017–0151 at 3–4.

⁸⁸ Docket ID PHMSA–2024–0005–0422 at 1–2 (Aug. 28, 2024). But see GPAC, *Class Location NPRM GPAC Voting Slides*, Docket ID PHMSA–2024–0005–0275 (Apr. 5, 2024).

3 locations and specifically excluded pipe moving to a Class 4 location. The NPRM referred to the segment applying the IM alternative as the “Class 1 to Class 3 location segment” and proposed defining that term in § 192.3. PHMSA’s class location special permit criteria categorizes as “probable acceptance” Class 2 to 3 changes, and Class 1 to Class 3 changes as “possible acceptance.”⁸⁹

2. Initial Comments

Many commenters questioned whether PHMSA intended to limit the IM alternative to Class 1 to Class 3 changes. TC Energy noted that the NPRM seemed to include all Class 1 design pipe, even if that pipe may first have changed to a Class 2 location before later changing into a Class 3 location.⁹⁰ Several commenters, including TC Energy and Sander Resources, recommended a different term than “Class 1 to Class 3 location segment” to avoid uncertainty over whether this method could include Class 2 to Class 3 changes.⁹¹ The Associations suggested changing the term to “Class 3 location change segment.”

The Associations recommended that the IM alternative be available for Class 2 to Class 3 changes as well, explaining that “segments with a [C]lass 1 design factor that experienced a change to [C]lass 2 in prior years and then to [C]lass 3 . . . are no different than segments that jump” directly from Class 1 to Class 3. The Associations also observed that Class 2 pipe is required under § 192.619(a)(2) to be pressure tested to 1.25 times MAOP at the time of installation; while noting that “many operators ‘over test’ [C]lass 2 segments today” to the Class 3 test pressure “to allow for the one-class bump provided under § 192.611,” the Associations stated that “this has not always been common practice” and there may be Class 2 segments with a 1.25 times MAOP pressure test that should be eligible for the IM alternative. Extending the IM alternative to Class 2 to Class 3 changes could avoid the higher 1.5 times MAOP pressure test required by § 192.611(a)(1) or (3) for a Class 2 design pipe “to continue operating at its original MAOP” after a change to a Class 3.⁹²

3. GPAC Consideration

The GPAC voted 13–0⁹³ in favor of allowing operators to apply the IM alternative to Class 2 design pipe with a 1.25 times MAOP pressure. The GPAC also included the 1.25 times MAOP pressure test in its recommendations on grandfathered pipe and MAOP restoration.

4. Post-GPAC Comments

The Associations expressed support for the GPAC recommendation, observing that a 1.25 times MAOP pressure test provides an “acceptable safety factor to mitigate manufacturing and construction risks” for pipeline segments that experience Class 2 to Class 3 changes.⁹⁴ The PST also agreed with the GPAC recommendation to expand eligibility to Class 2 design pipe, so long as the other eligibility criteria are met.⁹⁵

5. PHMSA Response

PHMSA agrees that the IM alternative should be available for Class 2 to 3 changes. PHMSA’s 2004 Special Permit Criteria provided Class 2 to 3 changes merited “probable acceptance,” even more likely to warrant a special permit than the Class 1 to 3 changes that were marked for “possible acceptance.” After beginning primarily with one class changes, PHMSA’s successful history with operators managing class location changes from Class 2 to 3 under special permits issued since 2004 led to more regular issuance of special permits for Class 1 to 3 changes. As a result, special permits have been granted in about equal part between segments moving from Class 1 locations into Class 3 and those moving from Class 2 locations into Class 3. PHMSA finds it consistent with pipeline safety to extend the applicability of this final rule to segments that have changed from Class 2 to Class 3. As several commenters note, this also makes clear that pipelines of Class 1 original design that were in a Class 2 location until subsequently changing to Class 3 can use the IM alternative all the same as if they transitioned directly from Class 1 to 3.

Ultimately, PHMSA does not expect a significant number of Class 2 to 3 changes to apply the IM alternative. Operators of these segments are likely to

use the “one-class bump” afforded by a pressure test in accordance with § 192.611(a)(1) or (3). A pipeline is generally designed to tolerate the test pressure required for the next highest class location, enabling Class 2 design pipe to conduct the “one-class bump” pressure test to Class 3 design standards and complete the obligations to manage the class change. Managing a class change by pressure test lacks the additional program management requirements of the IM alternative. Because Class 1 design pipe often cannot tolerate a test pressure to two classes higher, the IM alternative enables a lower (1.25 times MAOP) test pressure balanced with additional program management requirements. There is no reason to apply a different approach to Class 2 design pipe. For example, as the Associations note, there may be some Class 2 pipe where an operator already has a 1.25 times MAOP pressure test, does not have a higher pressure test to Class 3 standards, and prefers the IM alternative program rather than perform a new pressure test at a higher test pressure. There is no reasonable safety basis to prohibit providing this option to operators of these lesser included pipelines.

As discussed in section IV.B, PHMSA is replacing the proposed term “Class 1 to Class 3 location segment” with the defined term “eligible Class 3 segment” in the final rule. PHMSA agrees with the commenters that the use of the former term in the NPRM created uncertainty as to whether the IM alternative could be applied to Class 2 to Class 3 changes. PHMSA is eliminating that uncertainty by using the term “eligible Class 3 segment” as defined in § 192.3.

iii. SMYS Limitations

1. Summary of Proposal

The NPRM proposed that pipeline segments eligible for the IM alternative must operate with an MAOP producing a hoop stress of 72 percent or less of SMYS. SMYS is an indication of the minimum stress that a steel pipe may experience before becoming permanently deformed. A 72 percent of SMYS limitation corresponds to the general requirement for steel pipe in Class 1 locations to satisfy a design factor of 0.72. PHMSA’s class location change special permit criteria lists as “probable acceptance” pipelines operated at “less than or equal to 72 percent of SMYS.”⁹⁶

2. Initial Comments

Commenters generally agreed that 72 percent of SMYS threshold is

⁸⁹ PHMSA, 2004 Special Permit Criteria at 4.

⁹⁰ See Docket ID PHMSA–2017–0151–0062 at 2.

⁹¹ See *id.*; Docket ID PHMSA–2017–0151–0064 at 3–4.

⁹² Docket ID PHMSA–2017–0151–0061 at 15.

⁹³ Two votes occurred with this language, following extended discussions. First, a vote combining this recommendation and consideration of a public notification requirement passed 10–3. Second, a vote isolated just to this Class 2 pressure test passed 13–0.

⁹⁴ Associations, Comments, Docket ID PHMSA–2024–0005–0423 at 5 (Aug. 27, 2024).

⁹⁵ PST, Comments, Docket ID PHMSA–2024–0005–0417 at 2 (Aug. 27, 2024).

⁹⁶ PHMSA, 2004 Special Permit Criteria at 4.

appropriate. Some industry commenters sought clarification on how this requirement would apply to Class 2 design pipe. TC Energy observed that the NPRM seemed to permit use of the IM alternative for pipeline segments “operating at a hoop stress over 60 [percent] of the SMYS and up to and including 72 [percent] of the SMYS” that have moved to a “Class 3 [location], independent of whether the original class location area was Class 1 or 2.”⁹⁷

3. GPAC Consideration

Public comment from members representing industry noted the long history of the 72 percent SMYS limit, dating back to industry standards adopted in the 1950s. Recognizing that this requirement is well established, the GPAC did not offer a direct recommendation on the merits of PHMSA’s proposed SMYS limitations for the IM alternative. The Committee, through its debates and votes on restoration of MAOP (*see* section IV.C.xii), grandfathered pipe (*see* section IV.C.vi), and vintage seam types (*see* section IV.C.viii), implicitly endorsed this longstanding element as a fundamental requirement for use of the IM alternative.

4. Post-GPAC Comments

No significant additional comments on this issue were submitted after the GPAC.

5. PHMSA Response

The 72 percent of SMYS limitation in the IM alternative is consistent across part 192 as the maximum safety limit of operating steel gas pipelines.⁹⁸ It corresponds to the 0.72 steel pipe design factor of Class 1 pipe under § 192.111. Without a design change, the SMYS limitation for a pipeline must remain consistent with the original design factor.

In addition to retaining the 72 percent SMYS requirement, PHMSA has added a hoop stress threshold to facilitate Class 2 design pipe applying the IM alternative. Where a Class 2 design pipe changes to a Class 3 location, the IM alternative requires that the operator maintain an MAOP corresponding to a hoop stress of no more than 60 percent of SMYS. The 60 percent of SMYS limit for Class 2 design pipe corresponds to

the 0.60 steel pipe design factor of Class 2 pipe under § 192.111.

iv. Subpart J Pressure Test

1. Summary of Proposal

The NPRM proposed that an operator must have records documenting an 8-hour test in accordance with Subpart J to a minimum test pressure of 1.25 times MAOP, or that the operator perform such a pressure test within 24 months of the class location change, for a segment to be eligible for the IM alternative. PHMSA has consistently requested records of a 1.25 times MAOP pressure test during consideration of class location special permit applications.

2. Initial Comments

Commenters generally supported the proposed pressure testing requirements. TC Energy and the Associations both observed that Subpart J includes limited circumstances under § 192.505(d) where fabricated units and short section of pipe may be tested for four hours, not eight.⁹⁹ TC Energy was also concerned that specifying the pressure test as Subpart J-compliant could, contrary to intent, exclude tests which meet the testing requirements but were conducted before Subpart J was adopted in 1970. NAPSIR indicated that some of its members favored requiring a new Subpart J test within 24 months of the class change in all cases.¹⁰⁰

3. GPAC Consideration

While not separately offering a recommendation as to this proposal, the GPAC voted 13–0 to extend the 1.25 times MAOP pressure test requirement to Class 2 design pipe during the public meeting on the NPRM.

4. Post-GPAC Comments

The Associations repeated similar points as before requesting allowance for those limited circumstances where Subpart J permits a 4-hour pressure test.¹⁰¹

5. PHMSA Response

A 1.25 times MAOP pressure test is required to use the IM alternative. This same test pressure requirement applies to Class 1 and Class 2 design pipe using the IM alternative. To meet this

requirement, an operator may rely on a prior pressure test or conduct a new pressure test, consistent with the proposal in the NPRM.¹⁰² As PHMSA has stated previously, “the safety margin [provided by the test] rather than the act of retesting is the critical factor under § 192.611.”¹⁰³ Operators must comply with the pressure testing requirement within the initial, 24-month compliance window.

The test hold time must meet the requirements of Subpart J. This addresses those limited circumstances where an 8-hour test is not required under § 192.505(d). In most cases, Subpart J will require at least an 8-hour test hold time. But this provides for, as noted by INGAA and TC Energy, use of the IM alternative for fabricated units and short sections of pipe where a shorter duration pressure test is permitted under § 192.505(d). PHMSA understands that tests using the hold time designated by Subpart J provide an equivalent and acceptable level of safety compared to the proposed requirement for an 8-hour post-installation strength test—a 4-hour test under § 192.505(d) applies only in narrow cases for “small valve and gate sites or any other small segments of pipeline that have been tested off-site.”¹⁰⁴ Because fabricated units or short sections of pipe are aboveground during the preinstallation test, and operators can continuously and directly inspect them for leaks during the test, PHMSA sees no reason to disadvantage these tests against the application of § 192.611(c) or (d).

The pressure test must be for a duration consistent with the requirements in Subpart J, to a pressure of at least 1.25 times MAOP, to use the IM alternative. An operator may use a prior test, as PHMSA has previously clarified that the duration of the test is the key factor for a pressure test to manage a class change, rather than its date.¹⁰⁵ A test performed after 1970 must meet the requirements in Subpart J. A test performed before 1970 must have been for a consistent duration as under Subpart J. An operator without

¹⁰² *See* NPRM, 85 FR at 65175 (proposed § 192.618(a)(4)(v)) (“Pipe that has not been pressure tested in accordance with subpart J for 8 hours at a minimum test pressure of 1.25 times MAOP (unless the segment passes a subpart J pressure test for a minimum of 8 hours at a minimum pressure of 1.25 times MAOP within 24 months after the Class 1 to Class 3 location segment change” (emphasis added)).

¹⁰³ *Confirmation or Revision of Maximum Allowable Operating Pressure; Alternative Method*, 53 FR 1043, 1044 (proposed Jan. 15, 1988).

¹⁰⁴ INGAA, Docket ID DOT–OST–2025–0026–0872, 6–7.

¹⁰⁵ *Confirmation or Revision of Maximum Allowable Operating Pressure; Alternative Method*, 54 FR 24173, 24174 (June 6, 1989).

⁹⁷ Docket ID PHMSA–2017–0151–0062 at 2.

⁹⁸ It is also consistent in the prevailing industry consensus standard, ASME B31.8–2022, §§ 840.2.2, 841.1.1(c). A design factor of up to 0.80 is authorized for Class 1 locations in limited circumstances in accordance with § 192.620 or with a special permit for waiving certain requirements at §§ 192.111 and 192.201; such segments would be ineligible for the IM alternative to class location changes.

⁹⁹ *See* Docket ID PHMSA–2017–0151–0062 at 8; Docket ID PHMSA–2017–0151–0061 at 27.

¹⁰⁰ Docket ID PHMSA–2017–0151–0059 at 5.

¹⁰¹ *See* Docket ID PHMSA–2024–0005–0423 at 15. INGAA provided similar comments in a May 2025 response to a DOT request for information, *see* INGAA, Comments, Docket ID DOT–OST–2025–0026–0872, 6–7 (May 5, 2025), regarding *Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs*, 90 FR 14593 (Apr. 4, 2025).

such a test may successfully complete one during the initial 24-month compliance window and then benefit from this IM alternative.

Some commenters sought clarification regarding application to pre-1970 pressure tests. PHMSA addressed this very issue in a late 1980s rulemaking, noting that many pressure tests performed prior to the establishment of the Federal Pipeline Safety Regulations (and so before the Subpart J requirements were established) met the industry best practice or standard in place at the time and could provide an adequate level of safety to manage a class change.¹⁰⁶ A pre-1970 pressure test for a hold time of 8 hours, except where a 4-hour duration would be permitted consistent with Subpart J, provides equivalent safety.

v. TVC Material Records

1. Summary of Proposal

The NPRM proposed requiring that a pipeline segment have traceable, verifiable, and complete (TVC) material records to be eligible for the IM alternative.¹⁰⁷ The TVC records had to include the diameter, wall thickness, grade, seam type, yield strength, and tensile strength¹⁰⁸ of the class change segment.

The TVC records requirement proposed in the NPRM is consistent with PHMSA's longstanding practice of requesting records related to, among other things, testing, in-line inspections, and cathodic protection when reviewing class location special permit applications. Class location special permits have previously required TVC pressure test records and imposed additional testing and examination requirements on pipeline segments lacking such records.

2. Initial Comments

Commenters supported the proposed TVC records requirement. The

Associations suggested that segments without complete TVC material records should be allowed to obtain those records within the initial 24-month compliance window using the process prescribed in § 192.607.¹⁰⁹ The Associations opposed requiring TVC records of tensile strength, which they characterized as a data point “without practical utility” that is “not required for anomaly evaluation or MAOP calculations, whereas diameter, wall thickness, grade, seam type, and yield strength are needed for those calculations.”¹¹⁰

3. GPAC Consideration

Industry representatives on the GPAC stressed that operators should be allowed to use the IM alternative so long as TVC records are collected within the initial 24-month compliance period. Industry GPAC members offered that TVC records of tensile strength are not necessary because, while yield strength plays a role in design and safety decisions, tensile strength is only used as a buffer or an extra measure of confidence. Public representatives on the GPAC noted that the specification API 5L¹¹¹ sets limits for both yield strength and tensile strength for steel line pipe and suggested that having TVC records with information about each would likely be valuable.

The GPAC voted 12–0 in favor of allowing operators to use § 192.607 to obtain any necessary missing pipe properties within 24 months of the class change. The Committee also recommended that PHMSA consider not requiring the TVC records for tensile strength.

4. Post-GPAC Comments

The Associations repeated similar points as before the GPAC meeting.¹¹² An anonymous commenter emphasized the importance of TVC records to include ultimate tensile strength, stating that operators cannot obtain an accurate value for pipe steel yield strength without that information. The anonymous commenter also noted that TVC records are required under §§ 192.619 and 192.624, and suggested barring use of the IM alternative if an operator lacks such records.¹¹³

5. PHMSA Response

PHMSA is retaining the TVC records requirement in the final rule. The IM

alternative requires an operator to have or obtain TVC records for the diameter, wall thickness, grade, seam type, yield strength, and tensile strength of an eligible Class 3 segment. Consistent with the industry comments and GPAC's unanimous recommendation, an operator may obtain any necessary TVC records during the initial 24-month compliance window by following the requirements in § 192.607. Section 192.607 prescribes a comprehensive process for verifying and documenting the material properties and attributes of pipeline segments through the performance of nondestructive or destructive tests, examinations, and assessments.

The IM alternative imposes a more stringent deadline for completing the materials verification process. Section 192.607 itself only applies on an “opportunistic” or “as needed” basis, *i.e.*, operators may verify the material properties and attributes of pipeline segments on a continuous or rolling basis.¹¹⁴ Section 192.611(a)(4) requires that any necessary TVC records for an eligible Class 3 segment be obtained within the initial 24-month compliance window. This accelerates the collection of TVC records under § 192.607 and advances public safety.

In response to the GPAC's recommendation, PHMSA considered whether to exclude tensile strength from the TVC records requirement but decided to retain that provision. Many methodologies, including R-STRENG, B31G, and APTITUDE,¹¹⁵ use tensile

¹¹⁴ Section 192.607(c) requires operators without adequate documentation of pipeline material properties and characteristics to “develop and implement procedures for conducting nondestructive or destructive tests, examinations, and assessments in order to verify the material properties of aboveground line pipe and components, and of buried line pipe and components.” As explained in FAQs, “[m]aterial properties, when unknown, must be gathered wherever the pipeline is excavated as defined in § 192.607(c). The data collection process for material properties must be completed however prior to completing the reconfirmation method [in § 192.624] if that method requires material properties.” PHMSA, *First Batch of FAQs for the 2019 Safety of Gas Transmission Rule*, FAQ-17 (Sept. 15, 2020).

¹¹⁵ Y.S. Wang, Pipeline Research Committee Project, PRCI PR-3–805 (R-STRENG), *A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe*, (Dec. 22, 1989), available at: <https://doi.org/10.55274/R0012046> (software for evaluating the remaining strength of corroded pipe); ASME, *American Standard Code for Pressure Piping*, ASME/ANSI B31G–1991, *Manual for Determining the Remaining Strength of Corroded Pipelines* (June 27, 1991, Reaffirmed 2004) (evaluation of pipeline metal loss); APTITUDE: Crack Evaluation For Pressurized Cylinders, *Calculate A Predicted Failure Pressure And Remaining Life*, Structural Integrity Assocs. (Aug. 2022) available at: <https://www.structint.com/wp-content/uploads/2022/08/>

¹⁰⁶ See 53 FR at 1044; 54 FR at 24174 (permitting “any prior test pressure held for at least 8 hours”). See also *Minimum Federal Safety Standards for Gas Pipelines*, 35 FR 5724 (proposed Apr. 8, 1970) (noting wide similarity between the Minimum Standards for pressure testing with pre-1970 industry standards).

¹⁰⁷ Further explanation of TVC records is available at 2019 Safety of Gas Transmission Rule, 84 FR at 52218–19 and PHMSA, *[First Batch of Frequently Asked Questions for the 2019 Safety of Gas Transmission Rule]: MAOP Establishment and Reconfirmation FAQs*, FAQ-30 (Sept. 15, 2020), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-06/Batch-1-FAQs-PHMSA-2019-0225-9-15-20.pdf>.

¹⁰⁸ Ultimate tensile strength, or tensile strength as used in this final rule, is defined as the maximum stress that a material can withstand while being stretched or pulled before breaking. This is compared to yield strength, which is the stress at which a material starts to deform permanently.

¹⁰⁹ See Docket ID PHMSA–2017–0151–0061 at 20–21.

¹¹⁰ Docket ID PHMSA–2017–0151–0061 at 21.

¹¹¹ API Specification 5L, *Line Pipe* (46th ed. Apr. 6, 2018).

¹¹² See Docket ID PHMSA–2024–0005–0423 at 6.

¹¹³ See Docket ID PHMSA–2024–0005–0415 at 1.

strength to calculate the predicted failure pressure or remaining life of a pipeline in accordance with § 192.712, or require or use as an input the ultimate tensile strength of the pipe being modeled.¹¹⁶ Having TVC records of the tensile strength for eligible Class 3 segments facilitates compliance with these provisions. Operators also benefit from having information about low or variable ultimate tensile strength properties in high-strength steel pipelines, which presents integrity concerns.¹¹⁷

PHMSA does not expect that obtaining tensile strength information will impose an undue burden on pipeline operators. An operator typically will receive tensile strength data in conducting the tests, examinations, and assessments needed to verify other properties and attributes of the pipe.¹¹⁸ Only in the absence of TVC pipe grade records would an operator be required to obtain both yield strength and ultimate tensile strength information.¹¹⁹ An operator may also be able to use an assumed value where actual tensile strength information is lacking. Common practice, as illustrated by a special permit issued to Alliance Pipeline, indicates that, at least in the case of modern pipe, an operator can assume that the ultimate tensile strength is the SMYS plus an additional 10,000 pounds per square inch (psi).¹²⁰ This

APTITUDE-Crack-Evaluation-for-Pressurized-Cylinders.pdf (model that calculates predicted failure pressure of crack or crack-like anomalies and “incorporates . . . if available, measured material properties such as material fracture toughness, yield strength, and ultimate tensile strength”).

¹¹⁶ See PHMSA, *Second Batch of Frequently Asked Questions for the [2019 Safety of Gas Transmission Rule]: MAOP Establishment and Reconfirmation FAQs*, FAQ-62 (Apr. 19, 2023), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-05/Batch-2-RIN-1-FAQs.pdf>.

¹¹⁷ See PHMSA, ADB-09-01, *Pipeline Safety: Potential Low and Variable Yield and Tensile Strength and Chemical Composition Properties in High Strength Line Pipe*, 74 FR 23930, 23931 (May 21, 2009).

¹¹⁸ Common destructive tests will provide measurements of the yield strength, tensile strength, and other material properties of the specimen at the same time. See ASTM Int'l., E8/E8M-22, *Standard Test Methods for Tension Testing of Metallic Materials*, §§ 7.7, 7.10 (2022). Note that destructive testing is not the only method to determine material properties under § 192.607.

¹¹⁹ See PHMSA, *Second Batch of FAQs for the 2019 Safety of Gas Transmission Rule*, FAQ-62 (“If an operator does not have TVC records demonstrating the grade, the operator must conduct future testing for both minimum yield strength and ultimate tensile strength per § 192.607(c)(1) and (2).” (emphasis in original)).

¹²⁰ See Kiefner & Assoc., Inc., *Validity of Standard Defect Assessment Methods for the Alliance Pipeline Operating at 80 percent of SMYS* (Sept. 6, 2018), available at: [https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas-](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas-transmission-integrity-management/65316/validityofcorrosionassessmentsr1.pdf)

transmission-integrity-management/65316/validityofcorrosionassessmentsr1.pdf.

assumption would need to be validated for older pipe vintages.¹²¹

vi. Grandfathered or Alternative MAOP

1. Summary of Proposal

The NPRM proposed that segments with an MAOP established under § 192.619(c) or (d) would not be eligible for the IM alternative. Section 192.619(c), commonly referred to as the “grandfather clause,” allows operators to establish the MAOP of pipeline segments in existence before the adoption of the original version of part 192 based solely on the highest actual operating pressure experienced during a five-year historical window that runs from July 1, 1965, to July 1, 1970. Section 192.619(d) refers to the alternative MAOP provisions in § 192.620, which permits a pipeline to operate with a less conservative design factor than would ordinarily be allowed in accordance with § 192.111 (*i.e.*, above 0.72 for Class 1 locations, above 0.67 for Class 2 locations, and 0.56 for Class 3 locations).

2. Initial Comments

While acknowledging that § 192.619(c) allows some grandfathered pipelines to operate at hoop stresses above 72 percent of SMYS, TC Energy stated that an operator should be permitted to use the IM alternative for these pipelines if adequate documentation is available to establish an MAOP under § 192.619(a) and the operator is willing to comply with the applicable requirements, including the 72 percent of SMYS limitation. Assuming those conditions are met, TC Energy argued that grandfathered pipelines “should be no less safe than [any other] pipelines that are currently operating at or below 72 [percent] of the SMYS that are eligible for” the IM alternative.¹²²

3. GPAC Consideration

The GPAC recommended, with a unanimous 12–0 vote, that PHMSA consider whether to allow pipe segments operating in accordance with § 192.619(c) or (d) to be eligible for the IM alternative, provided the segment has an appropriate 1.25 times MAOP pressure test and an equivalent or

greater level of pipeline safety can be maintained.

4. Post-GPAC Comments

The Associations and Enbridge agreed with the GPAC’s unanimous recommendation. The Associations stated that “certain grandfathered pipe . . . with a pressure test greater than or equal to 1.25 [times] MAOP . . . can continue to be safely managed.”¹²³ Mr. Zamarin agreed, adding that the 1.25 times MAOP pressure test to permit pipelines operated in accordance with § 192.619(c) or (d) would provide the same safety assurance as other qualifying pipeline segments.¹²⁴ Mr. Drake did as well, noting that, “in many cases, [these grandfathered pipelines] have been pressure tested to at least 1.25 times the MAOP and, in some cases, for durations exceeding 24 hours,” which essentially meets or exceeds current Subpart J pressure testing requirements.¹²⁵ An anonymous commenter was concerned that “[a]llowing pipeline MAOPs above 72 [percent] SMYS was not publicly noticed” so any allowance of pressure above that threshold on pipelines operated in accordance with § 192.619(c) or (d) should be “re-notice[d] . . . for public comment.”¹²⁶

5. PHMSA Response

PHMSA is not retaining the broad § 192.619(c) and (d) exclusions in the final rule. Two primary concerns led to these exclusions in the NPRM: (1) that pipelines with MAOPs established under § 192.619(c) and (d) may be operating at design factors above those specified at § 192.111 and at a stress level exceeding 72 percent SMYS, and (2) that pipelines with MAOPs established under § 192.619(c) and (d) may lack appropriate pressure test records or records of materials to properly establish the design pressure of the pipeline. Because operators must address both concerns to use the IM alternative, the § 192.619(c) and (d) exclusions are unnecessary. The requirements in the final rule effectively prohibit pipelines with MAOPs established under § 192.619(c) and (d) from using the IM alternative, eliminating the need for the exclusion proposed in the NPRM.¹²⁷

¹²³ Docket ID PHMSA–2024–0005–0423 at 10. See also Enbridge, Comments, Docket ID PHMSA–2024–0005–0418 at 2 (Aug. 27, 2024).

¹²⁴ See Chad Zamarin, Comments, Docket ID PHMSA–2024–0005–0420 at 3 (Aug. 26, 2024).

¹²⁵ Docket ID PHMSA–2024–0005–0419 at 3.

¹²⁶ Docket ID PHMSA–2024–0005–0415 at 1.

¹²⁷ See NPRM, 85 FR at 65159 (“PHMSA proposes that operators of pipelines that were previously operating in accordance with § 192.619(c) that

transmission-integrity-management/65316/validityofcorrosionassessmentsr1.pdf.

¹²¹ See Barry Oland, Mark Lower & Simon Rose, Oak Ridge Nat’l Lab., *Review of Methods for Determining the Strength of Corroded Natural Gas Pipelines Based on Actual Remaining Wall Thickness* (May 2019), available at: <https://info.ornl.gov/sites/publications/Files/Info126720.pdf>.

¹²² Docket ID PHMSA–2017–0151–0062 at 5.

As to the first concern, the IM alternative requires the MAOP of an eligible Class 3 segment to be confirmed or revised in accordance with the design limits in § 192.619(a), rather than the grandfather clause in § 192.619(c). Section 192.611(a)(4) explicitly recognizes that limitation and states that the MAOP of a segment confirmed under the IM alternative may not exceed 72 percent of SMYS. As to the second concern, the MAOP of an eligible Class 3 segment may only be confirmed or revised under the IM alternative if an operator satisfies the pressure testing and materials properties requirements, both of which are subject to recordkeeping provisions. These recordkeeping provisions directly address PHMSA's concerns about the potential absence of TVC design and test pressure records. For these reasons, there is no basis for retaining the proposed § 192.619(c) and (d) exclusions in the final rule.

vii. Wrinkle Bends and Geohazards

1. Summary of Proposal

The NPRM proposed to exclude pipeline segments with wrinkle bends from the IM alternative. Wrinkle bends are defined at § 192.3 as a bend formed in the field during construction that has ripples exceeding certain amplitude and length parameters. PHMSA has historically disfavored pipe segments with wrinkle bends when considering applications for class location special permits due to safety concerns.¹²⁸

2. Initial Comments

TC Energy recommended a “case-by-case” ILI assessment of wrinkle bends, stating that “[w]rinkle bends are generally stable features and excluding them entirely would do little to benefit pipeline safety,” noting the low failure rates across approximately 230,000 wrinkle bends in service.¹²⁹ The Associations suggested limiting this exclusion to those wrinkle bends presenting a geohazard threat.¹³⁰ Given

operate at or below 72 percent SMYS be eligible for the IM alternative only if the operator pressure tests any of those pipelines that do not have a record of a previous pressure test within 24 months after the class location change and have pipe material records for the segment.”).

¹²⁸ See PHMSA, 2004 Special Permit Criteria at 3.

¹²⁹ Docket ID PHMSA–2017–0151–0062 at 5.

¹³⁰ “Geohazard threats” are also known as geological hazards, geophysical hazards, or geotechnical hazards. PHMSA refers to these phenomena as “geohazards.” Geohazards include soil movement from natural causes—e.g., earthquakes, landslides, sinkholes, erosion, and ground subsistence—and man-made causes—e.g., construction activities. These hazards can occur independent of the product transported and have been observed in all 50 U.S. States and territories. See Stephen L. Slaughter, *Landslide Basics*, U.S.

that “only about 1 in 8,000 wrinkle bends have failed over approximately seventy years of service,” they saw “little safety benefit” to broadly excluding all wrinkle bends. The Associations were also concerned that requiring pipe replacement could create new risk of failure by presenting outside force on wrinkle bends just outside the class change segment.¹³¹

The NTSB also encouraged PHMSA to consider excluding from the IM alternative pipe segments with a “known history of pipe movement,” i.e., geohazards, noting the “significant risk to the integrity of natural gas pipelines” geohazards can pose.¹³²

3. GPAC Consideration

Industry GPAC members noted that failures in segments containing wrinkle bends occur because those bends are not as strong as normal bends, which is why soil movement near a wrinkle bend can cause an incident. Public comments from industry representatives during the GPAC meeting added that while “there should be no wrinkle bends in geohazard areas,” wrinkle bends in non-geohazard areas should remain eligible for the IM alternative. GPAC members representing the public supported the eligibility criteria related to geohazards and recommended the identification and mitigation of geohazards under the IM alternative. GPAC members generally agreed that geohazards can constitute a threat to pipeline operations and safety and should be mitigated under the IM alternative. Members representing the public suggested that no pipe segment within 600 feet of a known geohazard should be eligible for the IM alternative, while members representing the industry disagreed with a blanket eligibility provision tied to the presence of geohazards near a pipeline segment.

The GPAC offered two recommendations that are relevant to the exclusion for wrinkle bends. First, with a 9–3 vote, the GPAC recommended that the IM alternative require operators to survey and assess a segment for an identified geohazard using procedures for pipe movement. This vote further recommended that, until PHMSA addresses geohazards in a future rulemaking, a pipeline segment should not be eligible for the IM alternative: (1) if an identified geohazard affects or could affect within 600 feet of the class change segment; or

(2) if an identified geohazard affects or could affect pipe movement within 600 feet of the class change segment. Second, with a 12–0 vote, the GPAC recommended that where a geohazard is found on a segment using the IM alternative, PHMSA should require operators to develop procedures on how to evaluate and remediate the geohazard threat. This vote also recommended that the procedures operators develop address certain specified elements, e.g., inspection tools, inspection intervals, patrols, employee and contractor training, finite element analysis, and girth weld repairs.

4. Post-GPAC Comments

Williams supported the recommendation that operators develop procedures to evaluate, remediate, and mitigate geohazard threats for a segment to be eligible for the IM alternative. Williams noted how “[i]n many circumstances, an operator can stabilize this threat. Where stabilization is adequately demonstrated, the segment should be eligible for inclusion into an operator’s IM program.”¹³³ An anonymous commenter agreed that PHMSA should require the assessments and procedures discussed at the GPAC meeting related to geohazards because the rule allows Class 1 design pipe to remain in a Class 3 location.¹³⁴

The Associations opposed using geohazards as an independent eligibility factor, arguing that the GPAC recommendation to require operators to develop geohazard procedures was “duplicative and unnecessary.” “[G]eohazards can be extremely unique,” they argued, making a “blanket geohazard eligibility” exclusion unnecessary. The Associations further argued that “Subpart O already provides a rigorous and appropriate approach to manage geohazard threats,” noting that § 192.917 requires that “operators must evaluate potential weather related and outside force damage, including consideration of seismicity, geology, and soil stability.”¹³⁵

The Associations also observed that “[i]dentification of weather-related and outside force damage threats trigger the same [IM] requirements to assess, monitor, remediate, and adopt preventative and mitigative measures as any other integrity-related threat.” The Associations noted that § 192.613(c) requires operators to assess their pipelines 72 hours after extreme weather events or natural disasters likely to damage pipeline facilities, and

Geological Survey, available at: <https://www.usgs.gov/programs/landslide-hazards/landslide-basics> (last visited Aug. 18, 2025).

¹³¹ Docket ID PHMSA–2017–0151–0061 at 20.

¹³² Docket ID PHMSA–2017–0151–0055 at 4.

¹³³ See Docket ID PHMSA–2024–0005–0421 at 10.

¹³⁴ See Docket ID PHMSA–2024–0005–0415 at 1.

¹³⁵ Docket ID PHMSA–2024–0005–0423 at 9–10.

suggested that such measures already ensure “operators will quickly evaluate the safety of the pipeline and determine if further actions are necessary to address a geohazard or other impacts to the pipeline.”¹³⁶

5. PHMSA Response

PHMSA is retaining the wrinkle bend exclusion. The GPAC’s proposal to limit the exclusion to wrinkle bends on segments with an identified geohazard risk does not address all concerns associated with using the IM alternative, though an operator may seek a special permit from PHMSA to remove the exclusion on a case-by-case basis.

PHMSA has historically excluded pipe segments with wrinkle bends from consideration under the class location special permit program. Operators used obsolete construction practices in forming wrinkle bends on pipelines prior to emergence of more modern bending technologies. Wrinkle bends are generally prohibited in pipelines that operate at a hoop stress of 30 percent or more of SMYS under § 192.315(a); they are known to fail in response to movement from temperature changes and other factors.¹³⁷

Wrinkle bends experience failures which may not be detectable using modern ILI technology. Suitability for assessment using ILI—or another appropriate integrity assessment method—is a fundamental element of the IM alternative. PHMSA’s understanding is that ILI tools may not yet be able to conduct an effective integrity assessment of wrinkle bends. A study on ILI tools commissioned for PHMSA in 2004 supports that conclusion, noting that “[w]hile current ILI tools can accurately detect localized pitting and general metal loss in cylindrical pipe segments (*i.e.*, in sections without wrinkles or buckles) and standardized procedures are available to assess the pressure integrity of the pipe accounting for metal loss, it is unclear whether current ILI technology can accurately detect these same defects if they occur on or near a wrinkle or buckle because the effects of the pipe wall local curvature on the ILI tool signals can cause inaccuracies.”¹³⁸

PHMSA acknowledges that ILI technology, data analysis, and understanding of wrinkle bends is improving, but failures in 2010 and 2024 following ILI tool runs suggest room for further improvement.¹³⁹ Moreover, though the rate of rupture with wrinkle bends is low—most wrinkle bend failures are expressed as leaks—that may be aided by § 192.315 restricting pipe with wrinkle bends from being operated at or above 30 percent SMYS.

PHMSA disagrees with the Associations’ concern that pipe replacement activity might introduce new outside forces that could cause more wrinkle bends failures. Excluding pipe segments with wrinkle bends from the IM alternative should not result in additional outside forces to nearby segments if operators exhibit due care in performing construction activities. PHMSA expects operators to install pipe consistent with the requirements at § 192.319 “so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating” and backfilling prevents damage to the pipe.

For these reasons, the IM alternative excludes pipe segments with wrinkle bends regardless of whether the wrinkle bend is in an area with an identified geohazard threat, consistent with the proposal and PHMSA’s longstanding practice not to issue special permits to these segments. PHMSA continues to find it inconsistent with historical leak and failure history, current state of assessment technology, and the safety of populations near pipeline segments that have experienced a change in class

transmission-integrity-management/65286/tto11pipewrinklestudyfinalreportoct2004.pdf. PHMSA notes that more recent ruptures also suggest that ILI technology may be limited in its ability to detect anomalies on pipe with wrinkle bends, as 7 of the 10 wrinkle-bend-related failures from 2009 to 2024 occurred within 7 years of the most recent axial magnetic flux leakage (MFL) and geometry/deformation ILI tool assessments.

¹³⁹ PHMSA, *Pipeline Incident Flagged Files, Gas Transmission & Gathering 2010 to Present*, Incident Rep. No. 20100106–15588 (Dec. 21, 2010) and Incident Rep. No. 20240029–39272 (Mar. 1, 2024) (Pipeline Incident Files). See also *id.* Incident Rep. No. 20240029–41286 (Feb. 03, 2024) (wrinkle-bend related failure in Mississippi). In this case, the failure analysis found that ILI plus remediation criteria would not have prevented the incident, though the improved remediation criteria may have prevented nearby wrinkle bend failure that occurred in 2011, one year after an MFL ILI survey had been conducted. In the Matter of Tennessee Gas Pipeline Co., LLC, CPF No. 2–2024–009–CAO, 2024 WL 664786 (PHMSA Feb. 9, 2024), available at: [https://primis.phmsa.dot.gov/enforcement-documents/22024009CAO/22024009CAO_Corrective%20Action%20Order%20\(Amended\)_02092024_\(24-298988\)_text.pdf](https://primis.phmsa.dot.gov/enforcement-documents/22024009CAO/22024009CAO_Corrective%20Action%20Order%20(Amended)_02092024_(24-298988)_text.pdf). The failure analysis further found that the 2024 failure mechanism was different than the 2011 failure, and the 2024 failure was not associated with a previous repair.

location, for pipeline segments with wrinkle bends to be eligible for the IM alternative.

The wrinkle bend exclusion cannot be effectively narrowed to only those associated with an identified geohazard threat as recommended by the GPAC. Wrinkle bends are vulnerable to cold-weather conditions¹⁴⁰ and can fail more quickly due to geohazards, but that is not the only concern. While wrinkle bend failures sometimes involve areas of understood and studied geohazards,¹⁴¹ PHMSA’s analysis of historical failures involving wrinkle bends shows that they do not always correspond with the threat of land or pipe movement. For example, a 2015 wrinkle bend failure was caused by tensile overload,¹⁴² and in 2023, a pipeline failed under a North Carolina highway due to corrosion in a wrinkle bend.¹⁴³ Neither involved a geohazard. A wrinkle bend exclusion limited to geohazard interactions might allow this type of threat into the IM alternative program, which the program is not suited to manage at this time.

PHMSA finds that the wrinkle-bend-related geohazard concerns identified by GPAC members are captured under the wrinkle bend exclusion in the IM alternative. As several commenters noted, other current regulations and PHMSA guidance pertain to managing geohazard threats safely under the existing regulations. Section 192.917(a)(3) requires operators to identify “weather related and outside force damage, to include consideration of seismicity, geology, and soil stability of the area.” Section 192.613(c)(2) requires operators to assess their pipelines 72 hours after extreme weather events or natural disasters deemed likely to damage pipeline facilities via scouring, movement of the soil surrounding the pipeline, or movement of the pipeline. These geohazard mitigations occur on an ongoing basis.¹⁴⁴ Additional, specific

¹⁴⁰ See, e.g., PHMSA, *Pipeline Incident Files*, Incident Rep. No. 20210024–35593 (Feb. 20, 2021) (observing that “the temperature drop during the polar vortex in the [prior] week could have contributed to the failure in the wrinkle bend”).

¹⁴¹ Between 2009 and 2024, 9 of 10 reported incidents involving wrinkle bend failures occurred between November and March when soil temperatures are at their seasonal lows, causing pipe to be at its most brittle.

¹⁴² PHMSA, *Pipeline Incident Files*, Incident Rep. No. 20150040–17403 (Mar. 30, 2015) (noting operator was “unable to determine the source . . . of the tensile forces, but the tensile overload does not appear to be a result of third-party damage or observable land movement”).

¹⁴³ PHMSA, *Pipeline Incident Files*, Incident Rep. No. 20230019–39287 (Feb. 22, 2023).

¹⁴⁴ In 2022, PHMSA issued an updated advisory bulletin addressing geohazard identification and mitigation, and encouraged operators to “enhance

¹³⁶ *Id.* at 9–10.

¹³⁷ John F. Kiefner, Kiefner & Assoc., Inc., Final Report No. 05–12R, *Evaluating the Stability of Manufacturing and Construction Defects in Natural Gas Pipelines* (Apr. 2007), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas-transmission-integrity-management/65321/evaluatingstabilityofdefects.pdf>.

¹³⁸ Michael Baker Jr., Inc. TTO No. 11 Final Report, *Pipe Wrinkle Study* (Oct. 2004), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas->

requirements for addressing geohazards near segments applying the IM alternative are not necessary at this time.

Accordingly, PHMSA disagrees with the GPAC's two recommendations regarding geohazards. While geohazards are a threat to the integrity of pipelines nationwide, the wrinkle-bend-related geohazard concerns identified by GPAC members are adequately addressed by the wrinkle bend exclusion in the IM alternative.

viii. Vintage Seam Types

1. Summary of Proposal

The NPRM proposed to exclude from the IM alternative pipe with seams manufactured by certain methods, including direct current (DC) electric resistance welding (ERW), low-frequency (LF) ERW, electric flash welding (EFW), or lap welding. PHMSA also proposed to exclude any pipe with a listed longitudinal joint factor at § 192.113 less than 1.0.

PHMSA has historically treated these vintage seam types as requiring a "substantial justification" to obtain a class location special permit.¹⁴⁵ PHMSA has issued several special permits to segments containing LF-ERW and EFW seams after completing individualized technical reviews, subject to certain additional integrity conditions. The additional conditions included a requirement that the segment be subject to a pressure test of 100 percent SMYS or replaced. Some special permits have been issued without requiring replacement of the segment.

2. Initial Comments

Accufacts expressed that IM assessments and repairs using ILI tools are not sufficient to demonstrate that Class 1 design pipe with these seam types are fit for service in Class 3 locations, and that such pipe is, "at this time, not appropriate for ILI assessment" and the IM alternative.¹⁴⁶ The PST generally lauded all proposed eligibility restrictions from the NPRM, including the seam type exclusion.¹⁴⁷

The Associations and TC Energy opposed PHMSA's proposal to exclude all pipeline segments with the identified

vintage seam types, arguing that the integrity of such segments could be managed effectively through an IM program because "weld flaws are generally considered stable if they have been successfully tested to 1.25 [times] MAOP."¹⁴⁸ The Associations referenced PHMSA research for seam threat management, including a 2013 Battelle report on longitudinal ERW seam failures and a 2007 Kiefner and Associates report evaluating the stability of manufacturing and construction defects in natural gas pipelines. The Associations also cited PHMSA data indicating that "manufacturing-related failures on onshore gas transmission pipelines have declined precipitously over the past two decades—including . . . a 75 [percent] decrease since the PG&E failure in San Bruno [California] in 2010," and noted that incidents are rare on pipelines managed under Subpart O's IM program.¹⁴⁹

TC Energy stated that they have "successfully managed risks associated with EFW and LF-ERW [seams] through continuous improvement utilizing [electromagnetic acoustic transducer ILI] inspections, proprietary crack assessment tools, risk analysis, and additional preventative and mitigative measures."¹⁵⁰ The Associations noted that the proposal in the NPRM would require operators to assess for the threat of hard spots on a class change segment, and that operators "could run a hard spot ILI tool or equivalent assessment method and remediate hard spots that do not meet API 5L requirements."¹⁵¹ TC Energy also noted that "many existing class change special permits cover EFW and LF-ERW pipe" with no leaks or incidents reported "on these class change special permit segments[,] supporting that these threats can be safely managed."¹⁵²

In addition, both the Associations and TC Energy noted the lack of cyclic fatigue failures on natural gas transmission lines and, while "cyclic fatigue has caused failures of LF-ERW pipe," such failures "generally [occur] on liquid pipelines."¹⁵³ Given the analysis required in accordance with § 192.917(e)(2), the Associations stated that they would support excluding any pipeline segments with the identified

seam types where the threat of significant cyclic fatigue is also present.

3. GPAC Consideration

Industry GPAC members argued that the vintage seam type exclusion in the NPRM swept too broadly and that pipe manufactured with ERW and EFW seams should be eligible for the IM alternative.¹⁵⁴ Specifically, Mr. Zamarin discussed how LF-ERW and EFW seams are considered a "stable threat" under the B31.8S standard.¹⁵⁵ Unlike corrosion, Mr. Zamarin explained, a seam defect will not deteriorate over time and can be treated as stable following a 1.25 times MAOP pressure test. Noting that the IM alternative requires such a test, Mr. Zamarin argued that the safety of pipe with ERW and EFW pipe can be established at the outset of the program, and that seam integrity can be maintained over time by complying with the provisions in Subpart O. Mr. Drake noted that improved testing methods have decreased seam failure rates to a level consistent with other pipe failure mechanisms, and that seams which pass a 1.25 times MAOP pressure test can be managed consistent with other pipeline characteristics. Mr. Drake also recommended that PHMSA capitalize on the recent improvements to Subpart O in managing seam integrity under the IM alternative, given the "overlap in the regulatory development of this rule and Subpart O."¹⁵⁶ Mr. Weisker, another industry GPAC member, added that the IM requirements in Subpart O clearly recognize the principle that seam integrity can be established with a 1.25 times MAOP pressure test.

Ms. Murphy, a public member, acknowledged the point about seam stability following a 1.25 times MAOP pressure test, but recommended deferring to PHMSA's expertise as to whether these seam types present a sufficient concern to require continuing review under special permits. Ms. Gosman, another public member, also deferred to PHMSA's expertise while noting that a more protective approach may be appropriate because the IM alternative applies to thinner walled pipe that is non-commensurate with its

their preparations and procedures beyond the minimum Federal standards and to address the unique threats, vulnerabilities, and challenges of each individual pipeline facility." PHMSA, ADB-2022-01, *Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by Earth Movement and Other Geological Hazards*, 87 FR 33576, 33579 (June 2, 2022).

¹⁴⁵ PHMSA, 2004 Special Permit Criteria at 4.

¹⁴⁶ Docket ID PHMSA-2017-0151-0058 at 3.

¹⁴⁷ See Docket ID PHMSA-2017-0151-0063 at 4-5.

¹⁴⁸ Docket ID PHMSA-2017-0151-0061 at 16; see TC Energy, Docket ID PHMSA-2017-0151-0062 at 4.

¹⁴⁹ Docket ID PHMSA-2017-0151-0061 at 16.

¹⁵⁰ Docket ID PHMSA-2017-0151-0062 at 4.

¹⁵¹ Docket ID PHMSA-2017-0151-0061 at 16.

¹⁵² Docket ID PHMSA-2017-0151-0062 at 4.

¹⁵³ Docket ID PHMSA-2017-0151-0061 at 16; see TC Energy, Docket ID PHMSA-2017-0151-0062 at 4.

¹⁵⁴ Industry GPAC members endorsed the continued exclusion from the IM alternative of lap welded seams or any seam with a longitudinal joint factor below 1.0. See GPAC, *Class Location Requirements Transcript March 29, 2024*, Docket ID PHMSA-2024-0005-0308, at 148 (Apr. 11, 2024).

¹⁵⁵ ASME, American Standard Code for Pressure Piping, Supplement to ASME B31.8, ASME B31.8S-2018, *Managing System Integrity of Gas Pipelines* (2018).

¹⁵⁶ GPAC, *Class Location Requirements Transcript March 29, 2024*, Docket ID PHMSA-2024-0005-0308, at 203.

current class location. Another public member asked PHMSA to review incident data. Mr. Danner, the Committee chair and a member representing government entities, preferred that PHMSA explore whether adequate testing procedures can be implemented to maintain safety and allow these seam types into the IM alternative.¹⁵⁷

In an 11–1 vote, the GPAC recommended that the seam eligibility restriction was technically feasible, reasonable, cost-effective, and practicable, if PHMSA considered alternatives, including the potential removal of the exclusion for LF–ERW and EFW pipe segments (1) while maintaining an equivalent or greater level of pipeline safety and (2) if it can be shown that operators are effectively managing these segments through the IM alternative.

4. Post-GPAC comments

Enbridge added its opposition to the proposed seam eligibility restriction, as did Mr. Drake.¹⁵⁸ The Associations expanded on their opposition, questioning the lack of “a specific rationale” from PHMSA “supporting this proposed exclusion.” The Associations argued that the identified seam features would be mitigated through the IM program by the crack repair criteria finalized in the 2022 Safety of Gas Transmission Rule, “especially the crack depth threshold of 50 percent [which] will help conservatively identify cracks before they result in an incident,” and § 192.917(e)(3)(i), which “provides an additional level of safety protection by requiring an integrity assessment if an incident occurs on selected vintage seam pipes.”¹⁵⁹

The Associations also pointed to PHMSA’s incident data as evidence that pipe with these seam types can be managed safely. The Associations identified 12 reported incidents over 15 years attributed to LF–ERW pipe seam failures out of 1,531 reportable incidents on about 298,000 miles of gas transmission lines, with none occurring in HCAs. In contrast, they cited 109 external corrosion and 90 internal corrosion incidents over that same period and stated that “[t]he comparison with corrosion is important because there are long-established practices of managing external and internal

corrosion that integrity management enhances. If you apply the same logic to selected vintage seam pipe, then an equal or greater level of safety will be achieved by” placing these LF–ERW seams into the IM program.¹⁶⁰

The Associations noted DC–ERW pipe came from a single manufacturer, Youngstown Steel and Tube, between 1930 to 1980 and, while “PHMSA proposed making all pipe from this mill ineligible,” process improvements at the mill in 1948 improved the quality of the pipe.¹⁶¹ EFW pipe similarly was made by a single manufacturer, AO Smith Corporation, starting from about 1927 through 1969. The Associations reviewed PHMSA’s incident data, which indicated there were 6 incidents on EFW pipe over the past 15 years, one of which was seam-related, with five related to cracking in hard spots in the pipe body; the Associations pointed to studies on how hard spots could safely be managed by operators.

An anonymous comment urged PHMSA not to allow pipe with EFW seams to be eligible for the IM alternative, noting that EFW pipe manufactured by AO Smith from the 1950s through the mid-1960s had seam weld failure issues and hard spot issues (cracking) in the pipe steel for which ILI tools and IM programs “have not been perfected or may not have qualified personnel for identifying,” unlike with other anomalies. The anonymous commenter also pointed to an NTSB report “on an Enbridge 30-inch EFW pipeline hard spot failure in Kentucky” that caused one fatality, injured others, and burned down several homes. The commenter rhetorically asked what has been done to remedy these types of pipe body and weld seam issues for Class 1 EFW pipe operating in Class 3 locations. Referencing a 2004 INGAA pipe seam report showing a total of 276 incidents attributed to EFW pipe issues, with 242 of them being seam failures and 34 pipe body failures, the anonymous commenter concluded that “PHMSA must review the manufacturing and inline inspection results/records, pressure test, leak, and rupture history . . . of all EFW pipe prior to it being considered for [the IM alternative]. EFW pipe must not be allowed in this rulemaking, as noted in the draft rule shown to the public for comments.”¹⁶²

¹⁶⁰ *Id.* at 12.

¹⁶¹ *Id.*

¹⁶² Anonymous, Comments, Docket ID PHMSA–2024–0005–0414 at 1–2 (Aug. 16, 2024) (discussing E.B. Clark et al., Battelle, *Integrity Characteristics of Vintage Pipelines*, tbls. E–3 & E–5 (INGAA Found., Oct. 2004), available at: <https://ingaa.org/foundation/resources/integrity-characteristics-of-vintage-pipelines/>).

5. PHMSA Response

PHMSA has conducted a comprehensive review and is removing the exclusion for LF–ERW, DC–ERW, and EFW seams. The 1.25 times MAOP pressure testing requirement and comprehensive integrity measures in the IM alternative provide an adequate basis for confirming the MAOP of eligible Class 3 segments with these vintage seam types. While PHMSA previously required a substantial justification for operators to obtain a class location special permit for pipe manufactured with LF–ERW, DC–ERW, and EFW seams, subsequent research, advances in ILI technology, and changes to the IM requirements, when combined with PHMSA’s experience managing these class location special permits, demonstrate that such a justification is no longer needed. Accordingly, the final rule allows operators to use the IM alternative to confirm the MAOP of eligible Class 3 segments with LF–ERW, DC–ERW, and EFW seams.

Background

Historically, the manufacturing process for ERW and EFW pipe required the skelp (*i.e.*, metal before forming the pipe) to be cold rolled with current introduced to heat and bond the edges of the metal and weld the longitudinal seam—LF–ERW used low frequency alternating current induced at a frequency of around 120 (up to 360) cycles per second for that purpose, while DC–ERW and EFW used forms of direct current. The electrical current used in these manufacturing methods had a relatively wide heat affected zone, which coarsened more of the metal grain surrounding the seam.¹⁶³ Along with the quality of skelp used and quality of the metal edges before welding, pipe formed by these methods tends to fail from cold welds where the skelp edges do not fully bond, hook cracks where a j-shaped imperfection is introduced in layers of the skelp edges when welded together, and selective seam weld corrosion where metal loss occurs in the heat-affected zone and bondline and can advance more quickly.¹⁶⁴

¹⁶³ J.F. Kiefner & K.M. Kolovich, Battelle, Task 1.4 Final Report No. 12–139, *ERW and Flash Weld Seam Failure*, in *The Comprehensive Study to Understand Longitudinal ERW Seam Failures*, at 2–6 (Sept. 24, 2012) (noting that direct current tended to create a wider heat affected zone than low-frequency current). The *Comprehensive Study* can be accessed at: <https://primis.phmsa.dot.gov/rd/projects/390/>.

¹⁶⁴ See Kiefner & Kolovich, Task 1.4, at 13, 39, 63–65; B.N. Leis et al., Battelle, Task 4.5, *Final Summary Report & Recommendations—Phase One*, in *The Comprehensive Study to Understand*

¹⁵⁷ See GPAC, *Class Location Requirements Transcript March 29, 2024*, Docket ID PHMSA–2024–0005–0308, at 134–208.

¹⁵⁸ See Docket ID PHMSA–2024–0005–0418 at 2; Andy Drake, Comments, Docket ID PHMSA–2024–0005–0419 at 3.

¹⁵⁹ Docket ID PHMSA–2024–0005–0423 at 13–14.

Commonly adopted in the 1970s, manufacturers began using higher frequency currents of around 450 kilocycles per second to complete welds more quickly and create a smaller heat-affected zone on the pipe, leaving intact more of original steel's microstructure. The prevalence of that high-frequency ERW method, along with improved quality control and the use of "fully-killed" steels with lower carbon content that are more resistant to brittle fracture transition temperature, generally improved line pipe manufactured after 1980.¹⁶⁵ While prospective, these improvements did not affect pipe already manufactured with LF-ERW, DC-ERW, and EFW seams, which tended to experience failures at a disproportional rate.¹⁶⁶

Acknowledging that trend, PHMSA issued a pair of pipeline safety alerts in the late 1980s advising operators of findings related to several recent failures of pipelines manufactured with ERW seams prior 1970. These notices advised operators that "hydrostatic testing of some ERW pipelines [have] reduc[ed] the risk of seam failures," with pre-1970 ERW pipelines that operators have hydrotested largely operating safely since that test.¹⁶⁷ PHMSA recommended all gas transmission and hazardous liquid pipeline operators consider testing to 1.25 times the MAOP pre-1970 ERW pipe for which they not yet done so, or alternatively reduce the operating pressure by 20 percent.¹⁶⁸ PHMSA also

advised operators to avoid increasing a pipeline's long-standing operating pressure, to assure effectiveness of the cathodic protection system, and to conduct metallurgical exams in the event of an ERW seam failure.

Following the 2009 rupture of a hazardous liquid pipeline with an LF-ERW seam in Carmichael, Mississippi, from which the NTSB found inspection and testing programs inadequate to identify reliably features associated with longitudinal seam failures of ERW pipe, PHMSA commissioned research into the potential integrity risks associated with vintage seamed pipe.¹⁶⁹ The "Comprehensive Study to Understanding Longitudinal ERW Seam Failures" featured over two-dozen studies by leading engineering researchers from 2011 to 2017.¹⁷⁰ Research conducted in the 2000s confirmed that a 1.25 times MAOP pressure test could remove any critical defects on ERW or EFW pipe, or prove none present.¹⁷¹ The Comprehensive Study in the 2010s found that pressure tests and ILI could be used in combination for effective integrity management, pending further anticipated ILI tool improvements.¹⁷² ILI technology had continued to improve in the 2010s, with higher probability of detection and an ability to detect smaller seam cracks, even compared to the decade prior, but ILI crack tools required further development in their ability to recognize seam anomalies and location.¹⁷³

PHMSA amended the IM regulations in the 2019 and 2022 Safety of Gas Transmission Rules to address the potential integrity risks associated with older ERW pipe through two main additions. First, in 2019 PHMSA amended the § 192.917(e)(3) requirement that operators analyze pipe with manufacturing defects to require

that an operator could only consider manufacturing defects (including seam defects) stable if an operator subjected them to a hydrostatic pressure test of at least 1.25 times the MAOP, with no subsequent reported incidents attributable to the defect. Second, for anomalies found to be preferentially affecting a longitudinal seam, § 192.933 as amended in 2022 accelerates the repair of DC-ERW, LF-ERW, and EFW seamed pipe by using a higher safety factor to more conservatively calculate the predicted failure pressure for preferential metal loss.¹⁷⁴

The GPAC discussed each of these amendments in providing PHMSA with the recommendation to consider removing pipe with LF-ERW, DC-ERW, and EFW seams from the vintage seam exclusion in the IM alternative. Members discussed how a 1.25 times MAOP pressure test is an accepted method of stabilizing seam defects, and that the recent amendments to Subpart O should be considered in determining the appropriate means of assessing and, if necessary, remediating LF-ERW, DC-ERW, or EFW anomalies.¹⁷⁵ All members agreed that PHMSA should apply its technical expertise to review research evidence and incident data to consider whether these seams could safely apply the IM alternative with these safeguards in place.

Analysis

PHMSA has conducted a comprehensive review consistent with the GPAC's recommendation and concludes that the requirements in the IM alternative provide an adequate basis for confirming the MAOP of eligible Class 3 segments with LF-ERW, DC-ERW, and EFW seams. Any manufacturing defects associated with these seams can be treated as stable by virtue of the 1.25 times MAOP testing requirement in the IM alternative.¹⁷⁶ "Hydrostatic testing of the [pipeline] either removes any defects that have grown beyond critical size at the test pressure since the last test, or it proves

Longitudinal ERW Seam Failures, at 15 (Oct. 23, 2013).

¹⁶⁵ Kiefner & Kolovich, Task 1.4, at 2, 7; J.D. Fields, *The Evolution of High-Frequency Welded Line Pipe*, (Feb. 20, 2025), available at: <https://www.jdfields.com/news-and-case-studies/the-evolution-of-high-frequency-welded-line-pipe>.

¹⁶⁶ See Michael Baker Jr., Inc., Kiefner & Assoc., TTO No. 5 Final Report, *Low Frequency ERW and Lap Welded Longitudinal Seam Evaluation*, at 7 (Apr. 2004), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/gas-transmission-integrity-management/65266/tto05lowfrequencyerwfinalreportrev3april2004.pdf> ("Recent ERW line pipe manufactured by the better pipe mills is of high-quality and offer one of the best choices of materials for pipeline construction. The concern relevant to seam-integrity assessment arises because this was not necessarily the case prior to about 1980. . . . Both good and poor-quality lots have been made by most of the manufacturers in the time period of interest (roughly 1930 through 1980)."; Kiefner & Kolovich, Task 1.4, at 139 ("[T]he track record of failures involving pipe of pre-1970 vintage is clearly not as good as that of pipe manufactured after 1970.").

¹⁶⁷ PHMSA, ALN-88-01, *Recent findings relative to factors contributing to operational failures of pipelines constructed with ERW prior to 1970* (Jan. 28, 1988).

¹⁶⁸ See PHMSA, ALN-89-01, *Pipeline Safety Alert Notice* (Mar. 8, 1989), available at: <https://www.phmsa.dot.gov/regulations/title49/interp/pi-89-001>.

¹⁶⁹ See NTSB, PAR-09-01, *Rupture of Hazardous Liquid Pipeline with Release and Ignition of Propane*, Carmichael, MS, Nov. 1, 2007, at 49-51 (Oct. 14, 2009), available at: <https://www.nts.gov/investigations/AccidentReports/Reports/PAR0901.pdf> (recommendation P-09-01).

¹⁷⁰ The complete research docket is available at: <https://primis.phmsa.dot.gov/matrix/PrjHome.rdm?prj=390>.

¹⁷¹ Baker, TTO No. 5, at 15; Kiefner, *Evaluating the Stability of Manufacturing and Construction Defects*, at 18.

¹⁷² See Leis, Task 4.5, at 20; J.F. Kiefner, et al., Battelle, Task 1.3 Final Report 12-180, *Track Record of In-Line Inspection as a Means of ERW Seam Integrity Assessment*, in *The Comprehensive Study to Understand Longitudinal ERW Seam Failures*, at 120 (Nov. 15, 2012) (noting the combination may not be necessary upon expected improvements in ILI crack detection).

¹⁷³ See, e.g., Leis, Task 4.5, at 33. See also Baker, TTO No. 5, at 6, 47, 60 (finding ILI tools in 2004 unreliable to identify longitudinal seam anomalies).

¹⁷⁴ See § 192.933(d)(1)(iv), (2)(vi). See also § 192.714(d)(1)(iv), (2)(vi).

¹⁷⁵ See, e.g., GPAC, *Class Location Requirements Transcript March 29, 2024*, at 168-69, 183, 203 (Andy Drake).

¹⁷⁶ See NTSB, Safety Recommendation, at 10 (Sept. 26, 2011), available at: <https://www.nts.gov/safety/safety-recs/recletters/P-11-008-020.pdf>; Kiefner, *Evaluating the Stability of Manufacturing and Construction Defects*, at 18 ("Any manufacturing defect or imperfection that survives a pre-service hydrostatic test to 1.25 times the [MAOP] is stable immediately after the test. . . . [E]xperience with gas pipelines tested to levels of 1.25 times their operating pressures validates the effectiveness of a test-pressure-to-operating-pressure ratio of 1.25."). See also ASME, B31.8S-2018, § 6.3.2.

that no defects of critical size exist";¹⁷⁷ the 1.25 times MAOP test required to use the IM alternative is the same as what is required under the IM program at § 192.917(e)(3). Several other interacting threats that might otherwise cause LF-ERW, DC-ERW, or EFW seam to become unstable are excluded from the IM alternative, like pipe with wrinkle bends or that is known to have stress corrosion cracking (SCC).¹⁷⁸ Ongoing seam integrity can be maintained by the regular assessment using ILI tools appropriate for the threats as is required by the IM alternative, with PHMSA's recent amendments to Subpart O providing a comprehensive framework for capitalizing on modern ILI tool capabilities for pipe with LF-ERW, DC-ERW, and EFW seams.¹⁷⁹

Improvements in tool probability of detection and sizing accuracy discussed in section II.C have been demonstrated in ILI tools on ERW and EFW seams, a marked development compared with a 2004 PHMSA study that previously questioned the use of ILI as an effective technology for managing pipe with these seam types.¹⁸⁰ Advanced ILI tools can now detect even the smaller anomalies that may have gone undetected in an initial pressure test, as shown by research as recent as 2017.¹⁸¹ Though there are limits to current tools' ability to identify a seam crack's precise location and distinguish the type of anomaly feature as between, e.g., cold welds, hook cracks, selective seam weld corrosion, this is mitigated by the heightened safety factor applied in the remediation criteria for these seam types in § 192.933(d).¹⁸² Applying an IM

program to LF-ERW, DC-ERW, and EFW seams in HCA locations, there have been no reported incidents due to material failure of pipe or weld since 2010.¹⁸³

Review of the decades of study and incident history indicate that, in PHMSA's expert judgment, LF-ERW, DC-ERW, and EFW seams can be safely managed under the IM alternative. Gas transmission lines are generally not subject to the heightened cyclic fatigue risk that applies to hazardous liquid pipelines.¹⁸⁴ The IM alternative also requires gas transmission operators to follow more stringent IM requirements when conducting the initial 24-month assessment on pipe with ERW or EFW seams. Specifically, an operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies regardless of whether the additional criteria in § 192.917(e)(4) are met. The TVC records requirement in the IM alternative provides an additional margin of safety for pipe with ERW or EFW seams. Operators lacking TVC seam type records must obtain that information before conducting the initial ILI assessment, as failing to do so could lead to the selection of improper ILI tool for pipe with an ERW or EFW seam and invalidate the results of the assessment.

PHMSA concludes that the MAOP restoration provision in the IM alternative can be safely applied to LF-ERW, DC-ERW, and EFW seams as well. Studies indicate that pressure tests are not always effective to prevent failure where operating pressure surges, and that changes in operating pressure can destabilize a threat. To address these concerns, PHMSA is requiring operators to treat an MAOP restoration under § 192.611(d) as an MAOP increase under Subpart O, including for purposes of the seam susceptibility analysis and, more likely than not, prioritization of the ERW or EFW segment for reassessment

predicted failure pressure in light of these deficiencies). ILI tools are expected to improve in this regard with further innovation and application. See *id.* at 120; Leis, Task 4.5, at 20 ("[T]he fact that the tools find some defects is encouraging, and further use of the tools will undoubtedly lead to better understanding of the capabilities."); O'Brien & Young, *Pipe Inventory, Inspection by In-The-Ditch Methods and ILL, and Hydrostatic Tests*, at 41.

¹⁸³ Conversely, 31 reported incidents by this mechanism occurred outside of HCAs during the same period.

¹⁸⁴ See Leis, Task 4.5, at 15. While the 1988 and 1989 advisories called to alarm 20 hazardous liquid pipeline failures (with 12 announced in January 1988, and an addition 8 in the March 1989 advisory) involving pipe seams manufactured by ERW, they noted but one such failure on a gas transmission pipeline. See ALN-89-01.

under § 192.917(e)(3) and (4). These provisions ensure that the LF-ERW, DC-ERW, and EFW seams are properly assessed and remediated as part of an MAOP restoration.

In summary, PHMSA is removing LF-ERW, DC-ERW, and EFW seams from the vintage seam type exclusion. Having conducted a comprehensive review in response to the GPAC's recommendation, PHMSA concludes that the 1.25 times MAOP pressure testing requirement and other comprehensive integrity measures in the IM alternative provide an adequate basis for confirming or restoring the MAOP of eligible Class 3 segments with these seam types. As previously discussed, recent advances in ILI technology, particularly with respect to probability of detection and sizing accuracy, and changes to the IM requirements in Subpart O demonstrate that operators can safely manage the integrity of LF-ERW, DC-ERW, and EFW seams under the IM alternative. PHMSA has also included provisions in the IM alternative that exceed the IM requirements in Subpart O, such as for the selection of technologies capable of assessing seam integrity and seam corrosion anomalies during the initial 24-month assessment and the treatment of MAOP restorations as MAOP increases, which provide an additional margin of safety for LF-ERW, DC-ERW, and EFW seams.

The final rule retains the vintage seam type exclusion for lap welded pipe and pipe with a joint factor below 1.0.¹⁸⁵ Operators must confirm or revise the MAOP of pipe manufactured with these vintage seam types using the other methods authorized in § 192.611 in the event of a class location change. Operators may also replace the pipe or apply for a class location special permit to maintain the current MAOP.

ix. Pipe Coating for Cathodic Protection

1. Summary of Proposal

The NPRM proposed to exclude bare pipe and pipe with poor external coating. Inadequate coating increases the risk of external corrosion, and a compromised protective barrier impairs the effectiveness of cathodic protection (CP). To address these concerns, the NPRM specified the IM alternative could not be used where CP was maintained by linear anodes spaced along the pipe, use of a minimum cathodic polarization shift of -100

¹⁸⁵ See § 192.113; PHMSA, *Fact Sheet: Pipe Manufacturing Process* (Dec. 01, 2011), available at: <https://primis.phmsa.dot.gov/comm/FactSheets/FSPipeManufacturingProcess.htm>.

¹⁷⁷ Baker, TTO No. 5, at 15.

¹⁷⁸ See Kiefner, *Evaluating the Stability of Manufacturing and Construction Defects*, at 6-7.

¹⁷⁹ See Leis, Task 4.5, at 18 (noting "it is important to have the ILI option for seam-integrity assessment . . . via a reliable ILI tool" to "find and eliminate injurious defects on a scheduled basis" after a pressure test).

¹⁸⁰ Compare Leis, Task 4.5, at 33 (Oct. 23, 2013) ("ILI done using SMFL and EMAT tools focused in part on crack-like features associated with stress-corrosion cracking (SCC) over almost 1500 miles of liquid, highly volatile liquid, and natural gas pipelines made using low as well as high frequency ERW processes showed the technology to detect cracking has recently improved significantly."), with Baker, TTO No. 5, at 6, 60 (finding in 2004 that "the probability of detecting seam problems varied among the types of ILI tools used," and recommending to not use it to evaluate the failure pressures of specific defects affecting pipe with these seam types).

¹⁸¹ Jennifer M. O'Brien & Bruce Young, Battelle, *Phase II Task 2—Pipe Inventory, Inspection by In-The-Ditch Methods and In-Line Inspection, and Hydrostatic Tests—a Continuation of Phase 1, Task 2, in The Comprehensive Study to Understand Longitudinal ERW Seam Failures*, at 57 (Aug. 2017).

¹⁸² Kiefner, Task 1.3, at 121 (advising added conservatism in the repair criteria and calculating

millivolts (mV), or segments containing tape wraps or shrink sleeves.

PHMSA has historically disfavored bare pipe in class location special permits, as described in the 2004 **Federal Register** notice on class location special permit eligibility criteria.¹⁸⁶ Class location special permits have also typically required additional measures, such as inspecting the condition of pipe coatings on excavated facilities and examining for SCC, on any pipe found to be suffering from poor coating.

2. Initial Comments

The Associations agreed with the need to ensure effective CP but questioned the appropriateness of the various mechanisms specified in the proposed eligibility criteria. Regarding the -100 mV polarization shift, the Associations noted that the Third Edition of A.W. Peabody's *Control of Pipeline Corrosion* "classif[ies] the cracking-related concern with potentials below -0.850 mV as a 'caution,' instead of the 'should not be used' recommendation from the Second Edition."¹⁸⁷ The relationship to cracking, they argued, could be assessed and managed using the "robust crack anomaly response requirements" in the IM alternative, along with the requirements to inspect exposed pipe for cracking and survey for and mitigate interference currents. As for linear anodes, the Associations noted that placing them "may be the most effective way to cathodically protect a segment or portion of a segment" where "good coating" is present but cautioned that "deep ground beds are impracticable because of bedrock" and that "right-of-way acquisition for conventional ground beds is impracticable because of permitting or congestion." The Associations stated that operators use linear anodes to mitigate "significant alternating current (AC) interference from high voltage power lines."¹⁸⁸

The Associations recommended narrowing the exclusion to locations where there is a specific indication of inadequate CP, using "ineffective coating" per the standard in § 192.457, or a tape coating or shrink sleeve used by an operator that has experienced a history of coating disbondment or shielding. Disbondment, the Associations continued, "is less likely to occur with more modern

applications, so a broad disqualification of tape coating and shrink sleeves is inappropriate." The Associations further argued that shielding of CP can be managed under the IM alternative through the "proposed conservative metal loss response criteria, especially at girth welds, which will ensure that any disbondment/shielding-driven metal loss is addressed quickly."¹⁸⁹

3. GPAC Consideration

Industry GPAC members suggested that ILI could be used to manage these types of pipe coatings along with the enhanced corrosion anomaly remediation requirements established at Subpart O. Public GPAC members generally supported excluding pipe with ineffective CP but were open to PHMSA clarifying that operators could remain eligible if ILI assessments and subsequent data confirmed effective CP.

The GPAC voted 10–2 that the pipe coating eligibility restriction was technically feasible, reasonable, cost-effective, and practical, provided that PHMSA considered alternatives for ineffectively coated pipeline that would maintain an equivalent or greater level of pipeline safety and if an ILI program could demonstrate that operators are effectively managing corrosion. On a 7–5 vote, the Committee also recommended that PHMSA consider alternatives, such as the use of ILI data in conjunction with other measures, to ensure that ineffectively coated pipeline is not eligible for the IM alternative.

4. Post-GPAC Comments

The PST stated that PHMSA should ensure that poorly coated pipe is excluded from the IM alternative. The PST also disfavored using ILI as a tool for managing poor coating, stating that the seven-year assessment intervals is not frequent enough to take advantage of the advances in ILI technology to detect corrosion because environmental corrosion could quickly develop.¹⁹⁰

The Associations supported the GPAC recommendations for PHMSA to consider alternatives, such as ILI assessments, to demonstrate that an operator can evaluate and manage corrosion effectively. The Associations noted that "Subpart O already requires operators to collect and integrate relevant data into their integrity management programs," including information collected and integrated including information on the CP installed, coating type and condition, close interval survey results, and ILI results. The Associations reiterated that

excluding pipe with tape coating or shrink sleeves would be "overly broad and arbitrary."¹⁹¹ As evidence that IM can manage corrosion risks associated with tape coatings or shrink sleeves, the Associations pointed to PHMSA's 2016 Advisory Bulletin covering protection of poorly coated pipe, which recommended operators conduct additional assessments, coordinate data from appropriate ILI technologies, and apply more stringent repair criteria targeted at corrosion under disbonded coatings.¹⁹²

5. PHMSA Response

PHMSA is retaining a modified version of the exclusion for bare pipe and pipe with poor external coating structured as an initial compliance obligation. Application of the IM alternative remains prohibited on pipe with external coating that is not adequate to provide necessary CP, but PHMSA is allowing operators to conduct a survey to confirm the presence of ineffective coating as suggested by commenters. This approach strikes a better balance than did the proposal, which unreasonably excluded all pipe with features that have tended to correlate with pipe that has poor coating regardless of whether the pipe itself has inadequate CP.¹⁹³ Cathodic 100 mV polarization shift (or -100 mV shift), linear anodes, tape wrap, and shrink sleeves have been correlated with coating and corrosion issues in the past, and may be difficult to predict reliably with ILI alone, but do not universally indicate poor CP. PHMSA's review of technical evidence, its experience administering class location change special permits, and review of the comments confirms that the NPRM swept too broadly in proposing to exclude pipe with adequate CP.

If an eligible Class 3 segment uses the -100 mV shift, linear anodes, tape wrap, or shrink sleeves, operators may conduct a survey in accordance with § 192.461(f) through (h) to determine the condition of the coating. The IM alternative may be used if the results of

¹⁹¹ Docket ID PHMSA–2024–0005–0423 at 8.

¹⁹² See PHMSA, ADB–2016–04, *Pipeline Safety: Ineffective Protection, Detection, and Mitigation of Corrosion Resulting from Insulated Coatings on Buried Pipelines*, 81 FR 40398, 40400 (June 21, 2016).

¹⁹³ While they can be used to mitigate against inadequate coating, see § 192.463 and 49 CFR part 192, App'x D, that is not their universal cause. The decision to use these corrosion control tools may have nothing to do with coating effectiveness. For example, use of these tools could be driven by soil characteristics or to reduce CP interference on foreign pipelines, etc. As evidence of that point, operators currently use both -100 mV polarization shifts and linear anodes with new, FBE-coated pipe.

¹⁸⁶ PHMSA, 2004 Special Permit Criteria at 3.

¹⁸⁷ Docket ID PHMSA–2017–0151–0061 at 17–19. Compare NPRM, 85 FR at 65158 n.89 (citing A.W. Peabody, *Control of Pipeline Corrosion* (Ronald L. Bianchetti ed., 2d. ed., 2001)), with A.W. Peabody, *Control of Pipeline Corrosion* 47 (Ronald L. Bianchetti ed., 3d ed., 2018).

¹⁸⁸ Docket ID PHMSA–2017–0151–0061 at 17–19.

¹⁸⁹ *Id.*

¹⁹⁰ See Docket ID PHMSA–2024–0005–0417 at 3.

that survey confirm that the coating is in good condition. Should the survey indicate remediation is required, the IM alternative may also be used if the coating is restored to good condition. The coating survey and any necessary remediation must be completed within the initial 24-month compliance period. This will permit pipe with coating and CP in good condition but prevent pipelines with coating, corrosion, and SCC issues from being eligible for the new compliance option.

PHMSA has determined that a coating survey is appropriate for pipe using the -100 mV polarization shift, linear anodes, tape wrap, or shrink sleeves. Bare pipe lacks any coating to provide CP and remains categorically excluded from the IM alternative due to its susceptibility for corrosion. Tape wrap and shrink sleeves are common types of shielding coatings, meaning they can “shield” (or prevent) CP currents from working effectively, raising the risk of corrosion incidents.¹⁹⁴ PHMSA has not issued class location special permits on segments that use tape wrap or shrink sleeves. Linear anodes provide a path for current to get off at, and corrode, the anode instead of the pipe metal itself (i.e., through coating holidays), and might be indicative of a CP issue.

While a valid compliance method, the -100 mV shift is commonly used on poorly coated or bare structures when the -0.850 mV criterion cannot be reached due to the need to mitigate some other threat (e.g., hard spots). PHMSA’s experience administering class location special permits supports that conclusion as segments have been withdrawn from consideration for containing widespread, systemic external corrosion on pipe being managed with the -100 mV minimum shift or linear anodes.¹⁹⁵ Yet many

modern pipelines either meet 850 mV polarized potential or can safely operate below that level using the -100 mV shift, as discussed by the Associations.¹⁹⁶

Adding the coating survey requirement to the IM alternative is consistent with the GPAC’s recommendation and comments, including from the PST who advocated to exclude pipe that is poorly coated. The requirement addresses concerns with CP management methods that correlate with increased risk, without excluding segments that are being effectively managed through the use of the -100 mV shift, linear anodes, tape wrap, or shrink sleeves. Conducting a coating survey under § 192.461 is an appropriate, reasonable, and effective means of ensuring that pipe enters the IM alternative with adequate CP. Section 192.461(f) requires the assessment for any coating damage using direct current voltage gradient (DCVG), alternating current voltage gradient (ACVG), or other technology which provides information about the coating integrity. Section 192.461(h) requires the repair of any severe coating damage using NACE SP0502 within six months of completing that assessment. The initial survey and remediation requirement, when combined the ongoing obligation to comply with the IM requirements in Subpart O, provides a sufficient margin of safety to mitigate the risk of external corrosion on eligible Class 3 segments.

x. Cracking

1. Summary of Proposal

The NPRM proposed to exclude segments with (1) cracking that exceeds 20 percent of the pipe wall thickness; (2) a crack with a predicted failure pressure of less than 100 percent of SMYS, or 1.50 times the MAOP; (3) a history of a leak or rupture caused by pipe cracking; or (4) where analysis indicates that the pipe could fail in brittle mode. These cracking concerns could not be located on the pipe body, seam, or girth weld of the segment or on a segment within five miles of the class change segment. Cracking for these purposes included SCC and selective seam weld corrosion, which are crack or crack-like defects in the pipe body or weld seam.

The NPRM also proposed that discovery of the above crack defects while a segment is managed under this new IM alternative would render the segment no longer eligible. The operator

would need to comply with the requirements of § 192.611 within 24 months from the date the operator discovered the cracking.

PHMSA has not historically required a total absence of unremediated cracks or crack-like anomalies in class location special permit applications. Instead, PHMSA has analyzed applications to ensure successful crack monitoring and management, and that the operator was aware of the presence and risk profiles of any cracks or crack-like anomalies on the proposed special permit segment. That allowed an operator under a typical special permit to remediate cracks as necessary using a similar schedule to the one proposed in the NPRM.

2. Initial Comments

Industry commenters criticized the proposed cracking eligibility criteria as overly conservative, noting a disconnect between excluding the majority of cracks from the IM alternative and Subpart O’s provisions for repairing cracks and maintaining safe operation. The Associations recommended that PHMSA allow for safe management and remediation of cracks by aligning the eligibility criteria with the scheduled response criteria for cracks as proposed in this NPRM and adopted for Subpart O in the 2022 Safety of Gas Transmission Rule. The Associations noted that Electromagnetic Acoustic Transducer (EMAT) ILI tools can be used for “segments susceptible to the threat of cracking” to ensure that “any identified cracks” are “remediated in accordance with conservative crack response criteria,” and that excluding so many cracks from the IM alternative was “unnecessary for safety.”¹⁹⁷

Regarding the proposed applicability to cracking on pipe within five miles of the class change segment, the Associations found this “particularly problematic because the upstream/downstream pipe could be different pipe, with different coating, in a different environment, and cracking is often an isolated, environment-specific phenomenon.”¹⁹⁸ The NTSB urged PHMSA to “thoroughly analyze the [five-mile] distance specified . . . to determine if it is appropriate or should be extended,” noting that the NPRM is unclear in its justification for that distance.¹⁹⁹

The commenters were split on the proposal to exclude pipe based on

¹⁹⁴ See, e.g., PHMSA, *Pipeline Incident Files*, Incident Rep. No. 20220135–38004 (Dec. 27, 2022) (rupture on 16” steel pipeline “result[ing] in an approx[imately] 40 [foot] length of pipe opening circumferentially and longitudinally (not seam oriented) [with] both ends folding up and coming out of the ground,” causing \$635,000 in property damage, which metallurgical analysis “determined . . . the apparent cause of the failure” was “external corrosion where disbonded polyethylene coating was shielding”).

PHMSA defined a “non-shielding” coating in the Alternative MAOP rule as a coating that allows CP currents to pass through the coating and along the outside surface of pipe and which is an oxygen barrier, even if the coating has disbonded from the pipe surface. See *Pipeline Safety: Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines*, 73 FR 62148, 62156–57 (Oct. 17, 2008) (Alternative MAOP Rule) (codifying § 192.112(f)(1)).

¹⁹⁵ The limited instances of class location special permits issued to segments using the -100 mV shift have historically only for a limited time until the pipe can be recoated or another class location

change compliance option is adopted (replacement or pressure reduction).

¹⁹⁶ See 49 CFR part 192, App’x D.

¹⁹⁷ Docket ID PHMSA–2017–0151–0061 at 19. See also Enbridge, Docket ID PHMSA–2024–0005–0418 at 2.

¹⁹⁸ Docket ID PHMSA–2017–0151–0061 at 19.

¹⁹⁹ Docket ID PHMSA–2017–0151–0055 at 4.

subsequently discovered cracking defects. The Associations found it unreasonable, noting that the exclusion would disregard the number of years that the operator successfully managed the segment under the IM alternative, and remove the ability of operators to invest in the program with certainty, particularly given the low threshold to exclude many cracks. The Associations recommended that, if an operator discovers a crack, the operator should notify PHMSA and propose a crack remediation and management plan.²⁰⁰ NAPSR stated that PHMSA should require operators to assess for and manage cracking threats.²⁰¹

On the other hand, the PST urged PHMSA to require compliance with § 192.611(a)(1)–(3) if an operator discovers a cracking feature on a pipeline segment while using the IM alternative. The PST expressed concern with continuing to allow an operator to use the IM alternative in those circumstances, noting that “if pipes with crack features are high enough risk to not be eligible for [the IM alternative], shouldn’t they also be eliminated from [the IM alternative] once cracking features are found?”²⁰² The PST also encouraged PHMSA to provide an exclusion from the IM alternative for any segment that experiences an “IM-related significant incident.” The PST argued that effective application of the IM program should prevent such an incident, so an incident would indicate that operator is unable to safely continue.²⁰³

3. GPAC Consideration

An industry GPAC member noted operators currently inspect and manage cracks under Subpart O and other industry GPAC members noted that PHMSA has allowed operators to manage and remediate cracks under class location special permits using a process similar to § 192.933. Public GPAC members suggested that a higher standard of care should be maintained for crack threats on eligible Class 3 segments, given that significant populations would be living near these pipelines. Because PHMSA initially determined the presence of cracking on segments would be disqualifying, the public GPAC members felt subsequent cracking should be disqualifying from the IM alternative as well. Multiple GPAC members, representing both the industry and government, felt that the five-mile radius in which operators

would need to check for cracking was too broad and not reflective of how cracks manifest in pipe. The GPAC also discussed ongoing eligibility more broadly. The GPAC generally agreed that PHMSA could consider restricting eligibility for operators who experience failures due to IM violations.

The GPAC voted 10–2 to recommend that the crack eligibility requirement would be technically feasible, reasonable, cost-effective, and practicable if PHMSA considered allowing operators to inspect for and remediate cracks in accordance with Subpart O, rather than broadly excluding all pipe segments with cracks from eligibility. Similarly, the GPAC voted 8–4 to recommend that PHMSA allow an operator to continue to use the IM alternative after discovery a cracking defect. Finally, the GPAC voted 12–0 to recommend that PHMSA consider restricting eligibility for the IM alternative if an operator has a significant incident following the effective date of the rule, and PHMSA determines there has been a violation of a provision of Subpart O in an enforcement action brought as a result of the incident.

4. Post-GPAC Comments

The PST suggested that cracks which are easily remediated and non-recurring may be admissible, but that cracking based on certain causes, for example, pipes experiencing environmentally assisted cracking, should be excluded, while permitting pipes experiencing only mechanical cracking.²⁰⁴ Operators and industry representatives, including Williams, Enbridge, and the Associations, sought to use Subpart O to assess for and remediate cracks in lieu of a broad exclusion. Mr. Drake noted the “well-established methods for identifying, categorizing, mitigating, and monitoring cracking threats,” particularly in light of the significant advancements in EMAT ILI technology, should be utilized rather than having pipe entirely excluded.²⁰⁵ Williams recommended that PHMSA leverage recent amendments to the Subpart O remediation schedule to permit operators to assess cracks and apply the IM alternative.²⁰⁶ Echoing this, the Associations added that “[o]perators have demonstrated that they can successfully use Subpart O to manage cracking threats,” with but “one stress corrosion cracking-related incident in an HCA over the past 15 years.” Allowing remediation of cracks within

the IM alternative program, the Associations argued, would encourage more assessment and remediation of cracks to increase pipeline safety, while adding mileage and data toward an operator’s IM plan.²⁰⁷ The Associations also repeated their critique of the five-mile upstream and downstream range for these cracks as “a vestige from the special permit process without a clear technical basis,” noting that such pipe “may not share the same characteristics or materials as the [class change] segment” and they “may have different soil conditions, manufacturers, seam types, and external loads.”²⁰⁸

While Williams supported the GPAC’s recommendation to restrict continuing eligibility upon finding of a significant incident,²⁰⁹ the Associations disagreed. The Associations felt that a violation of Subpart O should not preclude subsequent use of Subpart O. The Associations noted there is no provision of similar breadth in the Pipeline Safety Regulations, and that the public lacked adequate prior notice of the proposal, which was introduced by the GPAC for the first time during the meeting.²¹⁰ An anonymous commenter concurred that an eligibility restriction based on a significant incident should be noticed for public comment given how central the IM measures are in this rulemaking.²¹¹

5. PHMSA Response

The IM alternative retains an exclusion for in service-leaks or ruptures due to cracking on the pipe or pipe with similar characteristics within five miles but allows operators to manage other cracks under Subpart O as recommended by the GPAC and numerous commenters. Cracks and crack-like anomalies present a significant risk to pipeline safety and PHMSA has prescribed detailed criteria in § 192.933(d) for remediating these anomalies.²¹² PHMSA adopted the criteria in the 2022 Safety of Gas Transmission Rule after completing an extensive, 10-year rulemaking process and is confident that requiring operators of eligible Class 3 segments to comply with the requirements in § 192.933(d)—which are comparable to the conditions that PHMSA has typically included in

²⁰⁷ Docket ID PHMSA–2024–0005–0423 at 7; see Enbridge, Docket ID PHMSA–2024–0005–0418 at 2.

²⁰⁸ Docket ID PHMSA–2024–0005–0423 at 17.

²⁰⁹ Docket ID PHMSA–2024–0005–0421 at 10.

²¹⁰ Docket ID PHMSA–2024–0005–0423 at 8–9.

²¹¹ See Docket ID PHMSA–2024–0005–0422 at 1.

²¹² See, e.g., Michael Baker Jr., Inc., TTO No. 8 Final Report, *Stress Corrosion Cracking Study* (Jan. 2005), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/hazardous-liquid-integrity-management/62746/sccreport-finalreportwithdatabase.pdf>.

²⁰⁰ Docket ID PHMSA–2017–0151–0061 at 19.

²⁰¹ See Docket ID PHMSA–2017–0151–0059 at 6.

²⁰² Docket ID PHMSA–2017–0151–0063 at 7.

²⁰³ See *id.* at 9.

²⁰⁴ See Docket ID PHMSA–2024–0005–0417 at 4.

²⁰⁵ Docket ID PHMSA–2024–0005–0419 at 3.

²⁰⁶ Docket ID PHMSA–2024–0005–0421 at 6–7.

class location special permits, and proposed in the NPRM for this rulemaking—will generally provide an adequate margin of safety for the management of cracks and crack-like anomalies.

Many commenters agreed with this basic point, and even those who were more skeptical acknowledged that the requirements in Subpart O can be used to effectively manage certain cracks. The PST observed, for example, that the IM alternative could be safely applied to cracks caused by mechanical damage, which can be remediated without concern of a systemic or ongoing issue. The IM alternative includes other provisions that address the detection and prevention of cracks too, for example, the requirement to conduct girth weld cracking inspections (*see* discussion below in section IV.E.i).

Stress corrosion cracking, however, remains a concern. The point at which SCC coalesces together before rapid deterioration cannot be reliably predicted using ILI tools. SCC “growth rates should not be used to estimate remaining life up to a time point of failure, but to some point before failure where rapid mechanical growth . . . of the anomalies is not occurring.”²¹³ SCC “remains a significant issue largely because the industry’s understanding of this phenomenon is still evolving and practical methods of addressing SCC are not as mature as methods for addressing other failure causes.”²¹⁴ These concerns are addressed in the IM alternative by excluding segments that have experienced an in-service leak or rupture due to cracking in the pipe body, seam, or girth weld on the segment or pipe within five miles.²¹⁵

²¹³ ADV Integrity, Inc., *Technical Guidance: Integrity Assessment for Stress Corrosion Cracking (SCC) Using Electromagnetic Acoustic Transducer (EMAT) In-Line Inspection*, 21 (INGAA Found. ed., May 2023), available at: https://www.ingaa.org/wp-content/uploads/2023/11/Integrity_Assessment_for_SCC_using_EMAT_Final.pdf. Stress corrosion cracking is understood to behave according to a “bathtub model” in four stages: Stage 1 “Condition for SCC have not yet occurred;” Stage 2 “SCC initiates. Initially high SCC velocity decreases. Few coalesced cracks;” Stage 3 “Initiation continues. SCC grows through an environmental mechanism. Coalescence continues;” and Stage 4 “Large cracks coalesce. Transition to mechanical growth.” *Id.* at 21, fig. 8.

²¹⁴ Mohammed Al-Rabeeh et al., Saudi Arabian Oil Co., *Stress Corrosion Cracking (SCC) Susceptibility Screening Enhancement*, 2020 Pipeline Tech. J. 42, 44 (Nov. 2020), available at: <https://www.pipeline-journal.net/ejournal/ptj-5-2020/epaper/ptj-05-2020.pdf>.

²¹⁵ This restriction should be primarily limited to older vintages of pipe, as SCC is generally limited to pipe vintages “with years of installation between 1947 and 1968,” before pipeline manufacturers accounted for gas-discharge-temperature in manufacturing methods. John Kiefner & Michael Rosenfield, Final Report No. 2012.04, *The Role of*

As SCC consists of small cracks which become problematic when they coalesce, and is shown to correlate to pipe vintage, cracking near the class change segment can indicate a serious risk to the segment. The same is true with other causes of cracking. PHMSA’s experience shows that cracking is not an isolated defect and is generally found in pipe with similar material properties, coating type, age, operation and maintenance history, and environmental conditions. That cracking can affect or correlate with pipe of similar characteristics is well-recognized in Subpart O—§ 192.917(e)(5) and (6) require the evaluation of corrosion and cracking threats for segments with similar characteristics. To address this concern, the IM alternative places a five-mile limit on the evaluation required under § 192.917(e)(5) & (6). Five miles is an appropriate range within which it is likely if a crack occurs, similar conditions within the segment seeking management under the IM alternative will soon (or already have) lead to cracking. A five-mile radius has been used successfully for years in class location special permits, and no one offered a specific or reasonable alternative limit to use in this rulemaking proceeding.

Focusing the exclusion in the crack eligibility criteria on in-service leaks or ruptures strikes the proper balance that considers the recommendations by industry, the public, and the GPAC. An in-service leak or rupture of the pipe—which includes pipe body, seams, girth welds, and pipe to pipe connections, but does not include appurtenances—appropriately targets significant incidents caused by operational failures. The occurrence of such an incident on a segment subject to the IM alternative indicates that the operator has failed to properly implement the applicable program requirements and provides a reasonable basis for revoking eligibility. Accordingly, if an in-service leak or rupture due to cracking or any other cause occurs on an eligible Class 3 segment, the operator is no longer allowed to use the IM alternative and must either confirm or revise the MAOP in accordance with the requirements in

Pipeline Age in Pipeline Safety at 22–23 (INGAA Found. Nov. 8, 2012), available at: <https://ingaa.org/wp-content/uploads/2012/11/19307.pdf>. Kiefner and Rosenfield found that 18 percent of reported SCC incidents occurred in the approximately 12 percent of pipe in the Nation’s gas transmission pipeline network installed prior to 1950, another 18 percent occurred in the approximately 25 percent of pipe installed between 1950 and 1959, and the remaining 64 percent occurred in the approximately 23 percent of pipe installed between 1960 and 1969. *Ibid.*

§ 192.611(a)(1) through (3) or replace the pipe within 24 months.

PHMSA does not agree that violations of Subpart O should be used as a basis for determining or revoking program eligibility. No other regulation in part 192 relies on the presence or absence of a violation in establishing the safety standards that apply to a particular pipeline facility, and there are no special circumstances that warrant the use of that criterion in the IM alternative. The decision as to whether to initiate an enforcement action against an operator for failing to comply with Subpart O is inherently discretionary, and the sanction that should be imposed for violating a specific regulation requires the careful consideration of various factors. Mandating that an operator be prohibited from using the IM alternative on a Class 3 segment if any violation of Subpart O is found in an enforcement proceeding is inconsistent with these basic principles. While that sanction may be appropriate in specific cases, PHMSA does not agree that a violation of Subpart O, even if established in an enforcement action resulting from an incident, should provide a *per se* basis for determining or revoking an operator’s eligibility to use the IM alternative. The in-service leak or rupture adopted to exclude ongoing program eligibility discussed above more appropriately excludes program management failure with regard to cracking, meeting the aim of the Committee and commenters.

xi. Class Location Change Date—Special Permits

1. Summary of Proposal

The NPRM proposed that the IM alternative would only apply to pipe segments changing class location after the final rule effective date. The NPRM did not address whether the IM alternative should be applied to class change segments subject to active special permits.

2. Initial Comments

The PST agreed that the IM alternative should be limited to segments that have a class location change following the effective date of the final rule.²¹⁶ The Associations disagreed, noting that the limitation artificially restricts the benefits of the IM alternative without a safety rationale having been provided in the NPRM.²¹⁷ TC Energy recommended PHMSA allow class changes 24 months before the effective date to apply the IM

²¹⁶ *See* Docket ID PHMSA–2017–0151–0063 at 6.

²¹⁷ *See* Docket ID PHMSA–2017–0151–0061 at 13–14.

alternative, because “restrict[ing] the applicability of [the IM alternative] to class changes after the effective date of the final rule would be capricious” and not add to pipeline safety. An arbitrary deadline “would require two class change segments with identical characteristics to be operated and maintained differently for no reason other than [class change] date,” TC Energy added.²¹⁸

The Associations further commented that existing special permits which are otherwise eligible should be incorporated into the IM alternative, allowing any previous special permits to be withdrawn. The Associations argued this was consistent with PHMSA projections since the 2003 Gas IM rulemaking, and stated that “[r]equiring similarly-situated pipelines to comply with different operations and maintenance requirements based solely on when a class change occurred is arbitrary.”²¹⁹ Requiring special permits to be maintained in perpetuity would create unnecessary administrative burdens for both PHMSA and operators, according to the Associations and TC Energy.

3. GPAC Consideration

The GPAC did not offer a specific recommendation as to this issue, though it is related to the discussion below in section IV.C.xii.

4. Post-GPAC Comments

No significant additional comments on this issue were submitted after the GPAC.

5. PHMSA Response

PHMSA is expanding the availability of the IM alternative to eligible Class 3 segments that experienced class location changes prior to the effective date of the final rule. Limiting the IM alternative to class location changes that occurred on or after that date would introduce unnecessary complexity into the regulations and draw unreasonable distinctions between similarly situated pipeline segments without providing a meaningful benefit to pipeline safety. Two adjacent segments originally installed in a Class 1 location on the same date should not be subject to different MAOP confirmation requirements simply because, for example, one became a Class 3 location in 2023, before the effective date of the rule, and the other became a Class 3 location in fall 2026, after the effective date of the rule.²²⁰ With the eligibility

criteria and initial and recurring programmatic requirements in the IM alternative creating a comprehensive framework for ensuring the integrity of eligible Class 3 segments, PHMSA is allowing operators to apply the IM alternative regardless of when the class location change occurred.

Expanding the availability of the IM alternative to pre-effective date class location changes should only affect a relatively small number of pipelines. Section 192.611(a) obliges operators to confirm or to revise the MAOP of a class change segment within 24 months. Operators who elected to pressure test or replace their pipe—which PHMSA estimates in the associated RIA as 89 percent of Class 1 to Class 3 and 93.1 percent of Class 2 to Class 3 changes in past practice—have already complied with § 192.611(a) and should have no reason to use the IM alternative. However, operators who addressed a prior class change by reducing MAOP or obtaining a special permit may elect to use the IM alternative. In the case of the former, operators who implemented a pressure reduction may be able to restore a previously established MAOP by following the provisions in § 192.611(d), a topic discussed in greater detail in the ensuing section. As to the latter, operators who obtained a special permit have already been complying with conditions that are comparable to the requirements in the IM alternative. There is no reason in either scenario to deem these segments ineligible for the IM alternative solely on the basis of the date of the class location change.

Operators of eligible Class 3 segments who wish to terminate existing class location special permits and use the IM alternative should file a request with PHMSA. PHMSA encourages operators to submit such requests within one year of the publication of the final rule to avoid any unnecessary processing delays.

xii. Class Location Change Date—Prior Pressure Reductions

1. Summary of Proposal

Section 192.611(c) currently provides that an operator who confirms or revises the MAOP of a segment by relying on a prior 8-hour test, reducing the MAOP, or conducting a new test in accordance with Subpart J may increase the MAOP of the segment at a later date by complying with the uprating requirements in §§ 192.553 and 192.555. Section 192.611(d) similarly provides

or revising MAOP under § 192.619(a) is designed to provide a comparable level of safety, so long as the operator complies with the applicable requirements.

that an operator who reduces the MAOP of a segment may establish a new MAOP at a later date by conducting a test in accordance with Subpart J.

The NPRM proposed adding a reference in § 192.611(d) to acknowledge that an operator who previously reduced the MAOP of a segment could restore that MAOP at a later date by using the IM alternative. PHMSA noted that “an operator would need to implement [the IM alternative program] prior to any future increases of MAOP.” Though the text of the proposed amendments to § 192.611(d) would apply to any pressure reduction, the preamble text at one point noted that “operators will not be allowed to use pressure reduction taken prior to the effective date of the rule” because the NPRM proposed applying to future class changes.²²¹

The NPRM also proposed that a pipe segment which had been previously uprated could apply the IM alternative with a new, Subpart J pressure test for a minimum of 8-hour pressure test at a minimum test pressure of 1.39 times MAOP within 24 months after the class change and prior to raising the MAOP. PHMSA mentioned that allowing MAOP increases without additional requirements for pipeline segments that have previously operated at a lower pressure would present undue risk.

2. Initial Comments

The Associations and TC Energy urged PHMSA to allow operators to use the IM alternative to restore a previously established MAOP, which “would safely unlock[] capacity on an existing pipeline without the requirement for any new construction,” benefit customers, and add more mileage into the IM program. The Associations noted that implementing the “rigorous requirements of [the IM alternative] and Subpart K to restore the original MAOP” would create “no new safety risk,” and asked PHMSA to clarify that an operator could restore a previously established MAOP at any time, not only within 24 months of a class location change.

The Associations supported the proposal to require an additional 1.39 times MAOP pressure test requirement in conjunction with the existing Subpart K uprating requirements, stating that doing so “provides a high bar that will ensure safety of class change segments at their original MAOP.”²²² TC Energy agreed with the comments from the Associations, suggesting that “operators should be allowed to utilize [the IM alternative] to return previously de-

²¹⁸ Docket ID PHMSA–2017–0151–0062 at 3–4.

²¹⁹ Docket ID PHMSA–2017–0151–0061 at 14.

²²⁰ The risk profile of both segments should be the same, and each of the methods for confirming

²²¹ NPRM, 85 FR at 65168.

²²² Docket ID PHMSA–2017–0151–0061 at 13–14.

rated pipeline segments to [their] prior MAOP,” as doing so “would be a benefit to consumers and operators to expand capacity on existing pipelines,” with safety assured by the “implementation of [the IM alternative program] in conjunction with the requirements of [S]ubpart K.”²²³

The PST did not comment specifically on the concept of MAOP restoration but asked PHMSA to limit the IM alternative to segments that undergo class location changes following the effective date of the final rule.²²⁴

3. GPAC Consideration

Industry GPAC members suggested that allowing MAOP restorations as part of the IM alternative would help to improve pipeline system capacity and reliability without compromising safety. Meanwhile, GPAC members representing the public and government expressed support for the expansion of pipeline infrastructure—noting that the installation of new pipelines has become increasingly difficult in many States—but voiced reluctance with reducing the safeguards proposed in the NPRM.

In a 10–2 vote, the GPAC recommended that PHMSA consider allowing operators who previously managed a class change by a pressure reduction to use the IM alternative and restore the original operating pressure of a pipeline segment. The recommendation specified that this would be technically feasible, reasonable, cost-effective, and practicable, so long as it (1) maintained an equivalent or greater level of pipeline safety and (2) operators are effectively managing these segments under the IM alternative. Specifically, the Committee recommended allowing the restoration of pressure up to the original MAOP, subject to the 0.72 design factor and 1.25 times MAOP pressure testing limitations in the IM alternative.

4. Post-GPAC Comments

The Associations agreed with the GPAC’s recommendation and urged PHMSA to allow operators to “restore the previous pressure up to a 0.72 design factor, if the segments can meet the requirements of” the IM alternative. The Associations stated that with a sufficient pressure test, “there is not a risk-based or engineering reason to treat these segments differently than the lines that will undergo class changes after [the IM alternative] becomes available.” The Associations also observed that allowing operators to use the IM

alternative for prior and future pressure reductions is “a safe and efficient way to increase [pipeline] capacity without new construction, alleviating the environmental and landowner concerns that can accompany new gas infrastructure construction.”²²⁵

Williams similarly “struggle[d] to find a compelling reason why PHMSA should” limit the pathway restoring capacity on pipelines that underwent a pressure reduction to only those class changes that occur following the effective date of the rule. Williams noted “that many of these pipe segments that [previously] underwent a voluntary, prior pressure reduction did so because executing a pressure test or replacing the pipe was impractical or not feasible at the time of the prior change in class location.” Williams also stated that allowing pipe segments which previously underwent pressure reductions to participate in the IM alternative will allow operators to meet continuing domestic energy demand “without having to put new pipe in the ground.” Williams emphasized the reasonableness of their proposal and encouraged PHMSA to “provide for this option utilizing the stringent requirements of pressure restoration in Subpart K as part of the Final Rule.” Williams stated that such a path would provide “an adequate level of safety” as “[t]he rigors of the integrity management standards can provide confirmation and validation of the pipe material and its condition, and the pressure test provide[s] confidence in a safe operating pressure for prior class location change segments.”²²⁶

An anonymous commenter argued that “PHMSA must not allow pipeline operators to raise the MAOP of the Class 1 [design] pipe that is located in a Class 3 location [as] [e]xisting Class 1 [design] pipe does not have the strength and integrity of new[,] modern Class 3 [design] pipe.” The anonymous commenter further noted that “raising the pipe MAOP for a Class 1 location to a Class 3 location [] may raise a 500 psig MAOP . . . to 720 psig MAOP[,] an increase of 44 [percent] in pressure. This would raise the [potential impact radius] in a highly populated area.”²²⁷

5. PHMSA Response

PHMSA agrees that MAOP restorations should be allowed under the IM alternative. Section 192.611(c) has long recognized that an operator may use the process in Subpart K to increase the MAOP of a segment or

conduct a new test in accordance with Subpart J to establish a new MAOP and § 192.611(d) has permitted an operator to restore the MAOP upon electing a different compliance method.

Consistent with these provisions and the GPAC’s recommendation, PHMSA has determined that the IM alternative may be used to restore the previously established MAOP of an eligible Class 3 segment, provided the operator undertakes certain additional safety measures. These measures are drawn from the uprating requirements in Subpart K, which have been used for decades to safely increase the MAOP of pipeline segments.²²⁸

Before restoring a previously established MAOP, the operator must review the design, operating, and maintenance history of the segment to determine that the proposed increase in pressure is safe in accordance with § 192.555(b)(2). An operator must also complete each of the initial programmatic requirements in the IM alternative before restoring the previously established MAOP: the pipeline must be assessed, all anomalies remediated, and the § 192.611(a)(4)(i) initial programmatic requirements completed. Compliance with the threat identification and remedial action requirements in § 192.917(e)(3)–(4) is needed as well, and the final rule requires an operator to manage a restoration as an MAOP increase under Subpart O. With these steps complete, the operator may raise the pressure of a segment in the increments provided at § 192.555(e), *i.e.*, 10 percent of the pressure, or 25 percent of the total pressure increase, whichever produces the fewer number of increments. While an operator may restore the pressure of an eligible Class 3 segment to a previously established MAOP, no pressure may be restored to greater than 72 percent SMYS for Class 1 design pipe, or 60 percent SMYS for Class 2 design pipe, as required by the IM alternative program itself.

These requirements provide the safeguards necessary to restore the previously MAOP of eligible Class 3 segments. The 1.25 times MAOP test pressure requirement, when combined with the prior history of successful operation at the previously established

²²⁸ NPRM, 85 FR at 65157. While several uprating requirements can also provide safety when restoring MAOP, PHMSA has been clear that returning pressure previously reduced in response to a class location change is not considered an “uprate,” which the NPRM disclaimed for the IM alternative as it raises pressure to a new level not previously qualified. *See Transportation of Natural and Other Gas by Pipeline; Period for Confirmation or Revision of Maximum Allowable Operating Pressure*, 51 FR 34987, 34988 (Oct. 1, 1986).

²²³ Docket ID PHMSA–2017–0151–0062 at 3.

²²⁴ *See* Docket ID PHMSA–2017–0151–0063 at 6.

²²⁵ Docket ID PHMSA–2024–0005–0423 at 10–11.

²²⁶ Docket ID PHMSA–2024–0005–0421 at 8–9.

²²⁷ Docket ID PHMSA–2024–0005–0415 at 2.

MAOP, provides sufficient assurance that the segment can be safely operated at the increased pressure.²²⁹ The IM alternative also requires compliance with a series of additional requirements to ensure the ongoing integrity of the segment, including the provision in § 192.917(e)(3)(ii) and (4) that requires the prioritization of segments that undergo MAOP increases for integrity assessments.

PHMSA is adopting the IM alternative because the methods traditionally authorized for confirming or revising the MAOP of class change segments—MAOP reductions, pressure testing, and pipe replacement—do not account for modern risk management principles and impose unnecessary burdens on the regulated community and consumers. The MAOP restoration requirements in the final rule provide a safe, efficient, and practicable approach for eliminating those burdens and increasing pipeline capacity.

xiii. Previously Denied Special Permits

1. Summary of Proposal

The NPRM proposed to exclude segments if PHMSA had previously denied a special permit application for another segment located between the nearest upstream ILI launcher and downstream ILI receiver.

2. Initial Comments

The Associations and TC Energy commented that a pipe segment should be eligible or ineligible for the IM alternative on its own right. The Association also noted that prior applications involved “inspection areas often span[ning] tens of miles upstream and downstream of special permit segments and could have [pipe] attributes and histories completely different than” the specific segment previously denied a special permit.²³⁰ TC Energy added that the “[r]evocation [or] revocation of a special permit may be based on a number of factors that should not factor into the application of” the IM alternative, noting, for example, that PHMSA broadly halted the issuance of special permits from 2008 to 2010.²³¹

3. GPAC Consideration

The GPAC did not offer a specific recommendation as to this proposed eligibility restriction.

4. Post-GPAC Comments

No significant additional comments on this issue were submitted after the GPAC.

5. PHMSA Response

PHMSA is not finalizing a restriction for previously denied special permits. As discussed above, the definition of eligible Class 3 segment excludes segments with pipeline operating characteristics that are not appropriate for MAOP confirmation under the IM alternative, for example, severe cracking. The IM alternative also includes requirements for pressure testing and verification of material property records and imposes a 72 percent of SMYS limitation on MAOP confirmation. Segments with these characteristics overlap with those that PHMSA likely did, or would have, denied in prior special permit proceedings, making an additional exclusion predicated on that denial unnecessary. With these eligibility restrictions on use of the IM alternative program, it is unnecessary to further exclude a segment where its neighbor was previously denied a special permit.

In addition, it is likely that at least some operators previously decided not to apply for special permits for segments that PHMSA would have denied based on the eligibility criteria established in the 2004 policy. Those operators may now be able to use the IM alternative to confirm, revise, or restore the previously established MAOP of the segment. An operator who chose to apply for a special permit and received a denial for a segment with the same characteristics would not. Today, there is no reason to treat these two segments differently. Accordingly, PHMSA is not including the proposed eligibility restriction for previously denied special permits in the final rule.

D. IM Program Requirements

i. Subpart O Incorporation

1. Summary of Proposal

The NPRM proposed requiring operators treat the class change segment as an HCA subject to the IM requirements in part 192, subpart O. The proposal also set out specific assessment and remediation requirements from subpart O, as discussed in sections IV.D.ii through v below. Subpart O compliance has been a central feature of PHMSA’s class location special permits.

2. Initial Comments

Commenters generally agreed that segments whose class change is managed under the IM alternative

should be subject to the requirements in Subpart O. The NTSB commented that PHMSA should expand the Subpart O mileage to include such segments,²³² and NAPS and the PST each supported PHMSA requiring operators designate these as HCAs, while also providing that further safety requirements are needed.²³³

The Associations, Sander Resources, the GPTC, and NAPS asked PHMSA to clarify whether the IM requirements are one-time actions performed when the class change occurs, and if any subsequent assessments, remediation, monitoring, and P&MMs would be subject to Subpart O.²³⁴ Rather than cross-reference Subpart O, the GPTC and Sander Resources recommended explicitly reiterating all applicable requirements of Subpart O. Sander Resources also requested that PHMSA clarify the proposed wording of this requirement, as the phrase “If the following [criteria] are met:” might imply that an operator could have an HCA in its IM program that the operator does not have to assess.

3. GPAC Consideration

The GPAC supported PHMSA’s proposal to apply the Subpart O requirements to class change segments, and voted on individual implementation details discussed in sections IV.D.ii through v below. At the meeting, PHMSA explained that the requirements proposed in the NPRM had been subsequently incorporated into Subpart O by parallel rulemakings, and that those amendments could now be directly cross-referenced in this final rule.²³⁵

4. Post-GPAC Comments

Williams and Mr. Drake each characterized Subpart O as the “best standard of care . . . available for operators.”²³⁶ The Associations highlighted Subpart O’s strong track record, and noted how adding more mileage into IM assessment will provide better data for risk assessment and encourage the use of modern

²³² See Docket ID PHMSA–2017–0151–0055 at 4.

²³³ See Docket ID PHMSA–2017–0151–0059 at 7; Docket ID PHMSA–2017–0151–0063 at 6.

²³⁴ See Docket ID PHMSA–2017–0151–0061 at 26–27; Docket ID PHMSA–2017–0151–0064 at 4; Docket ID PHMSA–2017–0151–0065 at 3; Docket ID PHMSA–2017–0151–0059 at 7.

²³⁵ GPAC, *Class Location Requirements Transcript March 28, 2024*, Docket ID PHMSA–2024–0005–0309, at 128 (Apr. 11, 2024) (Mary McDaniel, PHMSA) (“[S]ome of these provisions in here may have been included since we’ve adopted those other regulations. But still we are saying that Subpart O requirements do apply.”).

²³⁶ Docket ID PHMSA–2024–0005–0421 at 5; see Docket ID PHMSA–2024–0005–0419 at 2.

²²⁹ On the other hand, to “uprate” pressure above a previously established MAOP may require a 1.5 times MAOP pressure test under Subpart K.

²³⁰ Docket ID PHMSA–2017–0151–0061 at 14–15.

²³¹ Docket ID PHMSA–2017–0151–0062 at 5.

technology.²³⁷ The Associations, Williams, Enbridge, Mr. Drake, and Mr. Zamarin asked PHMSA to incorporate the amendments to Subpart O adopted in the 2019 and 2022 Safety of Gas Transmission Rules into the IM alternative, noting that the new provisions are similar to those referenced in the NPRM.²³⁸

5. PHMSA Response

The IM alternative applies the requirements in Subpart O to eligible Class 3 segments. Section 192.611(a)(4) includes explicit language to that effect and amended § 192.903 includes these segments as HCAs. These provisions make clear that Subpart O compliance is required for each eligible Class 3 segment that uses the IM alternative.

Subpart O requirements—which include anomaly assessment and remediation, as well as risk assessment procedures—provide an appropriate foundation for the IM alternative. PHMSA has seen a significant decrease in failures and ruptures on transmission lines since Subpart O went into full effect.²³⁹ Before integrity management was in effect, yearly reported incidents on gas transmission lines were consistent or increasing from 2000 to 2012. Regression analysis projects that without intervention yearly incident counts would have continued increasing by a rate of 2.98 incidents per year. But after implementation of integrity management with the first round of baseline assessments, the trendline reversed, even just from applying IM to a relatively small portion of all gas transmission lines. In 2013, 107 gas transmission incidents were reported, while in 2024 only 94 such incidents were reported, with a consistent downward trend in this period. Using this time period under IM, a regression analysis predicts each subsequent year to experience 2.64 fewer incidents than the year before it. As assessments become more advanced, PHMSA expects this trend will continue and result in further declines in the frequency of incidents.

PHMSA's recent amendments to Subpart O are incorporated by reference into the IM alternative. Rather than restating existing regulatory requirements as suggested by some

commenters, § 192.611(a)(4) simply refers directly to Subpart O. That approach eliminates a significant amount of duplicative text, avoids any uncertainty that might result from having parallel provisions addressing the same topic, and improves the clarity and concision of the regulation. These changes will not have any impact on the covered segments that are otherwise subject (*i.e.*, not under the IM alternative) to the IM requirements in Subpart O.

PHMSA expects that the IM alternative will add only an estimated 0.64 percent to the total HCA mileage nationwide.²⁴⁰ The addition of this mileage will not dilute the important data that PHMSA receives on total HCA mileage, and PHMSA sees no reason to omit these segments from the other IM data collection requirements, such as annual reports and IM performance measures at § 192.945, that apply to other covered segments under to Subpart O.

The final rule also applies certain Subpart O requirements, including the provisions for periodic assessment and remediation, from the nearest upstream launcher to downstream receiver surrounding the eligible Class 3 segment. This span of pipe is defined as the eligible Class 3 inspection area, and the measures taken there are important for providing safety to the eligible Class 3 segment. These requirements are discussed in the ensuing subsections.

ii. Assessment Methods

1. Summary of Proposal

The NPRM proposed that operators regularly assess and reassess eligible Class 3 segments, as well as the portion of pipe extending from the nearest upstream launcher to downstream receiver, using ILI as the primary integrity assessment method. Alternative assessment methods—such as pressure testing or other technology, excluding direct assessment—could be used by notifying PHMSA 90 days in advance in accordance with § 192.18. Operators could also notify PHMSA if it chose not to conduct the ILI as required on a pipeline segment with a history of pipe body or weld cracking or pipe movement.

Historically, class location special permits have required assessment using ILI tools tailored to all integrity threats identified on the pipeline. That requirement has applied to the entire

“special permit inspection area,” which extends to the area between the upstream ILI launcher and downstream ILI receiver, or compressor stations, or 25 miles on either side of the segment, whichever is less, to ensure the class change segment is adequately protected.

2. Initial Comments

The Associations encouraged the use of ILI as the primary integrity assessment method for eligible Class 3 segments, noting that these assessments will encourage the development of more modern inspection technology, apply ILI to greater mileage, and provide operators with more information and data to integrate into their IM program. The Associations also requested PHMSA clarify that the ILI assessments should address only the threats to which the eligible Class 3 segment is susceptible.²⁴¹

Regarding other integrity assessment methods, the GPTC recommended that PHMSA not require notification when assessing using a pressure test as that is allowed under Subpart O.²⁴²

3. GPAC Consideration

Two GPAC recommendations generally endorsed requiring assessment to use the IM alternative. By 10–2 and 12–0 votes, respectively, the GPAC recommended that it was technically feasible, reasonable, cost-effective, and practicable to require operators perform an initial assessment within 24 months of the class change, and that operators could use an assessment from the previous 24 months.

4. Post-GPAC Comments

While in their initial comments the Associations had suggested that direct assessment should be permitted so long as operators follow the 90-day-prior-notice-and-no-objection process prescribed in § 192.18, in their post-GPAC comments, the Associations offered draft regulatory text with the direct assessment exclusion reinstated. The Associations recommended PHMSA otherwise cross-reference assessment methods under § 192.921(a)(1).²⁴³

5. PHMSA Response

PHMSA agrees that ILI tools should be the primary integrity assessment for eligible Class 3 segments under the IM alternative. When compared to other integrity assessment methods, ILI tools provide operators with the most useful information and data about the current

²³⁷ See Docket ID PHMSA–2024–0005–0423 at 6, 8–9, 15.

²³⁸ See Docket ID PHMSA–2024–0005–0418 at 2; Docket ID PHMSA–2024–0005–0420 at 4–5.

²³⁹ Plotting a trendline on incidents from 2000 to 2012 produces an equation of $y = 2.9835x + 84.962$, while the trendline for 2013 to 2024 produces an equation of $y = -2.6364x + 127.47$. This shows a significant change in the linear relationship of incidents per year under Subpart O's influence.

²⁴⁰ In 2023, operators reported approximately 21,381 miles of onshore transmission HCAs. The RIA estimates that 120 miles of gas transmission pipeline would take advantage of the IM alternative to manage class changes.

²⁴¹ See Docket ID PHMSA–2017–0151–0061 at 13.

²⁴² See Docket ID PHMSA–2017–0151–0065 at 3.

²⁴³ See Docket ID PHMSA–2024–0005–0423 at 25.

state of a pipeline, so long as the operator selects a tool that is appropriate for completing the assessment of a given threat. The IM alternative continues to incentivize the use of ILI tools as the primary integrity assessment method, which is consistent with PHMSA's historical practice of requirements for the selection and use of ILI tools for assessment and remediation in class location special permits, as well as NTSB Recommendation P-15-20.²⁴⁴

While Subpart O presents several viable assessment methods, direct assessment is not authorized under the IM alternative. Direct assessment identifies the most likely locations where external corrosion, internal corrosion, or SCC exist on an assessed pipeline segment. With in situ examinations limited to specific locations, direct examination is unable to identify and measure anomalies along the full length of the eligible Class 3 inspection area to provide assurance with non-commensurate pipe under the IM alternative. PHMSA has also not allowed operators to use direct assessment as an integrity assessment method in class location special permits. Allowing operators to use direct assessment in the IM alternative would be inconsistent with this historical practice.

The IM alternative otherwise incorporates the requirements for integrity assessment methods in Subpart O, including the provisions in §§ 192.921(a) and 192.937(c) for conducting baseline assessments and reassessments, respectively. Incorporating the approved assessment methods (other than direct assessment) in §§ 192.921(a) and 192.937(c) eliminates the need to relist the specific assessment methods in the IM alternative. This allows for the use of pressure testing, which has long been recognized as an appropriate assessment method. However, pressure testing rarely provides information about specific anomalies, and the result of a pressure test is generally a binary pass or fail result. As a result, PHMSA expects operators will likely find pressure testing is a less practicable integrity assessment method than ILI tools.

Incorporating §§ 192.921(a) and 192.937(c) obviates the need for

notification when using an approved assessment method. Such a notification is not necessary for an assessment method that is already authorized under Subpart O. An operator intending to use an alternative method or "other technology" for conducting an integrity assessment is still required to comply with notification requirements at §§ 192.710(c)(7) or 192.921(a)(7), as applicable.

iii. ILI Validation

1. Summary of Proposal

The NPRM proposed requiring operators to validate the results of ILI assessments under the IM alternative to the Level 3 standard defined in the second edition of API Standard 1163, *In-line Inspection Systems Qualification Standard*, Second edition, April 2013, Reaffirmed August 2018 (API STD 1163), which PHMSA proposed to incorporate by reference. API STD 1163 defines Level 3 validation as being supported by "extensive validation measurements . . . that allow stating the as-run tool performance." The proposal also included several specifications, such as conducting four validation digs.

2. Initial Comments

The NTSB supported PHMSA's proposal and was "hopeful the implementation of the more detailed requirements of API [STD] 1163 will lead to a greater level of validation of ILI data," noting its research which shows the quality of such data currently varies from operator to operator. The NTSB encouraged PHMSA to consider applying this requirement to the entirety of the Federal Pipeline Safety Regulations. The NTSB agreed that validation digs were necessary to show the efficacy of the ILI tools but urged PHMSA to further scrutinize the "sufficient" number of digs "for data validation."²⁴⁵

The PST also strongly supported PHMSA's proposal for tool validation as critical to confirm ILI tools are operating within specification, thus providing operators with the "meaningful data that is necessary to make . . . decisions about the remaining serviceability of a pipeline segment."²⁴⁶ Observing that Level 2 validation does not ensure a given tool performance is within specification, the PST endorsed Level 3 validation. Accufacts echoed this last

point and noted that ILI tool validation is necessary to close loopholes in Subpart O that have led to ineffective application of ILI.²⁴⁷

The Associations agreed with the value of ILI validation but questioned the need to require it to Level 3, which they stated is not practicable, unnecessary to ensure safety, and intended for use by ILI tool vendors. The Associations noted that Level 3 requires "extensive measurements" which are "often not possible" for segments in the best condition, *i.e.*, the best candidates for the IM alternative. This, the Associations argued, would inhibit ILI of segments not previously inspected and where few anomalies have been identified. Emphasizing that API STD 1163 "Level 1 and Level 2 validation . . . prove with a high degree of confidence that the tool performed in accordance with the tool vendor's specifications," the Associations argued there is no reason to depart from Subpart O, which requires validation under API STD 1163 but does not specify a required level of validation.²⁴⁸ In addition, the Associations stated that the proposed four dig requirement is "not necessary to validate tool performance," with "no technical basis for selecting four digs" provided in the proposal.

3. GPAC Consideration

Public comments from industry members similarly expressed that Level 3 validation was overly intensive when Levels 1 and 2 provided high confidence to validate tools. The GPAC offered no specific recommendation as to the level of validation.

4. Post-GPAC Comments

No significant additional comments on this issue were submitted after the GPAC.

5. PHMSA Response

The IM alternative requires validation of ILI assessments to at least Level 2, rather than Level 3 as proposed in the NPRM. Confirming that ILI measurements accurately reflect tool performance and anomaly characterization is essential for an operator to effectively use ILI data. Though Subpart O generally allows any appropriate level to be used to validate

²⁴⁷ See Docket ID PHMSA-2017-0151-0058 at 4.

²⁴⁸ Docket ID PHMSA-2017-0151-0061 at 21-22. Sanders Resources questioned whether this rulemaking vehicle was the proper one in which to incorporate by reference API STD 1163. See Docket ID PHMSA-2017-0151-0064 at 3. However, API STD 1163 was originally incorporated by reference, for § 192.493, in the 2019 Safety of Gas Transmission Rule. See 84 FR at 52210, 52243. This rulemaking merely extends it to § 192.611(a)(4).

²⁴⁴ NTSB, *Safety Recommendation P-15-20* (Feb. 10, 2015), available at: <https://www.ntsb.gov/safety/safety-recs/recletters/P-15-001-022.pdf> ("Identify all operational complications that limit the use of in-line inspection tools in pigable pipelines, develop methods to eliminate the operational complications, and require operators to use these methods to increase the use of in-line inspection tools.").

²⁴⁵ Docket ID PHMSA-2017-0151-0055 at 4. See also NTSB, SS-15-01, *Safety Study: Integrity Management of Gas Transmission Pipelines in High Consequence Areas* (Jan. 27, 2015), available at: <https://www.ntsb.gov/safety/safety-studies/Documents/SS1501.pdf>.

²⁴⁶ Docket ID PHMSA-2017-0151-0063 at 4-5.

tools, Level 1 validation is for ILI tool use on pipelines “that represent low levels of risk in consideration of either consequence or probability of failure.”²⁴⁹ Level 1 validation is not appropriate for eligible Class 3 segments under the IM alternative, which relies heavily on the results of ILI assessments to provide the margin of safety that would otherwise be afforded by the class-based design and test factors in part 192.

Based on the comments submitted and PHMSA’s subsequent technical review of the standard, the IM alternative requires validation of ILI results to at least Level 2 in accordance with API STD 1163, rather than Level 3 as proposed.²⁵⁰ Whereas Level 1 relies only on historical data, Level 2 validation provides appropriate validation and confidence level to verify that ILI tools are performing within stated specifications and have adequately indicated potential areas of the specified threat. By using field measurements to check tool performance against its specification, Level 2 establishes a minimum confidence level for assessments while avoiding unnecessary excavations and analyses that may be required in Level 3 where a tool is not performing according to specification.²⁵¹ Use of Level 2 is bolstered with PHMSA’s requirement to conduct anomaly digs necessary to achieve 80 percent confidence.

API STD 1163 also provides for the appropriate number of validation measurements (*i.e.*, digs) to establish confidence that the ILI is performing within specification.²⁵² Having considered the various comments regarding the proposed validation measurements, PHMSA agrees it is not well-suited to a one-size-fits-all codified

requirement. Instead, PHMSA is requiring operators to perform sufficient in-situ anomaly validation measurements to achieve an 80 percent confidence level for the tool run in accordance with API STD 1163. This may require more or less validation measurements to successfully validate the ILI tool performance than did the proposal, and is more technically based for the tool and pipeline, as the NTSB suggested PHMSA consider. As the third edition of API STD 1163 addresses validation measurement and validation levels in greater detail compared with the second edition, PHMSA will consider in a future rulemaking updating the incorporation by reference of newer editions of API STD 1163, which may allow for more tailored validation dig requirements.

iv. Baseline Assessment

1. Summary of Proposal

The NPRM proposed requiring a baseline integrity assessment within 24 months following a change in class location. This baseline assessment, similar to the reassessment mandated at least every seven years, would cover the class change segment and the surrounding area extending from the nearest upstream launcher to the downstream receiver.

2. Initial Comments

The Associations commented that PHMSA should allow assessments from a few years prior to satisfy as the baseline assessment requirement, provided the operator complete any outstanding remediation within 24 months of the class change.²⁵³ TC Energy also supported allowing assessments recently completed before the class change to count towards the initial assessment.²⁵⁴

The PST recommended that PHMSA accelerate the proposed baseline assessment requirement to require operators to both conduct a baseline assessment and to complete remediation of any identified anomalies within 24 months. Permitting operators to conduct only an initial assessment, the PST argued, “pretty much guarantees there will be segments that have changed classes . . . and are still subject to the higher risks of an older, weaker pipe, requiring additional time to plan for its replacement or to apply for a special permit.”²⁵⁵ Conversely, TC Energy sought more time, recommending 36 months from the class change to complete the baseline assessment to

allow adequate time for proper assessment, giving sufficient time for an operator to identify and document susceptible threats; contract, schedule, and coordinate tool services; and integrate the data from multiple ILI tools.²⁵⁶

3. GPAC Consideration

GPAC members representing the government and the industry supported the use of prior assessments to satisfy the baseline assessment requirement. These members noted that data from a tool run could be valid for several years and that prohibiting operators from using prior assessments would create an arbitrary and artificial deadline centered around the date of the class location change.

In a 12–0 vote, the GPAC recommended that the timing of the baseline assessment was technically feasible, reasonable, cost-effective, and practicable, if PHMSA permitted a valid previous assessment performed within 24 months of the class location change to serve as the baseline assessment, so long as remediation is completed and the reassessment interval is maintained as detailed in the rule.

4. Post-GPAC Comments

The Associations reiterated their support for using prior assessments because “[m]odern technology permits operators to predict developments over time periods that far exceed 24 months” and provide “good data that is actionable for years.”²⁵⁷ The Associations also echoed the concerns of the GPAC members that requiring a new assessment within 24 months of a class change soon after having run a prior tool could be considered arbitrary and result in the deployment of unnecessary resources.

5. PHMSA Response

The IM alternative requires an operator to conduct a baseline assessment and complete any necessary remediation within 24 months of the class location change or effective date of the final rule. PHMSA agrees with the commenters and unanimous GPAC recommendation that operators should be allowed to use recently conducted integrity assessments to satisfy the baseline assessment requirement. A prior integrity assessment meeting the parameters required by IM alternative, conducted within 24 months of the class location change or effective date of the final rule, contains data that remains valid and is comparable to a new

²⁴⁹ API, API Standard 1163, *In-line Inspection Systems Qualification*, sec. 8.1.3 & C.1.1 (2nd Ed. Rev. 2018) (API STD 1163).

²⁵⁰ Under API STD 1163, Level 2 validation may require an operator to conduct Level 3 validation in certain situations requiring additional measurements. For example, if a Level 2 validation indicates that ILI tool performance is worse than specified, API STD 1163 provides that the operator should consider performing more field measurements, rejecting the ILI tool, or confirming the as-run performance of the ILI assessment with a Level 3 validation. *See, e.g.*, API STD 163, Fig. 6. API STD 1163 provides that operators or equipment manufacturers should also consider performing Level 3 validation when evaluating new technologies or new applications of technologies.

²⁵¹ *See* API STD 1163, Sec. 8.2.6.

²⁵² PHMSA notes that the IM alternative uses the term “validation measurement,” rather than “validation dig,” to minimize ambiguity. The term validation measurement is defined separately from calibration dig in API STD 1163, since multiple anomalies can be measured in a single dig, referring to measurements is more accurate.

²⁵³ *See* Docket ID PHMSA–2017–0151–0061 at 22.

²⁵⁴ *See* Docket ID PHMSA–2017–0151–0062 at 7.

²⁵⁵ Docket ID PHMSA–2017–0151–0063 at 6–7.

²⁵⁶ Docket ID PHMSA–2017–0151–0062 at 7.

²⁵⁷ Docket ID PHMSA–2024–0005–0423 at 16.

integrity assessment conducted in the 24-month period following these dates. Either can be used to satisfy the initial integrity assessment requirement in the IM alternative, an approach that PHMSA has applied in class location special permits.

PHMSA agrees with the PST that the timeline for remediating conditions discovered during an initial integrity assessment should be modified—PHMSA is requiring all repairs of immediate and scheduled conditions to be completed within a 24-month period. That time period, which runs either from the effective date of the final rule or the date of the class location change, aligns with the 24-month deadline that applies under § 192.611(d) for confirming or revising the MAOP of a non-commensurate segment. Requiring remediation of immediate and scheduled conditions within the 24-month period ensures that a segment will be of optimal condition to administer the IM alternative program from the outset. The 24-month period also provides operators with enough flexibility to complete the baseline assessment and scheduled remediation, while providing for pipeline safety with prompt remediation of time-sensitive conditions.²⁵⁸

v. Remediation Schedule

1. Summary of Proposal

The NPRM proposed an extensive remediation schedule for managing anomalies discovered during an integrity assessment. The proposed schedule identified the following three tiers of remediation timelines based on threat potential:

1. PHMSA proposed immediate repair of anomalies at or near the point of failure, including metal loss with a predicted failure pressure less than or equal to 1.1 times the MAOP, crack-like defects with a predicted failure pressure less than 1.25 times the MAOP, and additional specified criteria dependent on anomaly type and size.

2. PHMSA proposed requiring repair within one year for metal loss, denting, cracking, and other anomalies that are not an immediate threat to integrity but which require timely repair before they devolve into a more significant threat. Many of these criteria used engineering analysis, such as predicted failure pressure (PFP) using a safety factor based on the class location and dent

repair criteria on an engineering critical assessment (ECA) using anomaly size and location.

3. Other less severe anomalies would require monitoring during subsequent integrity assessments.

PHMSA proposed to apply this remediation schedule to anomalies found throughout the eligible Class 3 inspection area (*i.e.*, the eligible Class 3 segment and the span of pipe from its nearest upstream launcher to downstream receiver). Within the eligible Class 3 segment specifically, PHMSA proposed an additional one-year remediation requirement for anomalies exhibiting crack depth or pipe wall thickness loss greater than 40 percent. PHMSA also proposed a two-year remediation requirement for anomalies throughout the eligible Class 3 inspection area exhibiting cracks with 40 percent or greater wall depth and a PFP greater than or equal to 1.39 times MAOP.

2. Initial Comments

The comments on this topic generally expressed (1) support for the expanded remediation schedule, (2) divergence on the timeline for remediation of various anomalies outside the segment, and (3) opposition to the two additional prescriptive crack remediation criteria as superfluous.

The PST and Accufacts appreciated PHMSA's proposed updated remediation criteria.²⁵⁹ The historical Subpart O remediation schedule provided too much "room for error," according to Accufacts, while the proposal incorporated prudent ILI tool tolerances into predicted failure pressures to prevent anomalies with actual failure pressures below MAOP, which has caused some ruptures below MAOP. Accufacts lauded PHMSA's proposal and noted that the approach responded to early ruptures under Subpart O and would ensure "consistency across the industry."²⁶⁰ TC Energy advocated for a risk-based remediation schedule, allowing operators to select the appropriate time to repair, rather than apply a fixed schedule. TC Energy also noted that "a repair is not always required to maintain pipeline safety. Often, remediation, such as a recoating, adequately address[es] a condition."²⁶¹ The Associations agreed that the remediation schedule should be updated and harmonized with the improved Subpart O remediation

schedule in the then-in-progress 2022 Safety of Gas Transmission Rule.²⁶²

The GPTC also highlighted how the proposed remediation schedule was more stringent than the then-codified remediation schedule in Subpart O. The GPTC asked PHMSA to clarify that the additional requirements were applicable in particular to the eligible Class 3 segment and not all pipelines subject to Subpart O.²⁶³

As for the timing of scheduled remediation, TC Energy commented that pipelines in the eligible Class 3 inspection area should be treated the same as any other non-HCA segment, with two years to schedule repairs.²⁶⁴ The Associations agreed, offering that the broader inspection area was "no different than any other non-HCA" and should be treated to a two-year response for scheduled anomalies, while one year was appropriate for the eligible Class 3 segment given its HCA designation. The Associations commissioned a study from Blade Energy Partners to demonstrate how extending the remediation period for scheduled anomalies in the eligible Class 3 inspection area from a one-year timeline to a two-year timeline would still provide sufficient safety for the external corrosion and SCC threats.²⁶⁵

Given their support for using the then-proposed Subpart O remediation schedule from the 2022 Safety of Gas Transmission Rule, the Associations argued against the two additional crack related conditions, which were not contained in those in-progress amendments to Subpart O. Citing the Blade Report, the Associations suggested that equivalent safety would be provided regardless of whether the 40 percent crack or metal loss depth criteria were adopted. The Associations observed that "wall loss in and of itself is an incomplete measure of risk" while "PFP is a much more informed basis for categorizing anomalies, because PFP calculations consider anomaly depth, length, and pipe material properties to directly evaluate the extent to which an anomaly is impairing the pipeline's ability to safely operate at its MAOP." The Associations argued that, because PHMSA's other proposed remediation criteria already ensure that anomalies which reduce the PFP of the class change segment below 1.39 times

²⁶² See Docket ID PHMSA-2017-0151-0061 at 22–23.

²⁶³ See Docket ID PHMSA-2017-0151-0065 at 2–3.

²⁶⁴ See Docket ID PHMSA-2017-0151-0062 at 6.

²⁶⁵ Docket ID PHMSA-2017-0151-0061 at 23, *submitting Blade Energy Partners, Reliability Based Assessment of Pipeline Class Changes* (Dec. 4, 2020).

²⁵⁸ This deadline does not supersede (or extend) remediation timelines in § 192.933. Anomalies discovered during a baseline assessment must be remediated in accordance with the requirements of that section or within 24 months of the change in class location, whichever is earlier.

²⁵⁹ Docket ID PHMSA-2017-0151-0058 at 4–5.

²⁶⁰ Docket ID PHMSA-2017-0151-0058 at 4; see Docket ID PHMSA-2017-0151-0063 at 6–7.

²⁶¹ Docket ID PHMSA-2017-0151-0062 at 6.

MAOP will be remediated within one year, “the additional depth-based criterion is unnecessary.” In addition, the Associations suggested removing the requirement in monitored conditions to consider anomaly growth because they found it “confusing and contradictory.”²⁶⁶

TC Energy also found this added criteria lacking in technical justification, even if consistent with some class location change special permit conditions. TC Energy echoed the Associations’ observations about the insufficiency of wall loss as a measure of risk when compared to PFP and noted the improved quality of ILI tool accuracy.²⁶⁷

3. GPAC Consideration

PHMSA amended the Subpart O remediation schedule in the 2022 Safety of Gas Transmission Rule, which published prior to the GPAC meeting on the NPRM. Given the consistency between the two, PHMSA explained at the GPAC meeting that the final rule in this proceeding could simply cross-reference the new Subpart O remediation schedule.²⁶⁸ The GPAC members discussed the proposed remediation schedule, ultimately recommending, by a vote of 10–2, that PHMSA use the same assessment and repair criteria now in place under Subpart O. As discussed in section IV.C.x, the GPAC also voted 10–2 recommending for the remediation of crack anomalies in accordance with Subpart O.

4. Post-GPAC Comments

The Associations stated that using the newly updated Subpart O repair criteria “ensures that operators are repairing the highest risk pipe at the earliest time versus the use of an arbitrary repair timeline that would require an operator to repair a lower risk pipe earlier than pipe at a greater risk.” The Associations continued that there is “no clear reason why” separate remediation schedules are necessary for HCAs and the IM alternative.²⁶⁹ Williams added its support for the amended Subpart O standards, which “are backed up by years of research, scientific data analysis, and peer-reviewed, technical debate by numerous industry experts.”

Williams offered that “buil[d]ing upon these principles enhance[s] the level of certainty for operators” and that “operators and PHMSA have confidence in the ability of the ILI tools to correctly grade anomalies.”²⁷⁰

5. PHMSA Response

The IM alternative applies the recently amended Subpart O remediation schedule to protect pipeline integrity and provide for safety across the eligible Class 3 inspection area, consistent with the intent of the proposal, the suggestion of many commenters, and the recommendation of the GPAC. Since publication of the NPRM, PHMSA has enacted a modern, detailed remediation schedule for anomalies in Subpart O at § 192.933.²⁷¹ The IM alternative applies that remediation schedule, which is analogous to the schedule proposed in the NPRM, to anomalies detected in the eligible Class 3 segment and eligible Class 3 inspection area. Applying the § 192.933 remediation schedule provides a more detailed, specific response schedule, as the PST and Accufacts advocated, and it provides a single remediation schedule operators are already becoming familiar with, as the Associations and operators like Williams sought.

Rather than prescribing a rigid or one-size-fits-all approach, § 192.933 uses calculations of remaining fatigue life and predicted failure pressure to determine the remediation schedule for anomalies. Each criterion grounded in a predicted failure pressure also includes a safety factor based on class design. Where the NPRM originally proposed to add to each individual criterion a 1.39 times MAOP factor for Class 1 design pipe in Class 3 location, the IM alternative provides at § 192.611(a)(4)(iii)(C) that same safety factor to use across § 192.933(d). A similar variance is not needed for Class 2 pipe, which has the same 1.5 times MAOP factor as Class 3 pipe for most criteria under § 192.933(d).

To facilitate fatigue life and predicted failure pressure, § 192.933 references the engineering calculations in § 192.712. That includes the dent ECA process in § 192.712(c), which PHMSA similarly proposed in this NPRM and adopted in the parallel 2022 Safety of Gas Transmission Rule. In response to a petition for judicial review filed by the Interstate Natural Gas Association of America, the U.S. Court of Appeals for the D.C. Circuit issued an order

remanding § 192.712(c) to PHMSA for further consideration without vacating it.²⁷² PHMSA intends to address the order on remand in the rulemaking “Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines” (RIN 2137–AF44), which focuses on the repair criteria for gas transmission lines, including anomaly thresholds for cracks, dents, and certain seam types. Section 192.712(c) remains in effect until that time.

The NPRM proposed two conditions not found in § 192.933 that PHMSA is omitting from the IM alternative. First, the NPRM proposed to require the repair within one year of metal loss or cracking exceeding 40 percent of the wall thickness found in the class change segment. Second, the NPRM proposed to require the repair within two years of a detected crack through 40 percent or more of the pipe wall thickness, which produces a predicted failure pressure of 1.39 times MAOP or more, in the eligible Class 3 inspection area. As the GPTC noted, both proposals conflicted with the HCA remediation requirements at § 192.933. And, as several commenters observed, supported by technical study, the anomaly response measures centered on predicted failure pressure contained in § 192.933 are more accurate measures of a pipeline safety threat than a default requirement to repair the proposed 40 percent anomalies. For example, a 40 percent wall thickness crack is not perceived as a safety threat warranting scheduled repair in all cases. The predicted failure pressure can more accurately calibrate anomaly response to threats, allowing operators to focus on risks to pipeline safety.

Finally, a one-year timeline for remediating scheduled conditions under § 192.933 applies to the eligible Class inspection area, consistent with the NPRM and as historically required under special permits. While some operators advocated applying the two-year remediation timeline for areas outside of the eligible Class 3 segment, similar to locations outside of HCAs in § 192.714, PHMSA concludes that applying a consistent assessment and remediation requirement across the entire inspection area is appropriate. Adopting consistent criteria and timelines simplifies the implementation and enforcement of integrity

²⁶⁶ *Id.* at 22–24.

²⁶⁷ Docket ID PHMSA–2017–0151–0062 at 6.

²⁶⁸ GPAC, *Class Location Requirements Transcript March 28, 2024*, Docket ID PHMSA–2024–0005–0309, at 128 (Apr. 11, 2024) (Mary McDaniel, PHMSA) (“[S]ome of these provisions in here may have been included since we’ve adopted those other regulations. But still we are saying that Subpart O requirements do apply.”).

²⁶⁹ Docket ID PHMSA–2024–0005–0423 at 15.

²⁷⁰ Docket ID PHMSA–2024–0005–0421 at 10.

²⁷¹ See *2022 Safety of Gas Transmission Rule*, 87 FR at 52224.

²⁷² Order on Pet’r’s Pet. for Panel Reh’g at 1, *INGAA v. PHMSA*, No. 23–1173 (D.C. Cir. Dec. 10, 2024); see *Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Corrections to Conform to Judicial Review*, 90 FR 3713, 3714 (Jan. 15, 2025).

assessments and remediation, given that the entire eligible Class 3 inspection area will be assessed at the same time. Ensuring anomaly response between the nearest launcher and receiver of the segment also provides an additional margin of safety for the eligible Class 3 segment itself. Incorporating the remediation requirements of Subpart O is consistent with the various interests provided in comments to the NPRM and was emphasized repeatedly over the course of the GPAC meeting, including by members representing gas transmission operators.²⁷³ Since these pipelines are in areas experiencing population growth, extending the IM remediation criteria to the entire eligible Class 3 inspection area ensures the continued integrity of pipelines that become Class 3 segments in the future.

E. Additional Programmatic Requirements—One-Time and Recurring Obligations

i. General Programmatic Requirements

1. Summary of Proposal

PHMSA proposed in the NPRM that operators be required to perform preventative and mitigative measures (P&MM) that address threats not assessed or manageable by ILI. These included prescribed close interval surveys (CIS), interference surveys, and CP pipe-to-soil test station locations; the installation of line-of-sight markers; additional right-of-way patrols and leakage surveys; clarified depth-of-cover requirements to specify lowering pipe or adding cover where depth was too low; and rectifying shorted casings. In addition, as an eligibility provision, the NPRM proposed that a segment using the IM alternative must not transport gas whose composition is not suitable for sale. The NPRM also proposed to require pipe weld inspections for cracking on uncovered segments of pipe.

2. Initial Comments

This proposal garnered widespread approval. The Associations generally supported the proposal,²⁷⁴ while the PST and Accufacts applauded how PHMSA adequately maintained pipeline safety by combining these P&MMs with the IM requirements. The PST noted that these additional requirements are “necessary to assure the integrity of Class 1 [design] pipe” operating in Class

3 locations without replacement.²⁷⁵ Accufacts concurred that the additional activities proposed in the NPRM were necessary for pipeline safety and provided a level of safety consistent with the current MAOP confirmation options. Accufacts commended how these proposed requirements focused on “preventing the introduction or growth of injurious anomalies.”²⁷⁶ The Associations requested PHMSA “clarify that [the P&MM] requirements qualify as ‘additional measures’ to meet the requirements of § 192.935(a),” which requires operators to implement additional measures beyond those already required by part 192.²⁷⁷ The Associations also recommended PHMSA allow an operator to use the results of CIS and interference surveys performed prior to the change in class location to meet the requirements.

Regarding depth-of-cover, the Associations commented that it could be impracticable on short segments to restore construction cover depths and suggested that lowering a short segment of pipe could introduce its own safety risks, such as additional strain or liquid buildup, or inhibit the ability to accommodate ILI tools. Both the Associations and NAPS recommended that operators should be permitted to use all effective measures to mitigate the consequences of loss of cover, such as installing above-ground safety barriers or adding concrete over the pipe.²⁷⁸

3. GPAC Consideration

With a unanimous 12–0 vote the GPAC endorsed these measures as “necessary to maintain pipeline safety.” The Committee also recommended that PHMSA allow the P&MMs to count as “additional measures” for the purposes of operators complying with § 192.935.

4. Post-GPAC Comments

The Associations reiterated their general support for the P&MMs, noting that “many of the P&M[Ms] proposed under [the IM alternative] are already in place for special permits and used on HCA segments in accordance with [§] 192.935(a).”²⁷⁹ The Associations cautioned, however, that “the P&M[Ms] required in Subpart O already provide sufficient monitoring and risk reduction for pipeline safety,” and noted that adding requirements may be burdensome without commensurate benefit. Regarding depth-of-cover, the Associations requested revision to

increase flexibility, without any loss of safety benefit, by “allow[ing] operators the option to install concrete pads over pipe with depth of cover less than 24 inches . . . similar to the protections allowed in [§] 192.327(c).”²⁸⁰

5. PHMSA Response

The IM alternative requires operators to comply with a series of additional O&M measures in addition to the IM provisions. These measures are intended to protect the pipe from threats of corrosion and excavation damage, and are consistent with conditions PHMSA has typically included in class location special permits and received broad support from commenters and the GPAC. While the IM program in Subpart O is foundational to the IM alternative, equally important for pipeline safety to further account for the pipe being not commensurate with class design—as commented by the NTSB, the PST, and others—are the other program management requirements proposed in the NPRM.

For regulatory clarity, PHMSA has broken the requirements into a list at § 192.611(a)(4)(i) for those that are initial, one-time requirements to be completed within 24 months of the class location change, and a second list at § 192.611(a)(4)(ii) for the ongoing, or recurring, requirements to be maintained. In response to comments from the Associations and the GPAC recommendations, PHMSA confirms that the P&MMs in the IM alternative can qualify as “additional measures” necessary for an operator to comply with Subpart O requirements. These programmatic requirements supplement an operator’s determination to take additional P&MMs for each segment. PHMSA expects operators to evaluate the merits of additional P&MMs, above and beyond what is required by § 192.611(a)(4), for each segment as necessary and consistent with their IM program.

Corrosion and excavation damage are two leading causes of gas transmission incidents. While modern technology allows an operator to mitigate the risk of corrosion and other time-dependent threats through application of IM and use of ILI tools, additional provisions are necessary to ensure the safety of eligible Class 3 segments to account for the design factor reduction. The risk of excavation damage is not fully captured by preventative ILI assessment and is a particular issue in more densely populated Class 3 locations, warranting supplemental requirements under the IM alternative. While there are modest

²⁷³ See, e.g., GPAC, *Class Location Requirements Transcript* March 27, 2024, Docket ID PHMSA–2024–0005–0307, at 105–06 (comment of Member Andy Drake) (summarizing a discussion of class location and IM).

²⁷⁴ See Docket ID PHMSA–2017–0151–0061 at 26.

²⁷⁵ Docket ID PHMSA–2017–0151–0063 at 7.

²⁷⁶ Docket ID PHMSA–2017–0151–0058 at 5.

²⁷⁷ Docket ID PHMSA–2017–0151–0061 at 26.

²⁷⁸ See *id.* at 27; Docket ID PHMSA–2017–0151–0059 at 6.

²⁷⁹ Docket ID PHMSA–2024–0005–0423 at 17.

²⁸⁰ *Id.*

costs for operators to perform these activities, those costs are justified by safety benefits from managing corrosion and the potential cost savings for identifying coating or CP deficiencies before they result in corrosion anomalies that require remediation, as well as from avoided excavation damage.

The IM alternative provides a consistent level of safety over the life of the pipeline through more stringent corrosion requirements for performing CIS, spacing cathodic protection test stations, and ensuring that the concentration of certain corrosive materials in the gas stream is kept below specified levels.²⁸¹ Close interval surveys assess the adequacy of CP on the pipeline and help to identify areas where current may be leaving the pipeline, which may cause corrosion. Monitoring and evaluating the effectiveness of CP, and identifying and remediating coating anomalies, are key components of preventing corrosion and predicting the growth rate of corrosion that has been discovered. Test stations assist in corrosion control as they are a direct connection to the pipe that check the adequacy of CP during annual inspections; these inspections ensure that operators catch issues with a pipeline's corrosion control system in a timely manner. Limiting the gas stream transported to gas quality reflected in FERC tariffs and ordinary operating conditions restricts excess constituents to ensure that pipelines transport gas that does not itself pose a pipeline safety risk from internal corrosion.

The IM alternative also includes damage prevention requirements (patrols, leakage surveys, line markers, and maintaining adequate depth of cover) that are an effective risk mitigation measure as shown through class location special permits. Patrols are a cost-effective way for operators to identify excavation or construction activity, along with other potential integrity threats such as earth movement. Leakage surveys can identify relatively minor gas releases that occur between integrity assessments, or on components that operators cannot evaluate with ILI tools, before they deteriorate into more significant problems. Line markers visible along the pipeline right of way provide a final reminder for excavators that there are gas pipelines in the vicinity, and the contact information on the markers can be useful for first responders or other

members of the public in the case of an emergency.

In addition, adequate depth of cover can reduce the strain on the pipeline from surface earth movement and, to some extent, can reduce the risk that excavation activity results in damage to a pipeline. PHMSA's class location special permits have historically required a depth of cover survey within the first six months, along with appropriate remedial measures. PHMSA agrees with commenters that the risks addressed by depth of cover can be remediated through various engineered means, and the IM alternative allows operators to select the appropriate means of remediation, which may include markers, lowering pipe, adding cover, or adding safety barriers. This is similar in principle to existing exceptions to the depth of cover requirements at § 192.327(c). By preventing excavation damage, each of these measures prevents costly pipeline repairs and serious risk to life and property from pipeline punctures.

Further, the IM alternative requires operators to examine the pipeline and its welds whenever a pipeline is exposed and the coating is removed. This is a non-destructive opportunity for operators to verify they are mitigating cracks effectively. It is not a free-standing obligation and only occurs when the pipe is otherwise exposed, excluding for the purposes of § 192.614(c), and is capable of easy inspection.

Additional supplemental measure as discussed in the ensuing subsections.

ii. Clear Shorted Casings

1. Summary of Proposal

The NPRM proposed requiring operators to clear shorted casings within 1 year of discovery. Casings are typically installed at road and railway crossings. The pipeline carrying gas is surrounded by a casing pipe to protect it from outside forces. These pipes are electrically isolated from each other to prevent corrosion and ensure the effectiveness of CP. When the carrier pipe and casing come into metallic or electrolytic contact, a short can occur. Shorted casings increase the risk of active corrosion. PHMSA has historically included conditions aimed at detecting and remediating shorted casings in class location special permits, including requirements to clear a shorted casing within one year of discovery.

2. Initial Comments

The Associations and TC Energy argued that shorted casings could be

managed with IM.²⁸² Each noted that PHMSA issued an interpretation to Enstar in March 2019 allowing the operator to monitor and perform ILI inspections of shorted casings that were impractical or unsafe to clear.²⁸³ Similarly, TC Energy claimed that in certain class location change special permits PHMSA allows the management of shorted casings that are impractical to clear.²⁸⁴

3. GPAC Consideration

The GPAC briefly discussed the management of shorted casings, with members representing the industry referencing the 2019 Enstar interpretation and highlighting how operators could manage shorted casings that are impractical to clear using a monitoring approach with ILI tools. As part of the unanimous vote in favor of the P&MMs referenced in the preceding section, the Committee suggested that PHMSA consider allowing operators flexibility in managing shorted casings with approval from the appropriate PHMSA regional director.

4. Post-GPAC Comments

The Associations noted that removing a shorted casing is sometimes impractical and that the threat can be managed using other IM tools, such as ILI. They urged PHMSA to eliminate the requirement to clear a shorted casing or allow operators to demonstrate that the risk can be effectively managed through alternative methods.²⁸⁵

5. PHMSA Response

The final rule retains the requirement to clear shorted casings in the IM alternative but allows other measures to be implemented in certain circumstances. Clearing the shorted casings is a common-sense measure to eliminate an active threat and prevent what would otherwise lead to failure. Consistent with the GPAC recommendation, the IM alternative does not require operators to physically clear shorted casings in instances where that effort may be impractical or unsafe. As commenters suggested, the IM alternative allows an operator to "take equivalent preventive and mitigative corrosion control measures" with

²⁸² See Docket ID PHMSA–2017–0151–0061 at 17; Docket ID PHMSA–2017–0151–0062 at 8.

²⁸³ See PHMSA, PI–18–0003, *Letter of Interpretation to Mr. Steve Cooper* (Mar. 11, 2019), available at: <https://www.phmsa.dot.gov/regulations/title49/interp/pi-18-0003>. See also PHMSA, PI–19–0006, *Letter of Interpretation to Mr. Steve Cooper* (Oct. 22, 2019), available at: <https://www.phmsa.dot.gov/regulations/title49/interp/pi-19-0006>.

²⁸⁴ See Docket ID PHMSA–2017–0151–0062 at 8.

²⁸⁵ See Docket ID PHMSA–2024–0005–0423 at 17.

²⁸¹ The proposed requirement for operators to perform interference surveys has been adopted at § 192.473(c) and is no longer necessary as part of this final rule. See 2022 *Safety of Gas Transmission Rule*, 87 FR at 52269–70.

appropriate documentation. Recent improvements in ILI tools allow operators to adopt alternatives like an IM assessment of the short, if documented that clearing a given short is impractical or unsafe.²⁸⁶ PHMSA considered this recommendation and agrees that equivalent measures to manage a shorted casing in these circumstances are appropriate for pipeline safety. Because it is appropriate in cases where clearing a shorted casing may be impractical or unsafe, individual approval is not necessary for an operator to implement such measures.

iii. Valve Requirements

1. Summary of Proposal

The NPRM proposed requiring mainline valves on both sides of the class change segment, plus any isolation valves for any crossover or lateral pipe, be capable of remote control or automatic-shutoff valves. In the event of a rupture, these valves would need to be closed as soon as practicable but within 30 minutes after the rupture. The NPRM also proposed requiring these valves to be operational at all times, controlled by a supervisory control and data acquisition (SCADA) system, and monitored in accordance with § 192.631.

2. Initial Comments

The PST supported the proposal as “an important way to reduce the consequences of a failure,” while encouraging PHMSA to look at shortening the 30-minute maximum valve closure time.²⁸⁷ The NTSB noted that the proposed requirements for operators to install automatic shut off or remote control valves on both sides of pipe segments that use the IM alternative would be only partially responsive to Safety Recommendation P-11-11 as its recommendation extended to all Class 3, Class 4, and HCA locations.²⁸⁸ The NTSB also noted that the maximum valve spacing intervals and maximum valve closure time PHMSA provided may not be

sufficient to mitigate the consequences of a pipeline failure.²⁸⁹

Multiple commenters, including the GPTC, requested PHMSA clarify that pipelines without a SCADA control room could use the IM alternative.²⁹⁰ The Associations noted how automatic shut-off or remote-control valves do not necessarily require a control room as activating these valves on local sensors can be a suitable alternative.²⁹¹

3. GPAC Consideration

The GPAC voted 12-0 that the valve requirements proposed were technically feasible, reasonable, cost-effective, and practicable.

4. Post-GPAC Comments

The Associations agreed with the GPAC recommendation, supporting the valve requirements and encouraging PHMSA to align them with the provisions codified by the April 2022 Valve Rule.²⁹²

5. PHMSA Response

The IM alternative requires rupture-mitigation valves (RMVs) spaced at the original class design in accordance with recently codified provisions. Since the publication of the NPRM, PHMSA issued the April 2022 Valve Rule, which addressed the design, construction, initial inspection, testing, and maintenance of RMVs.²⁹³ The term RMV is defined at § 192.3 to include both automatic shutoff and remote-controlled valves. By referring to the modern valve standard now codified in § 192.634, the IM alternative retains the principle of operators installing (or automating) RMVs capable of isolating the class change segment. The proposal in the NPRM provided similar substantive requirements. Incorporating § 192.634, as recommended by commenters, addresses several of the comments: a SCADA system is not strictly required by the April 2022 Valve Rule so nor is it here.

RMVs and related rupture-response requirements mitigate the consequences of ruptures by reducing the duration and volume of gas escaping the pipeline. Reducing the duration of the release can reduce the extreme heat exposure to nearby structures and their occupants and result in benefits to firefighting and rescue operation,

according to a PHMSA-commissioned study by the Oak Ridge National Laboratories.²⁹⁴ The protection against rupture provided by RMVs affords an additional margin of safety for eligible Class 3 segments.

While facilitating the upgrading of valves to modern RMV technology on either side of the class change segment, this final rule allows an operator to retain the original valve spacing requirement based on the pipeline's original class location. This corresponds to 20 miles for Class 1 and 15 miles for Class 2 locations. This means that any pipeline previously designed in accordance with the valve spacing design standards in § 192.179(a) will not be expected to install new valves to meet the RMV spacing requirement, as an operator could automate or install actuators on existing valves to meet the requirements of this rule. This is important for the IM alternative to be appropriate for Class 1 or Class 2 to Class 3 change segments which do not replace their pipelines, because changing valve spacing without pipeline replacement would not be practicable. In these cases, upgrading the valve to modern RMVs to protect the segment provides valuable pipeline safety benefit.

iv. Notification Upon Use of the Program

1. Summary of Proposal

The NPRM proposed that operators notify PHMSA within 60 days of choosing to use the IM alternative to manage a class location change in accordance with § 191.22(c)(2). This notification would include details of the specific pipeline segments for which operators intend to apply the IM alternative. Notification pursuant to § 192.18 was also required for use of certain assessment methods.

2. Initial Comments

The majority of NAPSRS representatives and the PST agreed that operators should be required to notify PHMSA if implementing the IM alternative to manage a class change. Multiple commenters—including the Associations, the GPTC, NAPSRS, and Sander Resources—requested PHMSA consolidate the notification

²⁸⁶ As examples of earlier difficulty with ILI tools and this threat, see, e.g., NPRM, 85 FR at 65164; PHMSA, CPF 4-2009-1005, *Notice of Probable Violation and Proposed Civil Penalty*, at 3 (Feb. 12, 2009), available at: https://primis.phmsa.dot.gov/enforcement-documents/420091005/420091005_NOPVPCP_02122009_text.pdf.

²⁸⁷ Docket ID PHMSA-2017-0151-0063 at 7.

²⁸⁸ This final rule is not intended to apply to all pipelines, only the limited subset of pipe which a) experiences a change to a Class 3 location and b) meets the eligibility requirements. PHMSA did not include this rulemaking among its planned responses to P-11-11 in its January 14, 2022 response to the NTSB.

²⁸⁹ See Docket ID PHMSA-2017-0151-0055 at 2, 5.

²⁹⁰ See, e.g., Docket ID PHMSA-2017-0151-0065 at 1-2.

²⁹¹ See Docket ID PHMSA-2017-0151-0061 at 25.

²⁹² See Docket ID PHMSA-2024-0005-0423 at 17.

²⁹³ *Requirement of Valve Installation and Minimum Rupture Detection Standards*, 87 FR 20940 (Apr. 8, 2022).

²⁹⁴ See C.B. Oland et al., Oak Ridge Nat'l Lab., *Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves on Hazardous Liquids and Natural Gas Pipelines with Respect to Public and Environmental Safety* (Oct. 31, 2012), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/16701/finalvalvestudy.pdf>. Table 5.1 details \$8.230M in avoided damage costs from RMVs in Class 3 locations.

requirements into a single provision, rather than spreading them between §§ 191.22(c) and 192.18, to simplify operators' compliance.²⁹⁵ NAPSR also recommended requiring operators to notify PHMSA of any changes to MAOP, including those resulting from class location changes.

The PST and Accufacts noted how the special permit process invites public comment prior to approval and recommended a similar public notification process in this rule, stressing the importance of making the public aware of segments using the IM alternative.²⁹⁶ The PST urged PHMSA to consider "making access to the National registry and information filed there available to the public on the PHMSA website."²⁹⁷ The PST also suggested requiring operators to report use of the IM alternative as a safety related condition "for at least a decade after the rule goes into effect, providing both PHMSA and the public more information."²⁹⁸

3. GPAC Consideration

GPAC members representing the public advocated for a robust public notification process as a part of this rulemaking, emphasizing the importance of the existing public notification and comment process for class location change special permits. These members also acknowledged the challenges operators face in producing and providing valuable, actionable information to the public. GPAC members representing the industry and other government agencies debated whether requiring operators to provide notification of intent to use the IM alternative to nearby residents would be an appropriate or meaningful requirement. Members representing the industry and other government entities noted that operators are typically not required to notify the public when following other parts of the Federal Pipeline Safety Regulations and questioned why operators should be required to do so here. Members representing the industry also referenced the existing public awareness and engagement standards incorporated into PHMSA's regulations, such as API RPs 1162 and 1185, plus other part 192 public notifications requirements like the alternate MAOP regulations. PHMSA staff clarified during the

meeting that only one recent special permit had a specific public notification condition as a part of its requirements.

The GPAC voted 10–3 recommending that PHMSA consider incorporating a public notification process to people within the segment's potential impact radius (PIR)²⁹⁹ when implementing the proposed IM alternative.

4. Post-GPAC Comments

The Associations stated that a notification to individuals located within the PIR of a segment would be "unnecessary and overly burdensome" as "PHMSA already requires operators to develop and implement a public awareness program alerting the affected public of the existence of the pipeline, the commodity the pipeline transports, the possible hazards associated with an unintended release from the pipeline, and the steps to report a possible release." Because "[o]perators are not required now to notify individual landowners when they are complying with the pipeline safety regulations," they suggested this addition may require an additional information collection request under the Paperwork Reduction Act.³⁰⁰

The Associations further noted that "[p]ublic notice and comment is appropriate" in situations where, as with a special permit, the agency is "waiving compliance with certain specified regulations." But, they argued, requiring the same here "would amount to operators notifying the affected public that they intend to follow the law."³⁰¹ Williams similarly disagreed with a direct notification and comment period to use this final rule, noting such a change would not be a logical outgrowth of the NPRM. Williams noted how "pipeline operators routinely notify the landowners around its pipe when there is a potential increase in risk based on" operator activity or if it planned to work near the property. But a notification to landowners should not be required, it argued, where "the operator successfully completes the rigors of the [IM alternative program] and the pipe is deemed safe and

approved for Class 3 location operation at MAOP [as] the risk to the public is no greater than it would otherwise be at Class 1 operating conditions."³⁰²

An anonymous commenter provided that "PHMSA must require . . . that operators notify landowners within the PIR of usage of the" IM alternative. This commenter further suggested that PHMSA make an operator's enforcement actions and integrity management activities publicly available, and solicit public comment, before permitting use of the IM alternative.³⁰³

5. PHMSA Response

Consistent with recommendations from commenters, the final rule consolidates the notification provisions into § 192.18. The Safety Related Condition report is not appropriate for this purpose, as compliance with § 192.611 does not meet its criteria, while § 192.18 is the notification process for part 192 compliance obligations. Under this final rule, an operator deciding to use this IM alternative must notify PHMSA and the appropriate State regulator under § 192.18(a) and (b) within the initial 24-month compliance period. This notification is for PHMSA's awareness, knowledge, and data-tracking purposes; it is not a review process before an operator can use the codified compliance method in part 192.

Some commenters representing the industry asked that PHMSA include in the list of provisions within § 192.18(c) those IM alternative requirements which reference § 192.18 for its notification process. However, § 192.18 itself provides the notification process, and the no-objection process contained in subordinate § 192.18(c) applies only in limited circumstances where specified, and not here. Section 192.18 provides the simple procedure by which an operator can notify Federal (paragraph (a)) and State (paragraph (b)) regulators for the variety of notifications called for throughout part 192. Where § 192.18 is referenced without further specification, it is this passive notification that an operator must follow. Paragraph (c) then provides for specifically incorporated provisions that require notification of plans and procedures that must obtain PHMSA's no-objection before the operator may continue with some alternative approach. In this rulemaking, PHMSA did not intend this no-objection review process for any of the notifications proposed and intentionally did (and does) not propose adding them into the incorporated

²⁹⁵ See Docket ID PHMSA–2017–0151–0061 at 28; Docket ID PHMSA–2017–0151–0065 at 2–3; Docket ID PHMSA–2017–0151–0059 at 3; Docket ID PHMSA–2017–0151–0064 at 5.

²⁹⁶ See Docket ID PHMSA–2017–0151–0063 at 5; Docket ID PHMSA–2017–0151–0058 at 7.

²⁹⁷ Docket ID PHMSA–2017–0151–0063 at 5.

²⁹⁸ *Id.* at 9.

²⁹⁹ The potential impact radius, or "PIR," is defined in § 192.903 as "the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 \times (\text{square root of } (p \times d^2))$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the [MAOP] in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches."

³⁰⁰ Docket ID PHMSA–2024–0005–0423 at 4.

³⁰¹ *Id.* The Associations also disagreed with PHMSA's proposal to create a notification requirement to PHMSA for operators planning to use the IM alternative.

³⁰² Docket ID PHMSA–2024–0005–0421 at 7–8.

³⁰³ Docket ID PHMSA–2024–0005–0415 at 1.

references in § 192.18(c). For clarity however, in light of these comments, PHMSA has specified in the text of the IM alternative that the notifications must be submitted to PHMSA and the applicable State regulator as set out in § 192.18(a) and (b).

PHMSA considered the GPAC's recommendation to incorporate a process for operators to notify people within the PIR of each segment using the IM alternative but is not including such a provision in the final rule. PHMSA agrees with the commenters who said that it would be unusual—and in this case inappropriate—to require specific notification to individual residents each time an operator follows a codified regulation. Applications for special permits involve waivers to the requirements in the Pipeline Safety Regulations and must be publicly docketed; with the IM alternative being codified, it is now itself a regulatory compliance option and the procedures for an exception are not appropriate. The NPRM proposed one notification to the agency when an operator opted to use the IM alternative. Sending direct notifications to each person in the PIR is a materially different burden and one not foreseeable from the proposal. Individualized public notification is more onerous even than the public docketing conducted under the special permit process when operators seek exceptions to the class change requirements—special permit applications are individually docketed and available to be seen by interested members of the public, but not affirmatively sent to each person in the affected community. Turning that single notification to PHMSA into upwards of dozens of notifications to individual homes or businesses could not have been contemplated by commenters to the proposal.

While the GPAC recommended PHMSA consider setting up such a regime, no proposal—even skeletal—was discussed at the committee meeting to provide commenters insight into how this provision may develop. Absent that, no sufficiently concrete proposal was offered on which the public could comment during the period after the GPAC meeting. For similar reasons, PHMSA has not adopted recommendations from NAPSIR to require notifications for other changes to MAOP that were not included in the proposal.

v. Class Location Study

1. Summary of Proposal

The NPRM proposed requiring operators to conduct an annual class

location study in accordance with § 192.609 as part of the IM alternative option. PHMSA historically required annual class location studies as part of class location change special permits.

2. Initial Comments

As a one-time fitness for service assessment, the Associations suggested a class location study should not be required “until a class change has actually occurred.”³⁰⁴

3. GPAC Consideration

There was no GPAC recommendation provided on this specific provision.

4. Post-GPAC Comments

No significant additional comments on this issue were submitted in the docket for this rulemaking after the GPAC. But, in a May 2025 comment to a DOT request for information on reducing regulation, INGAA stated that “the Agency should update section 192.609 to codify an annual process to determine if changes in population density have occurred,” as the existing phrasing requiring “a class study ‘whenever an increase in population density indicates a change in class location’” is “fairly subjective and has been interpreted differently over the decades since it was first codified.”³⁰⁵

5. PHMSA Response

The IM alternative requires annual class location studies in eligible Class 3 inspection areas. This ensures operators promptly find new Class 3 locations. Once a segment becomes Class 3, as has a segment applying this final rule, it is likely that population growth will continue among adjoining segments. Identifying the new class is important for appropriate class management. This is crucial for IM assessments, as baseline assessments on new HCAs must be prioritized and scheduled, with discovered anomalies remediated in a timely manner to address potential threats in a populated area. While commenters note that the standing requirement of § 192.609 prescribes no set interval to conduct such a study, this final rule requires an operator using the IM alternative to do so annually, same as the proposal. Annual class location studies are standard practice in class location special permits, where they have been successfully applied. By referencing an existing procedural requirement, it can be easily applied on

a yearly basis, which INGAA recommends in their May 2025 comment.

PHMSA acknowledges that specific portions of the class location study generally do not change year-to-year, specifically concerning reviews of initial design, construction, and testing procedures in § 192.609(b) and the MAOP and operating stress level in § 192.609(e). PHMSA does not expect an operator will need to update these evaluations each year for its class location study, unless justified by a change in class location, change in MAOP, or replacement of the pipeline. Yet other important factors in § 192.609 may change over time and must be evaluated annually under this requirement: the current class location (§ 192.609(a)), the physical condition of the pipeline segment based on available records (§ 192.609(c)), the operating and maintenance history of the segment (§ 192.609(d)), and population density increases (§ 192.609(f)). In this way, the class location study feeds into the IM program by updating data on the segment, verifying continued operational safety of the eligible Class 3 segment (and other HCAs) as well as the rest of the eligible Class 3 inspection area, and directly informing an operator's risk-based procedures under its IM program.

F. Adjustments to Class Locations Through Clustering

Section 192.5(c) allows operators to adjust the endpoints of Class 2, 3, or 4 locations through a process commonly known as “clustering.” While not mentioned directly in the NPRM, several stakeholders discussed clustering in their comments and the topic also came up during the GPAC's public meeting on the NPRM.

Specifically, the Associations advocated for PHMSA to allow operators to continue their practices applying a variety of reasonable definitions currently used across industry, and encouraged a subsequent meeting to reevaluate class determination methodology in a new proceeding.³⁰⁶ TC Energy agreed that operators should continue to be allowed to use established practices which use reasonable, risk-based approaches to clustering.³⁰⁷ Mr. Zamarin sought the modernization of class location methodologies to newer analytical technologies,³⁰⁸ and the GPAC voted 12–1 recommending that PHMSA

³⁰⁴ Docket ID PHMSA–2017–0151–0061 at 26.

³⁰⁵ INGAA, Comments, Docket ID DOT–OST–2025–0026–0872, 5 (May 5, 2025), regarding *Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs*, 90 FR 14593 (April 4, 2025).

³⁰⁶ PHMSA–2017–0151–0061, at 28–29; Docket ID PHMSA–2024–0005–0423, at 5–6.

³⁰⁷ Docket ID PHMSA–2017–0062, at 9.

³⁰⁸ Docket ID PHMSA–2024–0005–0423, at 2.

continue to review the class location change requirements for possible future rulemaking action and hold a subsequent GPAC meeting.

While the final rule does not amend the clustering requirements in § 192.5(c), PHMSA recognizes that it has given conflicting and inconsistent guidance in applying these requirements over time.³⁰⁹ PHMSA intends to take action regarding these conflicts and inconsistencies in the near future. Until that occurs, PHMSA encourages operators to continue applying reasonable programs in adjusting the endpoints of class locations under the cluster rule.

V. Section-by-Section Analysis

§ 192.3 Definitions

Section 192.3 provides definitions for various terms that are used in part 192. The final rule adds two new definitions to § 192.3: “Eligible Class 3 segment” and “Eligible Class 3 inspection area.” Both terms are used in the new integrity management alternative (IM alternative) method for addressing class location changes in § 192.611(a)(4).

Eligible Class 3 Segment

The final rule defines the term “Eligible Class 3 segment” in § 192.3 as a segment of a transmission line in a Class 3 location that is capable of being assessed with an instrumented in-line inspection tool which does not contain: bare pipe; wrinkle bends; pipe with a seam formed by lap welding; a seam with a longitudinal joint factor below 1.0; or a segment which has experienced an in-service leak or rupture due to cracking in the pipe body, seam, or girth weld on the segment or segments of similar characteristics in or within five miles. PHMSA is adding this definition to § 192.3 to prescribe the types of pipeline segments that are eligible to use the new IM alternative method in § 192.611(a)(4). The definition incorporates the requirements in § 192.5 for determining if a pipeline segment is in a Class 3 location, including the cluster rule in § 192.5(c), and provides

exclusions for pipe and segments with certain characteristics. These exclusions are consistent with PHMSA’s two decades of experience administering class location special permits.

Eligible Class 3 Inspection Area

The final rule defines the term “Eligible Class 3 inspection area” in § 192.3 as an eligible Class 3 segment and the upstream and downstream portion of the transmission line that is capable of being assessed with an ILI tool extending from the nearest upstream ILI tool launcher to the nearest downstream ILI tool receiver. The purpose of this definition is to delineate the boundaries of the inspection area that must be used in satisfying several of the new integrity management provisions in § 192.611(a)(4). These provisions include the initial programmatic requirements for conducting baseline assessments and remediating immediate and one-year conditions in § 192.611(a)(4)(i), the recurring programmatic requirements for conducting class location surveys and performing reassessments and remediation in § 192.611(a)(4)(ii), and the general requirements for validating ILI results and prohibiting the use of direct assessments in § 192.611(a)(4)(iii).

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

Section 192.7 lists documents that are incorporated by reference in part 192. Section 192.7(b)(12) currently incorporates the second edition of API STD 1163 by reference into § 192.493, which prescribes the requirements for conducting ILI of gas pipelines. API STD 1163 is a comprehensive document that provides performance-based requirements for ILI systems, including procedures, personnel, equipment, and associated software, for both existing and developing technologies.

API STD 1163 is available from the following website: <https://publications.api.org/Default.aspx>. The material can also reasonably be obtained by interested parties through the applicable publisher contact information listed in § 192.7. Additional information regarding standards availability can be found at <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference>.

The final rule amends § 192.7(b)(12) by adding a new reference to § 192.611(a)(4) for addressing class location changes under the IM alternative. Specifically, § 192.611(a)(4)(iii)(A) requires operators to validate the results of any ILI

conducted in an eligible Class 3 inspection area to Level 2 in accordance with API Standard 1163. Under API STD 1163, a Level 2 validation is one where “it is possible to state with a high degree of confidence whether the tool performance is worse than the specification.”

§ 192.611 Change in Class Location: Confirmation or Revision of Maximum Allowable Operating Pressure

Section 192.611 prescribes certain requirements that apply to pipeline segments that experience class location changes. If a change in class location occurs and the established MAOP of a segment produces a hoop stress that is not commensurate with the new class location, § 192.611(a) requires the operator to confirm or to revise the MAOP of that segment using certain methods. Three of those methods have been authorized under § 192.611(a)(1)–(3) since the adoption of the original Federal Pipeline Safety Regulations in 1970. The final rule adds a fourth method to § 192.611(a)(4) to allow operators to confirm the MAOP of certain eligible segments in Class 3 locations using a new IM alternative.

Operators may only use § 192.611(a)(4) to confirm the MAOP of an eligible Class 3 segment as defined in § 192.3. Operators must use one of the three other methods authorized in § 192.611(a)(1)–(3) to confirm or to revise the MAOP of a pipe or segment with an excluded characteristic. Operators may also replace the pipe or segment to establish an MAOP that is commensurate with the present class location.

Operators must comply with the integrity management requirements in Subpart O to confirm the MAOP of an eligible Class 3 segment under § 192.611(a)(4). That obligation is codified in the text of § 192.611(a)(4) and in a corresponding revision to the definition of “high consequence area” in § 192.903 of the integrity management regulations. In addition, operators must comply with the initial programmatic requirements in § 192.611(a)(4)(i), recurring programmatic requirements in § 192.611(a)(4)(ii), and general programmatic requirements in § 192.611(a)(4)(iii) to confirm the MAOP of an eligible Class 3 segment. Compliance with these requirements, which are largely based on PHMSA’s two decades of experience administering class location special permits, will protect the public, property, and the environment without requiring the implementation of unnecessary or unduly burdensome

³⁰⁹ In a 2003 notice of proposed rulemaking, for example, PHMSA stated that it did “not believe that . . . isolated buildings are commonly included as Class 3 clusters,” and that it did “not intend this proposed rule to result in a change of existing practice in this regard.” *Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipelines)*, 68 FR 4278, 4283–84 (proposed Jan. 28, 2003). Yet PHMSA offered an entirely different view of the clustering requirements in 2018, stating “that even a single house could form the basis of a . . . cluster under this requirement, as all buildings within a specified class location unit must be protected by the maximum class location level that was determined for the entire class location unit.” ANPRM, 83 FR at 36862–63.

remedial measures. Finally, operators must follow the remaining requirements in § 192.611(a)(4)(iv)–(vi), including provisions for in-service leaks or ruptures, lifetime recordkeeping, and limiting the confirmed MAOP based on the corresponding hoop stress and design factor of the pipe.

Initial Programmatic Requirements

Operators must comply with the initial programmatic requirements in § 192.611(a)(4)(i) to confirm the MAOP of an eligible Class 3 segment. These requirements are subject to a 24-month compliance deadline that runs from the effective date of the final rule or the date of the class location change, whichever is later. Depending on the provision, the initial programmatic requirements either apply to the eligible Class 3 inspection area or the eligible Class 3 segment as defined in § 192.3. Each of the initial programmatic requirements incorporates another provision in part 192 and imposes an additional or more stringent compliance obligation.

Operators must conduct a baseline integrity assessment of the eligible Class 3 inspection area and remediate all immediate and one-year repair conditions in accordance with the remediation schedules in Subpart O. Prior integrity assessments conducted within 24 months of the effective date of the final rule or the date of the class location change, whichever is later, may be used to satisfy this obligation. Moreover, if an eligible Class 3 segment contains pipe with a seam formed by direct current electric resistance welding, low-frequency electric resistance welding, or electric flash welding, the operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies.

Operators must also comply with other initial programmatic requirements that apply to the eligible Class 3 segment. Those requirements include provisions for pressure testing to a minimum of 1.25 times MAOP; installing rupture mitigation valves; confirming or obtaining traceable, verifiable, and complete materials property records; installing cathodic protection test stations and line markers; performing depth of cover and coating surveys; and providing notification to PHMSA.

Recurring Programmatic Requirements

Operators must comply with the recurring programmatic requirements in § 192.611(a)(4)(ii) to confirm the MAOP of an eligible Class 3 segment, beginning no later than 24 months after the

effective date of the final rule or the date of the class location change, whichever is later. The recurring programmatic requirements include provisions for limiting the amount of carbon dioxide, water, and hydrogen sulfide that can be present in the gas stream in an eligible Class 3 segment; conducting close interval surveys, right-of-way patrols, and leakage surveys of the eligible Class 3 segment; clearing shorted casings in the eligible Class 3 segment; performing annual class location studies of the eligible Class 3 inspection area; examining and remediating exposed pipe in the eligible Class 3 segment; and conducting reassessments and remediation of the Class 3 inspection area in accordance with the integrity management requirements in Subpart O.

General Programmatic Requirements

Section 192.611(a)(4)(iii) prescribes three general requirements that operators must follow in conducting the initial and recurring programmatic requirements to confirm the MAOP of an eligible Class 3 segment. First, § 192.611(a)(4)(iii)(A) requires operators to validate the results of any ILI conducted in an eligible Class 3 inspection area to Level 2 in accordance with API Standard 1163. Second, § 192.611(a)(4)(iii)(B) prohibits operators from using direct assessments as an integrity method for an eligible Class 3 inspection area. Third, § 192.611(a)(4)(iii)(C) requires operators to use a factor of less than 1.39 times the MAOP when determining the predicted failure pressure for one-year conditions in accordance with § 192.933(d)(2)(iv) through (vii) and monitored conditions in accordance with § 192.933(d)(3)(v) through (vi) for any Class 1 design pipe in an eligible Class 3 segment.

Other Requirements

Operators must comply with three additional requirements in § 192.611(a)(4)(iv)–(vi). First, if an eligible Class 3 segment experiences an in-service leak or rupture, the MAOP of that segment may no longer be confirmed under § 192.611(a)(4). The operator must confirm or revise the MAOP of the segment using one of the other methods authorized in § 192.619(a)(1)–(3) within 24 months of the leak or rupture. The operator may also replace the pipe in the segment. Second, the operator of an eligible Class 3 segment must maintain a record of any action taken to comply with § 192.611(a)(4) for the life of the pipeline. Third, the MAOP of an eligible Class 3 segment confirmed under § 192.619(a)(4) may not produce a corresponding hoop stress that exceeds

72 percent of SMYS for pipe with a Class 1 design factor or 60 percent SMYS for pipe with a Class 2 design factor. Finally, § 192.611(a)(4)(vii) clarifies that the IM alternative is not authorized for gathering lines or distribution lines.

MAOP Restoration

The final rule amends § 192.611(d) to clarify that a prior pressure reduction taken to comply with a change in class location does not preclude an operator from restoring the previously established MAOP of an eligible Class 3 segment under § 192.611(a)(4). The final rule also adds new requirements to § 192.619(d)(1)–(3) that an operator must satisfy before restoring the MAOP of an eligible Class 3 segment. First, the operator must review the design, operating and maintenance history of the segment to determine if restoring the MAOP is safe, and make any repairs, replacements, or alterations necessary for safe operation at the previously established MAOP. Second, the operator must comply with the existing requirements in Subpart O applicable to MAOP increases. These measures are consistent with the uprating requirements in PHMSA's current regulations and can be used to facilitate the safe restoration of previously established MAOPs for eligible Class 3 segments. Finally, the operator must complete all baseline assessments, repairs, and initial programmatic requirements under this final rule before restoring the MAOP of the segment.

§ 192.903 What definitions apply to this subpart?

Section 192.903 provides definitions for terms used throughout part 192, subpart O. In this final rule, PHMSA is amending the definition of “high consequence area” to include any area containing an eligible Class 3 segment with an MAOP being confirmed in accordance with § 192.611(a)(4), as well as any area within a potential impact circle containing any portion of an eligible Class 3 segment with an MAOP being confirmed in accordance with § 192.611(a)(4). The purpose of the amendments is to ensure that operators incorporate any eligible Class 3 segments subject to the MAOP confirmation under § 192.611(a)(4) into their integrity management programs as HCAs.

VI. Statutory Authority

Pipeline Safety Laws

PHMSA is authorized to administer the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) pursuant to a

delegation of authority from the Secretary of Transportation. 49 CFR 1.97. Section 60102 authorizes PHMSA to prescribe minimum safety standards for the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Section 60109 further authorizes PHMSA to establish an integrity management program applicable to each gas pipeline facility located in high-density population areas and to require operators of these pipeline facilities to have and follow a written IM program.³¹⁰

Section 60102(b) Practicability Factors

Section 60102(a) and (b)(2) require PHMSA to find that a safety standard prescribed pursuant to sections 60102 and 60109 is practicable and designed to meet the needs for gas pipeline safety and protecting the environment based on consideration of its appropriateness for the type of transportation, reasonableness, and upon a risk assessment of the costs and benefits. A gas pipeline safety standard proposed under sections 60102 and 60109 must also be submitted to the GPAC for review of its technical feasibility, reasonableness, cost-effectiveness, and practicability. 49 U.S.C. 60102(b)(2), (b)(4), 60115(c). The GPAC reviewed and provided recommendations on this rule in a public meeting held March 27–29, 2024, and issued a report³¹¹ which PHMSA reviewed and to which it provided a written response.³¹² PHMSA considered the GPAC's report throughout this final rule.

PHMSA has determined that the IM alternative adopted in this final rule is practicable, reasonable, cost-effective, technically feasible, and appropriate for gas transmission pipelines. IM programs are widely used by gas transmission operators and are the subject of mature

consensus industry standards.³¹³ IM programs have been applied by regulation to gas transmission pipelines in high consequence areas since 2003 and this now makes up more than half of all Class 3 mileage (approximately 52%), demonstrating widespread application of integrity management to pipe in such circumstances and operating conditions. With industry consolidation, the overwhelming majority of gas transmission operators, or their corporate affiliates, have in place an IM program and are familiar with the requirements being extended by the IM alternative to pipe experiencing a class change. More recently, the integrity management elements of assessment, data analysis, and repair have been extended to all Class 3 (and Class 4 and MCA) pipe pursuant to §§ 192.710 and 192.714; each segment that may qualify for this IM alternative is in a Class 3. For assessments under this final rule, PHMSA encourages operators to use ILI tools that operators have championed—including at the GPAC meetings—as robust improvements in technology, with at least Level 2 tool validation confirming these evolutions in technology are suitable.

In addition to integrity management requirements, the IM alternative requires the implementation of supplemental O&M practices. Patrols, leakage surveys, and line markers are each familiar to pipeline operators as they are longstanding PHMSA regulatory requirements and the subject of consensus industry standards.³¹⁴ The final rule requires these activities to occur more regularly in the IM alternative program, a practice which PHMSA understands many operators already do on their pipeline systems for business and operational reasons in ordinary course.³¹⁵ The IM alternative also includes provisions for material record verification, upgraded valves, and close interval surveys. While the IM alternative can only be used if operators have their records verified no later than two years after the change in class location, knowing the material in your pipeline system is a first-principle obligation for any reasonably prudent operator transporting a hazardous commodity under high pressure within a gas transmission pipeline, and all transmission lines are required by regulation to have or opportunistically

obtain material record verifications. *See* 49 CFR 192.607. Upgraded rupture mitigation valves are now required for any substantially replaced pipe, *see* 49 CFR 192.179, 192.610, 192.634; that is what most qualifying pipe for this final rule may have to do but for the new IM alternative option. Under the IM alternative, close interval surveys are performed on a regular seven-year interval rather than on an ‘as needed’ basis, which already exists for other transmission pipelines when annual test station readings indicate inadequate cathodic protection. 49 CFR 192.465(f)(2). This recitation is non-exhaustive, but as section IV shows in more detail, each compliance requirement should be well known by prudent operators who have been complying with PHMSA regulation.

By “piloting” through special permits over 20 years what PHMSA now codifies as the IM alternative option, PHMSA and operators have validated the program to reasonably provide for safety, to appropriately manage the safety risks on gas transmission lines, and to apply to operators in a practicable fashion. Those special permits have involved both Class 1 and Class 2 designed transmission segments changing into Class 3 locations for which the IM alternative is specifically designed, demonstrating that this amended standard for managing a gas transmission pipeline segment which changes class is “appropriate[] for the pipeline facilities”—gas transmission pipelines. PHMSA did not extend the amended standard to Class 4 locations because the current IM alternative program would not be appropriate for those facilities, based on current engineering understanding and a lack of experience and data. The combination of proven pipeline safety techniques in the IM alternative program, along with eligibility exclusions, use modern pipeline safety technology to reasonably provide for pipeline safety, as demonstrated by the record of those special permit segments and further shown by analysis in the RIA.³¹⁶

In addition, at the proposed and final rule stage, PHMSA has conducted a risk assessment considering the costs and benefits of the rule. This final rule provides substantial cost-savings of approximately \$461 million per year. The quantified and non-quantified safety benefits and quantified cost-savings of this rule justify its costs to codify the IM alternative option, as

³¹⁰ In addition, section 5 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required PHMSA to evaluate applying IM principles to mitigate the need for class location requirements on gas transmission lines. Public Law 112–90, 5(a)(2), 125 Stat. 1904, 1907 (Jan. 3, 2012). PHMSA did so in a 2016 Report to Congress. *See* PHMSA, *Report to Congress: Evaluation of Expanding Pipeline Integrity Management beyond High-Consequence Areas and Whether Such expansion Would Mitigate the Need for Gas Pipeline Class Location Requirements* (June 6, 2016), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/55521/report-congress-evaluation-expanding-pipeline-imp-hcas-full.pdf>.

³¹¹ GPAC, *Class Location NPRM Voting Slides*, Docket ID PHMSA–2017–0151–0068 (Mar. 28–29, 2024).

³¹² PHMSA, *Response to the GPAC's Report on the 'Class Location Change Requirements' Proposed Rule*, Docket ID PHMSA–2024–0005–0424 (Dec. 11, 2024).

³¹³ *See generally* ASME B31.8S–2018.

³¹⁴ *See* ASME B31.8–2018 §§ 851.2, 851.3.

³¹⁵ *See, e.g.,* Pac. Gas & Elec. Co., *2019 Gas Safety Plan* at 36, available at: <https://www.pge.com/assets/pge/docs/about/pge-systems/2019-gas-safety-report.pdf> (noting monthly gas transmission patrols).

³¹⁶ *See* 113 Cong. Reg. 32041, 32043 (Nov. 9, 1967) (Senate) (“In determining reasonableness, safety, which is the purpose of this act, shall be the overriding consideration.”).

further discussed below and in the associated RIA available in the docket for this rulemaking.

Pursuant to section 60102(g), PHMSA has good cause to provide a 60-day effective date for this final rule as reasonably necessary for operators to comply. Given that the rule will begin applying as an option for all forthcoming class changes, upon which time an operator will have a limited window to implement compliance procedures, a 60-day effective date allows operators to familiarize themselves and develop IM alternative programs. As it also applies to some previous class changes, more than 30 days is reasonably necessary for operators to prepare orderly to process and convert past class changes, as well as for PHMSA to terminate existing special permits. This additional time is necessary due to resource constraints and to allow care in reviewing current pipeline inventory and procedures. At the same time, 60 days is the appropriate duration for an extended effective date because it does not deprive for too long the ability of operators to elect this new option for managing class changes, and operators are not required to select this option.

VII. Regulatory Analysis and Notices

A. Executive Orders 12866, 14192, and 14219; Regulatory Planning and Review

Executive Order (E.O.) 12866 (*Regulatory Planning and Review*; 58 FR 51735 (Oct. 4, 1993)), as implemented by DOT Order 2100.6B (*Policies and Procedures for Rulemaking*), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs” except where required by law or compelling safety need.

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. OIRA has determined that this final rule is a significant regulatory action pursuant to E.O. 12866. OMB has also determined that this is a “major

rule” as defined by the Congressional Review Act (5 U.S.C. 804(2)).³¹⁷

This final rule is a deregulatory action under E.O. 14192 (*Unleashing Prosperity Through Deregulation*; 90 FR 9065 (Feb. 6, 2025)) and OMB guidance, including M–25–20.³¹⁸ PHMSA expects this final rule will result in significant cost savings by reducing regulatory burdens and regulatory uncertainty for gas transmission pipeline operators by enabling an additional, generally available, non-invasive method to manage class location changes. At a 7 percent discount rate, PHMSA estimates that avoided pipe replacement under the final rule will save approximately \$593.2 annually, while an additional \$13.3 million annually is saved by reduced applications for special permits. Offset by the modest cost of applying the IM alternative program, PHMSA estimates total cost savings of approximately \$461 million per year, based on its analysis at a 7 percent discount rate. PHMSA expects these cost savings will also result in reduced costs for the public to whom gas transmission pipeline operators generally transfer a portion of their compliance costs. Those reduced costs to pipeline operators and the public are consistent with E.O. 14192, which establishes a Federal policy of alleviating “unnecessary regulatory burdens” by reducing compliance costs and reducing the risks from non-compliance with burdensome regulations.

In addition to the quantified cost savings described above, PHMSA expects this final rule will have non-quantified benefits to public safety and the environment arising from reduced need for blowdowns and excavation activity, as well as to public safety and commercial and industrial operations due to reduced potential for class location change-related interruptions of gas transmission supply. The costs and benefits of the final rule are described in detail within the RIA available in the rulemaking docket. PHMSA has determined, as discussed in the immediately preceding section and the associated RIA, that the benefits of each

of the final rule elements justifies any associated costs notwithstanding the uncertainties identified.

E.O. 12866 and DOT Order 2100.6B also require PHMSA to provide a meaningful opportunity for public participation, which reinforces requirements for notice and comment in the Administrative Procedure Act (APA, 5 U.S.C. 551 *et seq.*). PHMSA’s NPRM sought public comment on its proposed revisions to the Federal Pipeline Safety Regulations and the cost and benefit analyses in the preliminary RIA, as well as any information that could assist in quantifying the costs and benefits of this rulemaking. PHMSA again sought public comment in connection with the March 2024 meeting of the GPAC discussing this rulemaking. Those comments are addressed in this final rule.

B. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (*Declaring a National Energy Emergency*; 90 FR 8353 (Jan. 29, 2025)) a National emergency to address the United States’s inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (*Unleashing American Energy*; 90 FR 8353 (Jan. 29, 2025)) asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as natural gas. PHMSA finds this final rule is consistent with each of E.O. 14156 and E.O. 14154. The final rule will give gas transmission pipeline operators regulatory flexibility in responding to class location changes, thereby avoiding constraints on their facilities’ transportation capacity—including pressure reductions, interruptions of service, or onerous special permit conditions—contemplated by existing regulations. That increased regulatory flexibility will in turn increase natural gas transportation capacity Nation-wide and improve gas transmission pipeline operators’ ability to provide abundant, reliable, affordable natural gas in response to residential, commercial, and industrial demand.

However, this final rule is not a “significant energy action” under E.O. 13211 (*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*; 66 FR 28355 (May 22, 2001)), which requires Federal agencies to prepare a Statement of Energy Effects for any “significant

³¹⁷ This final rule does not implicate any of the factors identified in section 2(a) of E.O. 14219 (“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative”; 90 FR 10583 (Feb. 25, 2025)) indicative that a regulation is “unlawful” or “. . . undermine[s] the national interest.”

³¹⁸ See OMB, M–24–20, *Guidance Implementing Section 3 of E.O. 14192* (Mar. 26, 2025), available at: <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf>.

energy action.” While this final rule is a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use, as further discussed in the RIA.

C. Executive Order 13132: Federalism

PHMSA analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132 (*Federalism*; 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (*Preemption*; 74 FR 24693 (May 22, 2009)). E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the final rule may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. This final rule pertains to gas transmission pipelines and the preemptive effect of the regulatory amendments in this final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 604) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis for a final rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. DOT’s implementing guidance—established consistent with E.O. 13272 (*Proper Consideration of Small Entities*

in Agency Rulemaking; 67 FR 53461 (Aug. 16, 2002))—is available online at <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities>. This final rule was developed in accordance with E.O. 13272 and DOT implementing guidance.

After conducting an Initial Regulatory Flexibility Analysis along with the proposed rule, PHMSA has further analyzed the final rule impact on small entities and prepared a Final Regulatory Flexibility Analysis contained in the RIA. The final rule will relieve regulatory burdens, resulting in cost-savings for small entities. The objectives of, and legal basis for, the final rule is described earlier in this final rule preamble. No comments were raised regarding the Initial Regulatory Flexibility Analysis issued along with the proposed rule, nor did the Chief Counsel for Advocacy of the Small Business Administration (SBA) file any comments.

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

PHMSA analyzed privately owned entities (inclusive of investor-owned entities) that could be impacted by the final rule, which are gas transmission operators of current Class 1 and Class 2 pipelines that later experience a class location change.³¹⁹ Based on SBA size standards under the North American Industry Classification System (NAICS) in effect as of March 17, 2023, small privately owned entities for companies in the pipeline transportation of natural gas sector are those with less than \$41.5 million in annual revenue.³²⁰ Using operator Annual Report data, U.S. Energy Information Administration Operations Data, and Dun & Bradstreet databases, PHMSA identified small entities operating Class 1 and Class 2 pipelines under the applicable SBA threshold.

³¹⁹ PHMSA, *Gas Transmission & Gathering Annual Data—2010 to present* (Nov. 7, 2025), available at: <https://www.phmsa.dot.gov/data-and-statistics/pipeline/gas-distribution-gas-gathering-gas-transmission-hazardous-liquids>; Dun & Bradstreet, *Hoovers Data Services* (2025); Dun & Bradstreet, *Hoovers Data Services* (2024); EIA, *Annual Energy Outlook 2018—Natural Gas Delivered Prices Average (Case Reference case)* (accessed December 28, 2018) available at: <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2018®ion=0-0&cases=ref2018&start=2016&end=2050&f=A&linechart=-ref2018-d121317a.40-13-AEO2018&map=&ctype=linechart&sourcekey=0>. See also ICF International, *Gas Gathering, Gas Transmission, and Gas Distribution Operators—Small Entity Designation Database* (2023).

³²⁰ PHMSA does not estimate that publicly owned entities will be affected by this rule.

PHMSA estimated that approximately 11% of pipelines currently in each of Class 1 and Class 2 locations are operated by small entities. There are currently 878 Class 1 pipeline operators, which are owned by 634 parent entities. 449 of these are small entities. These small entities operate approximately 25,896 miles of Class 1 pipeline, which is about 11 percent of all Class 1 pipelines.

There are currently 502 operators of Class 2 pipelines, which are owned by 344 parent entities. 213 of these are small entities. These small entities operate approximately 3,256 miles of Class 2 pipelines, which is about 11 percent of all Class 2 pipelines.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Rule, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

PHMSA analyzed the costs of compliance for the small gas transmission operators that may elect to use the IM alternative to manage a class change. For all class changes experienced across all operators in a given year, PHMSA calculated annualized estimated compliance costs with the IM alternative that ranged from \$61.5 to \$62.9 million depending on the discount rate. Small entities equally share in this. Offset by the significant cost savings compared with existing compliance options, this results in an estimated \$460 to \$461 million in cost savings per year. Class 1 to Class 3 changes make up \$452.7 to \$453.8 million in annual cost savings depending on discount rate, and Class 2 to Class 3 changes make up \$7.2 million in annual cost savings.

PHMSA calculated cost savings by estimating the miles of Class 1 to Class 3 and Class 2 to Class 3 changes per year. This is because in any given year, only a subset of operators will encounter such a change in class location, though PHMSA is not able to develop an annual forecast describing specific pipeline segments changing classes or to what extent those changes will be managed by small versus large operators. PHMSA assumes that all Class 1 and Class 2 segments encounter a class change at the same rate regardless of operator size. PHMSA allocated annualized cost savings to small entities based on the proportion of total Class 1 or Class 2 miles that are operated by large and small entities. Applying the 11 percent of estimated Class 1 to Class 3 change mileage

operated by small entities yields small entity annual cost savings of \$50.2 to \$50.3 million depending on discount rate. Applying the 11 percent of estimated Class 2 to Class 3 change mileage operated by small entities yields annual small entity costs savings of \$0.8 million. Per small entity, this equates to cost savings of approximately \$112,000 for each small operator of a Class 1 pipeline segment that changes to Class 3 and \$3,600 for each small operator of a Class 2 pipeline segment that changes to Class 3.

PHMSA then calculated cost-to-revenue ratios using the calculated compliance costs of each small parent entity. PHMSA estimated that 73 percent of Class 1 small entities and 28 percent of Class 2 small operators may experience cost savings greater than 1 percent of their annual revenue. PHMSA estimated that 61 percent of Class 1 small entities and 19 percent of Class 2 small operators may experience cost savings greater than three percent of their annual revenue.

As to the impact on small entities, PHMSA notes that its calculations are for annual cost savings, however PHMSA expects that most entities will not manage a Class 1 to Class 3 or Class 2 to Class 3 change in any given year. For example, if operators only manage one segment per year, then roughly 40 small entities (or fewer if operators manage multiple segments in one year) may manage a Class 1 to Class 3 change per year, out of 449 total Class 1 small entities.

Steps PHMSA Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives

The impacts of the final rule are beneficial to small entities. The final rule enables a lower cost way safely to manage segments that transition from a lower class location to a Class 3 location, thereby creating cost savings for affected entities, large or small. While PHMSA analyzed a number of alternatives to the final rule, which are described in Section 6 of the RIA, PHMSA determined that each were not necessary for pipeline safety, would unnecessarily limit the benefit or cost-savings of this final rule, or both. None would reduce the impact on small entities. As costs savings of the final rule are beneficial rather than adverse, minimizing impacts for small entities would tend to disadvantage them in favor of larger entities, an outcome that is at odds with the goal of the Regulatory Flexibility Act. PHMSA therefore has not considered these alternatives.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any NPRM or final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more in 1996 dollars (\$203 million in 2024 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This final rule does not impose unfunded mandates under UMRA. As shown in the RIA located in the rulemaking docket, the final rule does not result in costs of \$100 million or more in 1996 dollars per year for either State, local, or Tribal governments, or to the private sector.

F. National Environmental Policy Act

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impacts of major Federal Actions on the human and natural environment.

PHMSA analyzed this final rule in accordance with NEPA and prepared a final Environmental Assessment (EA) and an accompanying Finding of No Significant Impact (FONSI), determining that this action would not adversely affect safety and will not significantly affect the quality of the human and natural environment. A copy of the EA and FONSI for this action is available in the rulemaking docket.

G. Executive Order 13175

PHMSA analyzed this final rule according to the principles and criteria in E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments*; 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (*Department of Transportation Tribal Consultation Policies and Procedures*). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the final rule and determined that it will not

significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. Insofar as the rulemaking will improve safety and reduce public safety and environmental risks associated with class location changes on gas pipelines, it will not impose disproportionately high adverse risks for Tribal communities. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

H. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. Components of this rulemaking will trigger new notification and recordkeeping requirements for operators of gas transmission pipeline systems who experience a change in their class location. The provisions in this final rule include the following Paperwork Reduction Act impacts:

First, gas transmission pipeline operators are required to notify PHMSA, in accordance with § 192.18, within 24 months if they elect to use the IM alternative’s protocols to manage pipeline segments that have changed to a Class 3 location. This prompt notification will provide PHMSA an opportunity to oversee the operator’s implementation of the segment regulations. The notification for each segment is generally expected to include information such as: when the class location change occurred; the original class location; the current class location; the hoop stress corresponding to the MAOP; each state and county in which the segment operates; the length of the segment; a certification that the segment meets the eligibility criteria and will operate in accordance with the stipulated requirements; and, for those segments requesting to use the IM alternative that are actively under an active special permit, identification of the special permit and a request to void the special permit for specified segments or in its entirety.

Second, operators who elect to use the IM alternative must comply with various recordkeeping requirements.

Operators must confirm that the pipe in the segment has been pressure tested to a minimum test pressure of 1.25 times the MAOP, with traceable, verifiable, and complete records. Operators must also confirm that the pipe in the segment has traceable, verifiable, and complete pipe material records for diameter, wall thickness, grade, seam type, yield strength, and tensile strength, or use § 192.607 to collect necessary material records. For these and the various other requirements to comply with this new compliance options, operators must maintain records of all actions implemented to meet the program for the life of the pipeline.

PHMSA will submit information collection requests to OMB for approval based on the requirements in this rule. The information collection requests are contained in the Pipeline Safety Regulations, 49 CFR parts 190–199. The following information is provided for each information collection request: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. The information collection burden is estimated as follows:

1. *Title:* Class Location Change Notification Requirements.

OMB Control Number: 2137–0639.

Current Expiration Date: TBD.

Abstract: This mandatory information collection covers notification requirements for operators of gas transmission pipeline systems who experience a change in the class location of their pipelines. Operators are required to notify PHMSA if they elect to the IM alternative to manage pipeline segments that have changed to a Class 3 location. All notifications must be made in accordance with 49 CFR 192.18.

Affected Public: Owners and operators of gas transmission pipelines.

Annual Reporting Burden:

Total Annual Responses: 364.

Total Annual Burden Hours: 719.

Frequency of Collection: Once, when electing the compliance option.

2. *Title:* Class Location Change Records.

OMB Control Number: Will Request from OMB.

Current Expiration Date: TBD.

Abstract: This mandatory information collection covers the collection of data by owners and operators of gas transmission pipeline systems in their compliance with the requirements of

this rule. Gas transmission pipeline operators are required to make and maintain various records to comply with the Pipeline Safety Regulations pertaining to class location change requirements.

Affected Public: Owners and operators of gas transmission pipeline systems.

Annual Reporting Burden:

Total Annual Responses: 496.

Total Annual Burden Hours: 13,114.

Frequency of Collection: On occasion.

Requests for a copy of these information collection requests should be directed to Angela Hill by email at angela.hill@dot.gov.

This document serves as a 60-day notice to invite comments on this second information collection pertaining to the recordkeeping an operator may conduct to comply with this new compliance option. Specifically, comment is sought regarding: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden of the revised collection of information, including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Comments may be submitted in the following ways:

E-Gov Website: <http://www.regulations.gov>. This site allows the public to submit comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001. Alternatively, hand delivery is available to this address between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: Identify the docket number PHMSA–2017–0151 at the beginning of your comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. If you submit your comments by mail, submit two copies and, if you wish to receive confirmation that PHMSA received your

comments, include a self-addressed stamped postcard.

Privacy Act Statement: DOT posts public comments, without edit, including any personal information the commenter provides, to our docket at regulations.gov. You may review DOT's complete Privacy Act Statement by visiting dot.gov/privacy.

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. It is important that you clearly designate the comments submitted as CBI if your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and is relevant or responsive to this notice. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential;" (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Send submissions containing CBI to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any comment PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter unaltered.

I. Executive Order 13609 and International Trade Analysis

E.O. 13609 (*Promoting International Regulatory Cooperation*; 77 FR 26413 (May 4, 2012)) requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate,

or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

While the Agency engages with international standards setting bodies to protect the safety of the American public, PHMSA has assessed the effects of the final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

J. Cybersecurity and Executive Order 14028

E.O. 14028 (*Improving the Nation's Cybersecurity*; 86 FR 26633 (May 17, 2021)) directed the Federal Government to improve its efforts to identify, deter, and respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the final rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for pipeline facilities.

PHMSA's regulatory amendments would not require pipeline operators to generate new security-sensitive records. This rule provides an additional option pipeline operators may choose to manage a change in class location, an option which utilizes existing, proven IM and O&M provisions already used elsewhere in part 192. Ultimately operators can choose to adopt or decline this option. It is highly likely that operators electing it are already familiar with the IM and O&M requirements, have plans for each, and have evaluated their cybersecurity risks.

Operators affected by these requirements may also be subject to cybersecurity requirements and guidance under Transportation Security Administration (TSA) Security Directives, as well as any new requirements resulting from ongoing TSA efforts to strengthen cybersecurity

and resiliency in the pipeline sector.³²¹ The Cybersecurity & Infrastructure Security Agency (CISA) and the Pipeline Cybersecurity Initiative (PCI) of the U.S. Department of Homeland Security also conduct ongoing activities to address cybersecurity risks to U.S. pipeline infrastructure and may introduce other cybersecurity requirements and guidance for gas pipeline operators. These are available at <https://www.cisa.gov/uscirt/ncas/alerts>.

K. Severability

This final rule represents a considered decision by PHMSA, based in its pipeline safety expertise and upon review of the technical record, amending the class location change standard to add the IM alternative program as an additional option. The IM alternative may not operate as intended if one of the eligibility restrictions in § 192.3 or program elements set forth in § 192.611(a)(4) is severed. PHMSA has crafted a comprehensive program, contained within § 192.611(a)(4), to suit the safety needs of pipe with eligible integrity characteristics, as defined by § 192.3, upon a class location change. The programmatic requirements may need to be different should any eligibility requirement be removed (which would operate to make more pipelines eligible).³²² Based on the administrative record in this proceeding, PHMSA cannot say it would have promulgated this IM alternative without each eligibility and programmatic element.

However, PHMSA intends the IM alternative option to be severable as applied to different classes and dates of class changes as these are different situations to which the program as a whole may apply. For example, the IM alternative as applied to Class 1 locations moving to Class 3 locations is severable from its application to Class 2 locations moving to Class 3 locations. In addition, the program is severable as applied to future class changes verse retrospective class changes; the provision in amended § 192.611(d) for MAOP restoration of past class changes is severable from the main of the program in § 192.611(a)(4) too. For each of these individual scenarios, the IM alternative option is practicable for pipeline safety and PHMSA has

assessed that the IM alternative option is separately warranted and independently cost-justified for each category of pipeline facility. In other words, PHMSA could have promulgated each set of requirements independently. Yet, because each applies the same program as a whole, it can be severed and not applied to those additional circumstances while the IM alternative program can still function in the other circumstances.

VIII. Regulatory Text

List of Subjects in 49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety, Pipelines.

In consideration of the foregoing, PHMSA amends 49 CFR part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 2. Amend § 192.3 by adding the definition of “Eligible Class 3 inspection area” and “Eligible Class 3 segment” in alphabetical order to read as follows:

§ 192.3 Definitions.

* * * * *

Eligible Class 3 inspection area means an eligible Class 3 segment and the upstream and downstream portion of the transmission line that is capable of being assessed with an in-line inspection tool extending from the nearest in-line inspection tool launcher to the nearest in-line inspection tool receiver.

Eligible Class 3 segment means a segment of a transmission line in a Class 3 location that is capable of being assessed with an instrumented in-line inspection tool which does not contain: bare pipe; wrinkle bends; pipe with a seam formed by lap welding; a seam with a longitudinal joint factor below 1.0; or a segment which has experienced an in-service leak or rupture due to cracking in the pipe body, seam, or girth weld on the segment or segments of similar characteristics in or within 5 miles.

* * * * *

■ 3. Amend § 192.7 by revising paragraph (b)(12) to read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

* * * * *

(b) * * *

³²¹ E.g., TSA, *Ratification of Security Directive*, 90 FR 5491 (Jan. 17, 2025) (ratifying TSA Security Directive Pipeline–2021–02E, which requires certain pipeline owners and operators to conduct actions to enhance pipeline cybersecurity).

³²² Adding additional eligibility restrictions to the final rule, however, could still allow safe operation of the program.

(12) API STANDARD 1163, In-Line Inspection Systems Qualification, Second edition, April 2013, Reaffirmed August 2018 (API STD 1163); IBR approved for §§ 192.493; 192.611(a).

* * * * *

■ 4. Amend § 192.611 by adding paragraph (a)(4) and revising paragraph (d) to read as follows:

§ 192.611 Change in class location: Confirmation or revision of maximum allowable operating pressure.

(a) * * *

(4) The maximum allowable operating pressure of an eligible Class 3 segment may be confirmed by complying with the integrity management requirements in subpart O of this part and the additional or more stringent requirements in paragraphs (a)(4)(i) and (ii) of this section:

(i) By no later than March 16, 2028, or within 24 months of the date of the class location change, whichever is later, the operator must complete the following initial programmatic requirements:

(A) Conduct a baseline assessment of the eligible Class 3 inspection area and remediate all immediate and one-year conditions in accordance with this section and subpart O of this part. A prior assessment conducted after March 16, 2024, or within 24 months of the class location change, whichever is later, may be used as the baseline assessment. In addition, if the eligible Class 3 segment contains pipe with a seam formed by direct current electric resistance welding, low-frequency electric resistance welding, or electric flash welding, the assessment technology or technologies selected must have a proven application capable of assessing seam integrity and seam corrosion anomalies.

(B) Test the eligible Class 3 segment in accordance with the requirements in subpart J of this part to a pressure of at least 1.25 times the maximum allowable operating pressure. The results of a prior test, conducted for a duration consistent with the requirements in subpart J to a pressure of at least 1.25 the maximum allowable operating pressure, may be used to satisfy this requirement.

(C) Confirm that the eligible Class 3 segment has traceable, verifiable, and complete records available for pipe diameter, wall thickness, grade, seam type, yield strength, and tensile strength; or obtain the necessary material records in accordance with § 192.607.

(D) Install, or use existing, valves such that rupture-mitigation valves are located on both sides of the eligible Class 3 segment. Isolation valves on any

crossover or lateral pipe designed to isolate a leak or rupture within the eligible Class 3 segment consistent with the requirements of § 192.634(b)(3) and (4). Valves must be located at their original class design per § 192.179.

(E) Install, if not already present, at least one cathodic protection pipe-to-soil test station on the eligible Class 3 segment in accordance with § 192.469, with a maximum spacing of ½ mile between test stations. Where prevented by obstructions or restricted areas, the test station may be placed in the closest practical location.

(F) Perform a depth of cover survey of the eligible Class 3 segment and take appropriate action to remediate any locations that do not conform to the requirements in § 192.327 for the original class design.

(G) Perform a coating survey of the eligible Class 3 segment and remediate in accordance with the requirements in § 192.461(f) through (h) if any of the following in paragraphs (a)(4)(i)(1) through (5) are present:

(1) Ineffective external coating, as defined in § 192.457;

(2) Adequacy of cathodic protection is measured using a minimum negative (cathodic) polarization voltage shift of 100 millivolts in accordance with paragraph I.A.(3) of appendix D to this part;

(3) Linear anodes are required to maintain cathodic protection in accordance with § 192.463;

(4) Tape wraps or shrink sleeves; or

(5) A history of shielding pipe from cathodic protection.

(H) Notify PHMSA in accordance with § 192.18(a) and (b) that the maximum allowable operating pressure of the eligible Class 3 segment is being confirmed under paragraph (a)(4) of this section.

(ii) Beginning no later than March 16, 2028, or 24 months after the date of the class location change, whichever is later, the operator must comply with the following recurring programmatic requirements:

(A) Except during abnormal operations, the gas transported in the eligible Class 3 segment must not contain:

(1) More than 3 percent carbon dioxide by volume;

(2) More than seven pounds of water per million cubic feet of gas or any free water; and

(3) More than one grain of hydrogen sulfide (H₂S) per 100 cubic feet of gas.

(B) Perform close interval surveys of the eligible Class 3 segment using a maximum interval of 5 feet or less with the protected current interrupted at least once every 7 calendar years, with

intervals not to exceed 90 months.

Evaluate the close interval survey results in accordance with § 192.463 and complete any needed remedial actions in accordance with § 192.465 within 1 year of the survey.

(C) Perform right-of-way patrols of the eligible Class 3 segment in accordance with § 192.705(a) and (c) at least once per month, with intervals not exceeding 45 days.

(D) Perform leakage surveys of the eligible Class 3 segment in accordance with § 192.706 at least four times each calendar year, with intervals not exceeding 4½ months.

(E) Install, if not already present, line markers on the eligible Class 3 segment in accordance with § 192.707. Each line marker must be visible from at least one other line marker. Replace any missing line markers within 30 days of discovery.

(F) Clear shorted casings in the eligible Class 3 segment within 1 year of identifying any metallic or electrolytic short. If clearing the short is impractical, take other measures to minimize corrosion inside the casing.

(G) Conduct a class location study of the eligible Class 3 inspection area in accordance with § 192.609 at least once each calendar year, with intervals not to exceed 15 months.

(H) Whenever the eligible Class 3 segment is exposed and the coating is removed, examine the pipe and weld surfaces for cracking using non-destructive examination methods and procedures that are appropriate for the pipe and integrity threat conditions. Analyze predicted failure pressure and critical strain level of any cracking in accordance with § 192.712 and remediate in accordance with the requirements in paragraph (a)(4) of this section.

(I) The eligible Class 3 inspection area must be reassessed and remediated in accordance with the requirements of paragraph (a)(4) of this section and subpart O of this part.

(iii) Whenever required to comply with the requirements in paragraphs (a)(4)(i) and (ii) of this section, the operator must:

(A) Validate the results of any in-line inspection of an eligible Class 3 inspection area in accordance with API Std 1163 (incorporated by reference, see § 192.7) to at least level 2 validation with sufficient in-situ anomaly validation measurements to achieve an 80 percent confidence level or 100 percent of anomalies, whichever results in fewer validation measurements.

(B) Not use direct assessment as an integrity assessment method for an eligible Class 3 inspection area.

(C) Use a factor 1.39 times the maximum allowable operating pressure when determining the predicted failure pressure on any Class 1 design pipe in an eligible Class 3 segment for one-year conditions in accordance with § 192.933(d)(2)(iv) through (vii) and monitored conditions in accordance with § 192.933(d)(3)(v) through (vi).

(iv) Within 24 months of experiencing an in-service leak from the pipe (including pipe to pipe connections) or rupture, the operator must confirm or revise the maximum allowable operating pressure of an eligible Class 3 segment in accordance with the requirements in paragraph (a)(1), (2), or (3) of this section.

(v) The operator must keep for the life of the pipeline a record of any action taken to comply with the requirements in paragraph (a)(4) of this section.

(vi) The maximum allowable operating pressure of an eligible Class 3 segment confirmed under this paragraph may not produce a corresponding hoop stress that exceeds 72 percent of SMYS for pipe with a Class 1 design factor or 60 percent of SMYS for pipe with a Class 2 design factor.

(vii) Confirmation of maximum allowable operating pressure pursuant to § 192.611(a)(4) is not authorized for gathering lines or distribution lines.

(d) Confirmation or revision of maximum allowable operating pressure required as a result of a study under § 192.609 must be completed within 24 months of the change in class location. Pressure reduction under paragraph (a)(1) or (2) of this section within the 24-month period does not preclude establishing the maximum allowable operating pressure of a segment under paragraph (a)(3) of this section or restoring the maximum allowable operating pressure of a segment under paragraph (a)(4) of this section at a later date. Before restoring the maximum

allowable operating pressure of an eligible Class 3 segment pursuant to paragraph (a)(4) of this section, an operator must:

(1) Comply with the requirements of § 192.555(b)(1) and (2), (e);

(2) Comply with the requirements in subpart O of this part for MAOP increases; and

(3) Complete all requirements of paragraph (a)(4)(i) of this section.

■ 5. Amend § 192.903 by revising the definition of “High consequence area” to read as follows:

§ 192.903 What definitions apply to this subpart?

* * * * *

High consequence area means an area established by one of the methods described in paragraph (1) or (2) of this definition as follows:

(1) An area defined as—

(i) A Class 3 location under § 192.5; or

(ii) A Class 4 location under § 192.5;

or

(iii) Any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or

(iv) Any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site; or

(v) Any area containing an eligible Class 3 segment with a maximum allowable operating pressure confirmed in accordance with § 192.611(a)(4).

(2) The area within a potential impact circle containing—

(i) 20 or more buildings intended for human occupancy, unless the exception in paragraph (4) of this definition applies; or

(ii) An identified site; or

(iii) Any portion of an eligible Class 3 segment with a maximum allowable operating pressure confirmed in accordance with § 192.611(a)(4).

(3) Where a potential impact circle is calculated under either method in paragraph (1) or (2) of this definition to establish a high consequence area, the length of the high consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy to the outermost edge of the last contiguous potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy. (See figure E.I.A. in appendix E.)

(4) If in identifying a high consequence area under paragraph (1)(iii) of this definition or paragraph (2)(i) of this definition, the radius of the potential impact circle is greater than 660 feet (200 meters), the operator may identify a high consequence area based on a prorated number of buildings intended for human occupancy with a distance of 660 feet (200 meters) from the centerline of the pipeline until December 17, 2006. If an operator chooses this approach, the operator must prorate the number of buildings intended for human occupancy based on the ratio of an area with a radius of 660 feet (200 meters) to the area of the potential impact circle (*i.e.*, the prorated number of buildings intended for human occupancy is equal to $20 \times (660 \text{ feet})^2 / (\text{potential impact radius in feet})^2$).

* * * * *

Issued in Washington, DC, on January 12, 2026, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2026-00566 Filed 1-13-26; 8:45 am]

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FEDERAL REGISTER

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January 14, 2026

Part III

The President

Memorandum of December 16, 2025—Denial of Presidential Permit for the Kickapoo Traditional Tribe of Texas

Memorandum of December 26, 2025—Delegation of Authority Under Section 614(a)(2) of the Foreign Assistance Act of 1961

Presidential Documents

Title 3—

Memorandum of December 16, 2025

The President

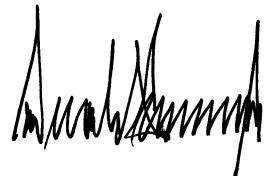
Denial of Presidential Permit for the Kickapoo Traditional Tribe of Texas

Memorandum for the Secretary of State

I have reviewed the Presidential Permit Application Kickapoo International Bridge dated December 30, 2024, submitted to you by the Kickapoo Traditional Tribe of Texas (the “Applicant”), to construct, maintain, and operate a commercial and personally owned vehicle crossing located on the United States border with Mexico in Eagle Pass, Texas, as well as additional information provided to you by the Applicant (collectively, the “Application”), in accordance with 33 U.S.C. 535d and associated procedures.

Pursuant to 33 U.S.C. 535d(c), you recommended that issuing the Presidential Permit is not in the foreign policy interest of the United States. Having fully considered the information presented by the Applicant and based on a review of all of the information available, I accept your recommendation. I have determined that the project described in the Application is not in the United States national interest. Therefore, by the authority vested in me as President by the constitution and the laws of the United States, including 33 U.S.C. 535d(d), I hereby deny the requested Presidential Permit submitted by the Applicant. You shall provide notice of my decision to the Applicant.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, December 16, 2025

Presidential Documents

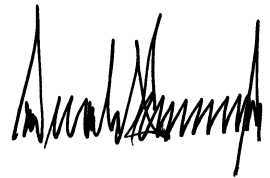
Memorandum of December 26, 2025

Delegation of Authority Under Section 614(a)(2) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, subject to fulfilling the requirement of section 614(a)(3) of the Foreign Assistance Act of 1961 (FAA), the authority under section 614(a)(2) of the FAA to determine whether it is vital to the national security interests of the United States to make up to \$25.9 million in sales of cluster munitions technology under the Arms Export Control Act to the Republic of Korea, without regard to any other provision of law within the purview of section 614(a)(2) of the FAA, and to authorize such sale.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, December 26, 2025



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Vol. 91

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January 14, 2026

Part IV

The President

Notice of January 12, 2026—Continuation of the National Emergencies
With Respect to the Southern Border of the United States and Cartels and
Other Transnational Organizations

Notice of January 12, 2026—Continuation of the National Emergency With
Respect to Energy

Presidential Documents

Title 3—

Notice of January 12, 2026

The President

Continuation of the National Emergencies With Respect to the Southern Border of the United States and Cartels and Other Transnational Organizations

On January 20, 2025, by Proclamation 10886, I declared a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA) with respect to the situation at the southern border of the United States, because the southern border is overrun by cartels, criminal gangs, known terrorists, human traffickers, smugglers, unvetted military-age males from foreign adversaries, and illicit narcotics that harm Americans.

Also on January 20, 2025, by Executive Order 14157, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States involving cartels and other transnational organizations.

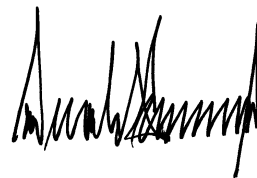
On February 1, 2025, by Executive Order 14193, I declared a national emergency or expanded the scope of the national emergency declared in Proclamation 10886, invoking IEEPA and the NEA, to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States involving Canada's failure to do more to address drug and human traffickers, criminals at large, and the flood of illicit drugs into the United States.

Also on February 1, 2025, by Executive Order 14194, I declared a national emergency or expanded the scope of the national emergency declared in Proclamation 10886, invoking IEEPA and the NEA, to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States involving Mexico's failure to address the sustained influx of illegal aliens and illicit drugs into the United States and Mexico's failure to arrest, seize, detain, or otherwise intercept drug and human traffickers, criminals at large, and illicit drugs.

Also on February 1, 2025, by Executive Order 14195, I declared a national emergency or expanded the scope of the national emergency declared in Proclamation 10886, invoking IEEPA and the NEA, to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States involving the failure of the People's Republic of China government to arrest, seize, detain, or otherwise intercept chemical precursor suppliers, money launderers, other transnational criminal organizations, criminals at large, and drugs.

The circumstances related to these emergencies continue to pose unusual and extraordinary threats to the national security, foreign policy, or economy of the United States. For this reason, the national emergencies declared or expanded in Proclamation 10886 of January 20, 2025, Executive Order 14157 of January 20, 2025, Executive Order 14193 of February 1, 2025, Executive Order 14194 of February 1, 2025, and Executive Order 14195 of February 1, 2025, must continue in effect beyond their applicable anniversary date(s). Therefore, in accordance with section 202(d) of the NEA (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergencies declared or expanded in Proclamation 10886, Executive Order 14157, Executive Order 14193, Executive Order 14194, and Executive Order 14195.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

A handwritten signature in black ink, appearing to be a stylized name with a long, sweeping horizontal stroke at the end.

THE WHITE HOUSE,
January 12, 2026.

[FR Doc. 2026-00731
Filed 1-13-26; 2:00 pm]
Billing code 3395-F4-P

Presidential Documents

Notice of January 12, 2026

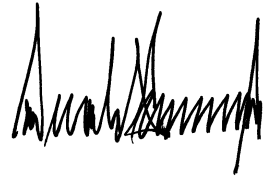
Continuation of the National Emergency With Respect to Energy

On January 20, 2025, by Executive Order 14156, I declared a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the United States' insufficient energy and critical minerals (energy) production, transportation, refining, and generation.

The United States continues to need a reliable, diversified, and affordable supply of energy to drive our Nation's manufacturing, transportation, agriculture, and defense industries, and to sustain the basics of modern life and military preparedness. However, our Nation faces inadequate energy supply and infrastructure, due not only to the harmful and shortsighted policies of the previous administration, but also to many harmful State and local policies, especially in our Nation's Northeast and West Coast. By inhibiting development of our Nation's domestic supply of energy, these policies worsened high energy prices and undermined grid reliability. Without robust development of reliable domestic energy resources, we risk leaving our Nation vulnerable to hostile foreign actors, jeopardizing our Nation's core national defense and security needs, stalling technological innovation, and deteriorating grid reliability.

The circumstances related to this emergency 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 14156 of January 20, 2025, must continue in effect beyond January 20, 2026. Therefore, in accordance with section 202(d) of the NEA (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14156.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

A handwritten signature in black ink, appearing to be a stylized name with a long, sweeping underline.

THE WHITE HOUSE,
January 12, 2026.

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