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FEDERAL REGISTER

Vol. 91 Friday,

No. 49 March 13, 2026

Pages 12287–12496

OFFICE OF THE FEDERAL REGISTER

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5043; Project Identifier MCAI–2024–00780–R; Amendment 39–23279; AD 2026–05–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, and SA330J helicopters. This AD was prompted by reports of fatigue cracks found on arms of the tail rotor (TR) pitch change spider due to a load increase originating from degraded bearing stacks. This AD requires reduced life limit intervals for the affected bearing stack and requires replacing the affected bearing stack before exceeding these intervals. This AD also prohibits the installation of the affected bearing stack on a helicopter, unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5043; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5043.

FOR FURTHER INFORMATION CONTACT: Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4133; email: *michael.m.yeshiambel@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS332C, AS332C1, AS332L, AS 332L1, and SA330J helicopters. The NPRM was published in the **Federal Register** on December 8, 2025 (90 FR 56699). The NPRM was prompted by EASA AD 2024–0250, dated December 20, 2024 (EASA AD 2024–0250) (also referred to as the MCAI), which is the Technical Agent for the Member States of the European Union. The MCAI states that there were reports of fatigue cracks found on arms of the TR pitch change spider of an affected helicopter. The MCAI further states that subsequent investigation revealed that the cracks resulted from a load increase originating from degraded bearing stacks. Additionally, the MCAI states to address this unsafe condition, reduced life limits are necessary for the affected parts. This condition, if not corrected, could lead to structural failure of the TR assembly, which could result in reduced or loss of control of the helicopter.

In the NPRM, the FAA proposed to require introducing reduced life limit intervals for the affected bearing stack and to replace the affected bearing stack before exceeding these intervals. The NPRM also proposed to prohibit the installation of the affected bearing stack on a helicopter, unless certain requirements are met.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5043.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0250, which introduces reduced life limit intervals for the affected bearing stacks and specifies procedures for replacing the affected bearing stacks before exceeding the reduced life limit intervals. EASA AD 2024–0250 also prohibits installing the affected bearing stack on a helicopter, unless certain requirements are met.

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

Costs of Compliance

The FAA estimates that this AD affects 10 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace bearing stack	8 work-hours × $85 per hour = $680	$920	$1,600	$16,000

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–05–06 Airbus Helicopters: Amendment 39–23279; Docket No. FAA–2025–5043; Project Identifier MCAI–2024–00780–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS332C, AS332C1, AS332L, AS 332L1, and SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6400, Tail rotor system.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracks found on arms of the tail rotor pitch change spider due to a load increase originating from degraded bearing stacks. The FAA is issuing this AD to prevent degradation of bearing stacks. The unsafe condition, if not addressed, could lead to structural failure of the tail rotor assembly, which could result in reduced or loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0250, dated December 20, 2024 (EASA AD 2024–0250).

(h) Exceptions to EASA AD 2024–0250

(1) Where EASA AD 2024–0250 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0250 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2024–0250 specifies ''check'', for this AD replace that text with ''inspection''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0250.

(i) No Reporting or Return of Parts Requirement

Although the material referenced in EASA AD 2024–0250 specifies to submit certain information and to return parts to the manufacturer, this AD does not require those actions.

(j) Special Flight Permit

Special flight permits are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4133; email: *michael.m.yeshiambel@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0250, dated December 20, 2024.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221

8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this EASA material on the EASA website at *ad.easa.europa.eu.*

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on February 26, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04919 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5389; Project Identifier MCAI–2024–00716–R; Amendment 39–23284; AD 2026–05–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–09–15 which applied to certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2020–09–15 required removing the removable parts of the dual hoist installation or removing the de-icing system and allows, for certain helicopters, revising the rotorcraft flight manual (RFM) for the helicopter and installing a placard as an optional method of compliance. Since the FAA issued AD 2020–09–15, analysis revealed that additional vibration level measurements are necessary. This AD retains all the requirements of AD 2020–09–15 and requires for certain helicopters repetitively measuring vibration levels in-flight, and depending on the results, performing corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 17, 2026.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of May 20, 2020 (85 FR 30589, May 20, 2020).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5389; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Airbus Helicopters material identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; or at *airbus.com/en/products-services/helicopters/hcare-services/airbusworld.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5389.

FOR FURTHER INFORMATION CONTACT: Matthew Williams, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4134; email: *matthew.t.williams@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–09–15, Amendment 39–19911 (85 FR 30589, May 20, 2020), (AD 2020–09–15). AD 2020–09–15 applied to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, equipped with a dual hoist installation and de-icing system, except those that have Airbus Helicopters modification 0722907 installed in production. AD 2020–09–15 required removing the removable parts of the dual hoist installation or removing the de-icing system and allows, for certain helicopters, revising the RFM for the helicopter and installing a placard as an optional method of compliance. The FAA issued AD 2020–09–15 to prevent divergent aeromechanic coupling between the helicopter structure and rotor. The unsafe condition, if not addressed, could generate divergent aeromechanic coupling between the helicopter structure and the rotor, possibly resulting in mechanical failure of structural parts and loss of control of the helicopter.

The NPRM was published in the **Federal Register** on December 17, 2025 (90 FR 58515). The NPRM was prompted by European Union Aviation Safety Agency (EASA) AD 2024–0233, dated December 5, 2024 (EASA AD 2024–0233) (also referred to as the MCAI). The MCAI was issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states it was determined that further vibration level measurements were necessary after performing certain maintenance tasks. The MCAI further states that EASA AD 2024–0233 is considered to be an interim action.

In the NPRM, the FAA proposed to retain all the requirements of AD 2020–09–15 and also proposed to require repetitively measuring the vibration level, interpreting the results, and depending on the results, removing certain parts and further inspections. In the NPRM the FAA also proposed to allow an alternative to removing parts by placing a placard and revising the RFM for the helicopter. Additionally, in the NPRM the FAA proposed to prohibit installing the de-icing system and the dual hoist unless certain requirements are accomplished.

In the NPRM the FAA specifies measuring the vibration levels in-flight and revising the existing RFM for the helicopter may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this action in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform these actions because they only involve recording data in-flight and revising the existing RFM by inserting pages, which are not considered maintenance actions.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin ASB AS332–04–00–0001, Issue 002, dated December 4, 2024 (ASB AS332–04–00–0001), which specifies procedures for installing the accelerometer in the cockpit of the helicopter, repetitively inspecting the vibration level at 12 Hz each time a specific maintenance task is completed, and interpreting the results. Depending on the results of this inspection, ASB AS332–04–00–0001 specifies procedures for corrective actions, which include changing the configuration by either removing the dual hoist system or removing the de-icing harness and contacting Airbus Helicopters for further instructions.

The FAA also reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) AS332 01.00.91, Revision 1, dated December 4, 2019 (EASB 01.00.91 Rev 1) for Model AS332C, and AS332C1 helicopters, and EASB AS332 01.00.96, Revision 0, dated December 4, 2019 (EASB 01.00.96) for Model AS332L and AS332L1 helicopters. EASB 01.00.91 Rev 1 specifies procedures for removing parts of the dual hoist installation or removing the de-icing system. EASB 01.00.96 describes procedures for amending the RFM of Airbus Helicopters Model AS332L and AS332L1 helicopters to limit the flight envelope and the Vne and installing a placard. EASB 01.00.96 also describes procedures for removing parts of the dual hoist installation or removing the de-icing system. The Director of the Federal Register approved EASB 01.00.91 Rev 1 and EASB 01.00.96 for incorporation by reference as of May 20, 2020 (85 FR 30589, May 20, 2020).

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

Interim Action

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

Costs of Compliance

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

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove the removable parts of the dual hoist.	12 work-hours × $85 per hour = $1,020 per helicopter.	$0	$1,020	$5,100
Remove the de-icing system	12 work-hours × $85 per hour = $1,020 per helicopter.	0	$1,020	5,100
Measure vibrations to include interpreting results.	7 work-hours × $85 per hour = $595	0	$595 per cycle	2,975

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Revise the RFM	1 work-hour × $85 per hour = $85	$0	$85
Install a placard	1 work-hour × $85 per hour = $85	0	85

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–09–15, Amendment 39–19911 (85 FR 30589, May 20, 2020); and

■ b. Adding the following new airworthiness directive:

2026–05–11 Airbus Helicopters: Amendment 39–23284; Docket No. FAA–2025–5389; Project Identifier MCAI–2024–00716–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 17, 2026.

(b) Affected ADs

This AD replaces AD 2020–09–15, Amendment 39–19911 (85 FR 30589, May 20, 2020) (AD 2020–09–15).

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, certificated in any category, equipped with a dual hoist installation and de-icing system.

(d) Subject

Joint Aircraft System Component (JASC) Code 1810, Helicopter vibration analysis.

(e) Unsafe Condition

This AD was prompted by a report of vibrations around the 12 Hz frequency due to the specific helicopter configuration and determination that additional vibration level measurements are necessary. The FAA is issuing this AD to prevent divergent aeromechanic coupling between the helicopter structure and rotor. The unsafe condition, if not addressed, could result in mechanical failure of structural parts and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For helicopters without Airbus Helicopters modification 0722907 installed, within 7 days after May 20, 2020 (the effective date of AD 2020–09–15): Remove the removable parts of the dual hoist installation or remove the de-icing system in accordance with the instructions of section 3.B of Airbus Helicopters Emergency Alert Service Bulletin (EASB) AS332 01.00.91, Revision 1, dated December 4, 2019 (EASB AS332 01.00.91 Rev 1), or Section 3.B.2 of Airbus Helicopters EASB AS332 01.00.96, Revision 0, dated December 4, 2019 (EASB AS332 01.00.96), as applicable to the helicopter, except you are not required to contact Airbus Helicopters.

(2) For helicopters with Airbus Helicopters modification 0722907 installed, within 110 hours time-in-service (TIS) or 30 days whichever occurs first after the effective date of this AD and thereafter, during the first flight after each time any of the maintenance tasks identified in the COMPLIANCE: MANDATORY section of Airbus Helicopters Alert Service Bulletin ASB AS332–04–00–0001, Issue 002, dated December 4, 2024 (ASB AS332–04–00–0001) is accomplished, perform a vibration level measurement in accordance with paragraphs (g)(2)(i) and (ii) of this AD.

(i) With the accelerometer already installed, check the measurement of the vibration level in-flight, at 12 Hz by following figure 1 to paragraph (g)(2)(i) of this AD. The owner/operator (pilot) holding at least a private pilot certificate may perform this check and must enter compliance with these paragraphs into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

Figure 1 to Paragraph (g)(2)(i)—Method of Measurement

4.2.1. The measurements must be performed with:

- The wind speed less than 20 kts.
- The AFCS turned ON.
- The helicopter weight between 7700 kg and 8300 kg; centering between 4.55 m and 4.65 m. Refer to PMV.

4.2.2. Record during the flight at density altitude between -3000 ft (-914.4 m) and +4000 ft ground (1219.2 m):

- Two measurements in stabilized speed at 120 kts (222.2 km/h).
- Two measurements in stabilized speed at MCP (approximately 130 kts (240.7 km/h)).

(ii) Interpret the results in accordance with the instructions in Section 4.4 of ASB AS332–04–00–0001 except you are not required to send any information to Airbus Helicopters. If the vibration level between 11.7 Hz and 12.7 Hz is more than 0.08g (0.40 IPS), before further flight, revise the helicopter configuration by removing the dual hoist system or removing the blade de-icing harnesses in accordance with instructions of section 4.5 through 4.5.2.1 of ASB AS332–04–00–0001.

(h) Optional Method of Compliance

For helicopters without Airbus Helicopters modification 0722907 installed: Revising the rotorcraft flight manual for your helicopter by inserting the information specified in Appendix 4A, 4B, or 4C of EASB AS332 01.00.96, as applicable to your helicopter model and configuration, and installing a locally made placard on the instrument panel, in accordance with the instructions of section 3.B.1 of EASB AS332 01.00.96, is an acceptable method for compliance with the requirements of paragraph (g)(1) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

For more information about this AD, contact Matthew Williams, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4134; email: *matthew.t.williams@faa.gov.*

(k) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on April 17, 2026.

(i) Airbus Helicopters Alert Service Bulletin ASB AS332–04–00–0001, Issue 002, dated December 4, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on May 20, 2020, (85 FR 30589, May 20, 2020).

(i) Airbus Helicopters Emergency Alert Service Bulletin AS332 01.00.91, Revision 1, dated December 4, 2019.

(ii) Airbus Helicopters Emergency Alert Service Bulletin AS332 01.00.96, Revision 0, dated December 4, 2019.

(5) For Airbus material identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; or at *airbus.com/en/products-services/helicopters/hcare-services/airbusworld.*

(6) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on March 4, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04967 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5393; Project Identifier MCAI–2025–00157–R; Amendment 39–23277; AD 2026–05–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters. This AD was prompted by a report of a main rotor head (MRH) having the same part number (P/N) and serial number (S/N) as another MRH due to incorrect modification instructions where the modified part S/N was not re-identified and the MRH can be operated with the wrong associated log card if accidently interchanged. This AD requires performing a one-time consistency check of the P/N and S/N of the MRH, performing corrective actions if applicable, determining if the MRH has been modified, and re-identifying the modified MRH. This AD also allows replacing the MRH as an optional action and prohibits the installation of an affected MRH on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5393; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5393.

FOR FURTHER INFORMATION CONTACT: Promita Dey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4106; email: *promita.dey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to AHD Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters. The NPRM was published in the **Federal Register** on December 18, 2025 (90 FR 59078). The NPRM was prompted by EASA AD 2025–0028, dated February 7, 2025 (EASA AD 2025–0028) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that an occurrence was reported of two MRHs having an identical P/N and S/N. The MCAI further states that a subsequent investigation determined that the duplicate identification was due to incorrect modification instructions for the MRH in an Airbus Helicopters service information notice where the modified part serial number was not re-identified; this could result in the MRH being operated with the wrong associated log card if incorrectly interchanged.

In the NPRM, the FAA proposed to require performing a one-time consistency check of the P/N and S/N of the MRH, performing corrective actions if applicable, determining if the MRH has been modified, and re-identifying the modified MRH. The NPRM also proposed to allow replacing the MRH as an optional action and prohibit the installation of an affected MRH on any helicopter.

The FAA is issuing this AD to detect and correct the incorrect identification

of S/Ns and P/Ns on MRHs which, if not addressed, could result in operation of an MRH and its critical parts beyond certified limits and lead to failure of certain parts and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5393.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0028, which specifies procedures for a one-time consistency check of the P/N and S/N of the MRH to verify against the existing helicopter log card or equivalent record and, depending on the results, contacting Airbus Helicopters for approved instructions. EASA AD 2025–0028 also specifies procedures for performing an additional check of the existing helicopter log card or equivalent record to determine if the MRH has been modified and procedures for re-identifying an MRH that has been modified. EASA AD 2025–0028 allows replacing the MRH with a serviceable part in accordance with the instructions of the applicable Aircraft Maintenance Manual as an optional action to accomplishing the initial consistency check and the corrective actions. EASA AD 2025–0028 prohibits installing an affected MRH on any helicopter.

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

Differences Between This AD and the MCAI

Where the MCAI specifies contacting Airbus Helicopters for repair instructions, this AD requires using a method approved by the FAA, EASA, or Airbus Helicopters' EASA Design Organization Approval.

Costs of Compliance

The FAA estimates that this AD affects 34 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Perform consistency check	2 work-hours × $85 per hour = $170	$0	$170	$5,780

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Review existing helicopter log card or equivalent record	1 work-hour × $85 per hour = $85	$0	$85
Re-identify MRH	1 work-hour × $85 per hour = $85	0	85

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

OPTIONAL ACTION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace MRH	10 work-hours × $85 per hour = $850	Up to $89,000	Up to $89,850.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a

substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–05–04 Airbus Helicopters Deutschland GmbH (AHD): Amendment 39–23277; Docket No. FAA–2025–5393; Project Identifier MCAI–2025–00157–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6220, Main Rotor Head.

(e) Unsafe Condition

This AD was prompted by a report of a main rotor head (MRH) having the same part number (P/N) and serial number (S/N) as another MRH due to incorrect modification instructions where the modified part S/N was not re-identified and the MRH can be operated with the wrong associated log card if accidently interchanged. The FAA is issuing this AD to detect and correct the incorrect identification of S/Ns and P/Ns on MRHs which, if not addressed, could result in operation of an MRH and its critical parts beyond certified limits and lead to failure of certain parts and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0028, dated February 7, 2025 (EASA AD 2025–0028).

(h) Exceptions to EASA AD 2025–0028

(1) Where EASA AD 2025–0028 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0028 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where paragraphs (2) and (4) of EASA AD 2025–0028 specify discrepancy, for the purposes of this AD, a discrepancy can be defined as the serial number on the MRH [Main Rotor Head] not matching the serial number on the helicopters existing log card or equivalent record.

(4) Where the material referenced in EASA AD 2025–0028 specifies ''check'', this AD requires replacing that text with ''inspect''.

(5) Where EASA AD 2025–0028 and the material referenced in EASA AD 2025–0028 specifies ''MRH log card'', this AD requires replacing that text with ''existing helicopter log card or equivalent record''.

(6) Where EASA AD 2025–0028 or the referenced material specifies to contact AH [Airbus Helicopters] to obtain approved instructions, or specifies a part is eligible for installation in accordance with AH instructions, this AD requires those actions done in accordance with a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0028.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0028 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Additional Information

For more information about this AD, contact Promita Dey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (913) 563–8269; email: *promita.dey@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0028, dated February 7, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on February 25, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04921 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–2738; Airspace Docket No. 26–AWA–2]

RIN 2120–AA66

Revocation of the Domestic Low Altitude Reporting Point, Farmington Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Establishment of the Domestic Low Altitude Reporting Point, Rattlesnake VORTAC in New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Domestic Low Altitude Reporting Point, Farmington, NM, VORTAC in Farmington, NM and establishes Domestic Low Altitude Reporting Point, Rattlesnake, NM, VORTAC. The name of the Farmington VORTAC was officially changed in 2003. Concurrently to the changing of the VORTAC name, a final rule was published in the **Federal Register**, amending eight Federal airways and seven Jet routes. However, this name change was not updated in the listing of Domestic Low Altitude Reporting Points as published in the FAA JO 7400.11, Airspace Designations and Reporting Points. This change is editorial only and does not alter the location of the VORTAC. The only change is to the name of the VORTAC.

DATES: Effective date 0901 UTC, May 14, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, 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, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

History

On July 21, 2003, the FAA published a final rule in the **Federal Register,** (68 FR 42962), Docket No. FAA–2002–13013, amending eight Federal Airways and seven Jet Routes that had the Farmington, NM, VORTAC included as part of their route structure. At the time, the Farmington VORTAC and the Four Corners Regional Airport, NM shared the same location identifier. The fact that the VORTAC and the airport were not co-located led to confusion among airspace users. To eliminate this confusion, the FAA renamed the Farmington VORTAC to the Rattlesnake, NM, VORTAC. All air traffic service routes with the Farmington VORTAC listed in their legal descriptions were amended. The Farmington VORTAC was also designated as a Domestic Low Altitude Reporting Point. During the renaming process and the amending of application air traffic service routes, the name of this VORTAC was not amended in the listing of Domestic Low Altitude Reporting Points in FAA Order JO 7400.11, Airspace Designations and Reporting Points.

Incorporation by Reference

Domestic Low Altitude Reporting Points are published in paragraph 7001 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will 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 Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking the Farmington, NM, VORTAC Domestic Low Altitude Reporting Point and establishing the Rattlesnake, NM, VORTAC Domestic Low Altitude Reporting Point. This action does not change the geographical coordinates of the VORTAC.

Good Cause for Bypassing Notice and Comment

The Administrative Procedure Act (APA) authorizes agencies to dispense with ordinary notice and comment requirements for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). These changes are editorial only and do not alter the location of the VORTAC and only changes its name. This action will not impose any additional substantive restrictions or requirements on the persons affected by these regulations, as it is purely editorial and simply reflects the name change of a VORTAC Domestic Low Altitude Reporting Point. There are no changes to charted boundaries, altitudes, air traffic control procedures, or operating requirements. This action constitutes ''a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012). Therefore, the FAA finds that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending the name of the Farmington, NM, VORTAC Domestic Low Altitude Reporting Point qualifies for categorical exclusion under the National Environmental Policy Act, 42 U.S.C. 4321 and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a) which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). This action is an editorial change only and is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1G regarding extraordinary circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, signed August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 7001 Domestic Low Altitude Reporting Points.

* * * * *

Farmington, NM [Removed]

* * * * *

Rattlesnake, NM [New]

* * * * *

Issued in Washington, DC, on March 10, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–04915 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice 12954]

RIN 1400–AF61

Schedule of Fees for Consular Services—Fee for Administrative Processing of Request for Certificate of Loss of Nationality of the United States

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This final rule adjusts the Schedule of Fees for Consular Services by reducing the fee for Administrative Processing of Request for Certificate of Loss of Nationality of the United States from $2,350 to $450.

DATES: This final rule is effective on April 13, 2026.

FOR FURTHER INFORMATION CONTACT: Steve Jacob, Resource Management Unit, Bureau of Consular Affairs, Department of State; phone: 771–204–4677; email: *Fees@state.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule adjusts the Schedule of Fees for Consular Services (Schedule of Fees) by reducing the fee for Item #8, Administrative Processing of Request for Certificate of Loss of Nationality of the United States (CLN), from $2,350 to $450. This action is being taken to help alleviate the cost burden for those individuals who decide to request CLN services by returning to the below-cost fee that was in place from 2010–2014. The Department of State (Department) published a Notice of Proposed Rulemaking (NPRM) on October 2, 2023 (88 FR 67687), with 30 days provided for public comment. This rule adopts the proposed rule as final and addresses public comments received by the Department.

As set forth in the NPRM, the Department derives the authority to set fees based on the cost of the consular services it provides, and to charge those fees, from the general user charges statute, 31 U.S.C. 9701. The President also has the power to set the amount of fees to be charged for consular services provided at U.S. embassies and consulates abroad pursuant to 22 U.S.C. 4219 and has delegated this authority to the Secretary of State, E.O. 10718 (June 27, 1957). In the absence of a specific statutory fee retention authority, fees collected for consular services must be deposited into the general fund of the Treasury pursuant to 31 U.S.C. 3302(b).

The fee for administrative processing of a CLN (referred to as the ''fee for CLN services'' throughout this rulemaking) applies to U.S. nationals (*i.e.,* U.S. citizens and non-citizen nationals) who request a CLN under 8 U.S.C. 1481(a)(5) (taking the oath of renunciation before a U.S. diplomatic or consular officer abroad) as well as those who request a CLN under 8 U.S.C. 1481(a)(1)–(4) or other applicable law administered by the Department. The fee for CLN services is remitted entirely to the Department of Treasury pursuant to 31 U.S.C. 3302(b); revenue collected from the fee for CLN services is not factored into the budget of the Bureau of Consular Affairs (CA) budget.

A fee for processing a request for a CLN under INA section 349(a)(5) (taking the oath of renunciation before a U.S. diplomatic or consular officer abroad) was first implemented in 2010. The fee was set at $450, which at that time represented less than 25% of the cost to the U.S. government. 75 FR 36529. Processing a U.S. citizen's request for a CLN based on the performance of a potentially expatriating act has always been a costly, time-consuming service for the Department. 80 FR 51466. Due to constitutional and other safeguards imposed by U.S. law, consular officers and employees overseas, as well as CA employees domestically, must ensure the would-be renunciant is a U.S. national who fully understands the serious consequences of renunciation and that the renunciation is both voluntary and intentional. *See* 75 FR 6324; 79 FR 51250–51.

More specifically, processing a request for a CLN is a multi-step process that begins with the U.S. citizen contacting a U.S. embassy or consulate (''post'') to request the service. After post provides information on the process of renouncing U.S. citizenship as well as its consequences, the U.S. citizen must then complete two separate

interviews with a U.S. consular or diplomatic officer. If the U.S. citizen wishes to proceed after the initial interview, he or she must take the oath of renunciation in-person before a diplomatic or consular officer at the second interview. After completing the oath, the individual's CLN package, including a memorandum recommending approval or denial of the request for a CLN, is transmitted to the Department's Office of American Citizen Services in the Directorate of Overseas Citizens Services within CA (CA/OSC/ACS) for review and decision. This review is necessary to determine whether the applicant's burden of proof has been met and that a finding that the individual has voluntarily and intentionally renounced U.S. citizenship is warranted, and to ensure that the documentation of loss of nationality is correct. Once review is complete, post is notified electronically and, if CA/OCS/ACS approved the request, post prepares original documents for execution and issuance, and CA/OCS/ACS mails copies of the approved CLN to other federal agencies as mandated by statute and the Foreign Affairs Manual.

The Department set the fee for CLN services under INA section 349(a)(5) (taking an oath of renunciation of U.S. nationality before a U.S. diplomatic or consular officer abroad) at the below-cost amount of $450 in 2010 ''in order to lessen the impact on those who need this service and not discourage the utilization of the service.'' 75 FR 36529. That decision was consistent with the approach taken with respect to certain other fees for services provided to U.S. citizens overseas and was based on extensive consultations with experienced consular officers and senior Department managers. 75 FR 36527.

Between 2010 and 2014, however, the number of requests for a CLN under INA section 349(a)(5) increased dramatically, which meant that far more consular officer time and resources were consumed providing CLN services. As a result, the Department made the decision to set the fee at cost. In 2014, the Department issued an interim final rule raising the fee for CLN services under INA section 349(a)(5) from $450 to $2,350, as determined by the results of the 2010–2014 Cost of Service Model (CoSM), which incorporated improvements that better captured the actual costs to the U.S. government of providing consular services overseas. 79 FR 51251. The rule was finalized in August 2015. 80 FR 51465. In September 2015, the Department published an interim final rule with request for public comment giving notice that effective November 9, 2015, it planned to charge $2,350 for processing a request for a CLN under 8 U.S.C. 1481(a)(1)–(4) also as a matter of ''fee parity'' insofar as the 2010–2014 CoSM indicated that documenting a U.S. national's relinquishment of nationality is extremely costly regardless of the subsection under which the request for a CLN is made. 80 FR 53704. The rule became final in 2018. 83 FR 4423.

In the years since the fee was increased, members of the public have continued to raise concerns about the cost of the fee and the impact of the fee on their ability to renounce their citizenship. While there is no legal requirement for individuals to declare their motivation for renouncing U.S. citizenship, anecdotal evidence suggested that difficulties were due at least in part to reporting requirements imposed by the Hiring Incentives to Restore Employment Act of 2010, Public Law 111–147, 124 Stat. 71 (2010) (HIRE Act) on foreign financial institutions with whom U.S. nationals have an account or accounts. The HIRE Act added chapter 4 of Subtitle A to the Internal Revenue Code, comprising sections 1471 through 1474 (chapter 4). Chapter 4 is commonly known as the Foreign Account Tax Compliance Act, or FATCA.

After significant deliberation, taking into account both the affected public's concerns regarding the cost of the fee and the not insignificant anecdotal evidence regarding tax-related difficulties many U.S. nationals residing abroad encounter, including in part because of FATCA, the Department made a policy decision, as reflected in the NPRM, to propose alleviating the cost burden for those individuals who decide to request CLN services by returning to the below-cost fee of $450. This change will better align the fee for CLN services with fees for certain other services provided to U.S. citizens abroad, including, for example, applications for a Consular Report of Birth Abroad, which are similarly set significantly below cost.

Analysis of Comments

In the 30-day period after the publication of the NPRM, the Department received a total of 910 comments, a majority of which appear to have been drawn in whole or in part from exemplars provided by various groups such as L'Association des Américains Accidentels,[1] Stop Extraterritorial American Taxation (SEAT),[2] and Democrats Abroad.[3] The Department will address the issues raised by the commenters.

The overwhelming majority of commenters (880), including some who did not comment on the proposed fee change at all, expressed frustration with the U.S. system of worldwide taxation of its citizens and the expense associated with compliance with U.S. tax laws. Many reported spending hundreds or thousands of dollars a year on tax professionals, even when they might have no U.S. tax liabilities. Some stated that despite being required to comply with U.S. tax laws, they received and/or benefited from few of the services for which their taxes were collected—*e.g.,* free COVID vaccines, Medicare Part B, and improved U.S. infrastructure. A few also expressed political objections to the way their tax dollars were used.

In addition to frustration with the U.S. system of worldwide taxation (referred to as ''double taxation'' by many commenters), commenters took particular issue with FATCA, stating it has made it difficult for them to invest in exchange-traded funds (ETFs) or mutual funds, obtain a mortgage, or open a bank account in their countries of residence. Some noted that they also faced difficulties investing in the United States, due to lack of a U.S. address and phone number. This significantly impacted their ability to save for retirement. Relatedly, commenters expressed frustration with the complicated reporting requirements imposed by FATCA as well as by Foreign Bank Account Reporting (FBAR), Passive Foreign Investment Company (PFIC), and Global Intangible Low-Taxed Income (GILTI) rules.

The Department is acutely aware of the concerns expressed by the commenters, some of which prompted the Government Accountability Office (GAO) to task an interagency engagement in its 2019 report to Congressional Committees. (*See* GAO 19–180 ''Foreign Asset Reporting—Actions Needed to Enhance Compliance Efforts, Eliminate Overlapping Requirements, and Mitigate Burdens on U.S. Persons Abroad,'' *available at https://www.gao.gov/products/gao-19-180*). GAO tasked the Departments of Treasury and State and the Social Security Administration to ''establish a formal means to collaboratively address ongoing issues that U.S. persons living

[1] *https://www.americains-accidentels.fr/page/1503405-lawsuit-against-state-department.*

[2] *http://seatnow.org/2023/10/31/seats-submission-to-u-s-department-of-state/.*

[3] *https://www.democratsabroad.org/jeffsteiner/share_why_you_shouldn_t_have_to_renounce_your_citizenship.*

abroad encounter from implementation of FATCA reporting requirements.'' The Department of State engaged in good faith discussions regarding its possible contributions, and due to the coordinated efforts of the interagency, the GAO determined that the recommendation was implemented.

The Department, however, cannot alter U.S. tax compliance laws for citizens residing overseas, or otherwise address concerns related to worldwide or so called ''double'' taxation. The Department likewise cannot amend the user charges statute—which applies to fee collections government-wide and not just those charged by the Department of State for consular services—to exclude those without ''sufficient residential connection to the United States'' from the payment of the fee for CLN services, as proposed by L'Association des Américains Accidentels.

As stated in the NPRM, the proposal to lower the fee for CLN services took into account the not-insignificant anecdotal evidence regarding the difficulties that many U.S. nationals residing abroad have reported they are encountering. It is designed to help alleviate the cost burden for requesting CLN services, even though the fee of $450 reimburses only a fraction of the cost to the U.S. government of providing such services.

Of the approximately 740 commenters who addressed the proposed change to the fee, 185 supported the fee change without qualification. Most of these commenters emphasized that the ''real problem'' was not the fee but was the U.S. system of worldwide taxation. Nevertheless, they supported the fee change because they felt the $2,350 fee was too high whereas the prior fee of $450 was a more reasonable amount. 543 commenters suggested that a $450 fee was still high, though a majority (312) of those commenters nevertheless welcomed the fee change as a ''step in the right direction.'' Most commenters in this group compared the proposed fee to the fees for other consular services provided to U.S. citizens, and many suggested that the fee for CLN services should be set at or around the cost of renewing a U.S. adult passport (currently $130). The cost to the U.S. government of providing services to renew an adult U.S. passport, however, is significantly less than the cost to the U.S. government of processing requests for Certificates of Loss of Nationality.

Of the commenters who did not support the change from $2,350 to $450, a group of 215 proposed a fee of $63.25, calculated using figures in the Department's Supporting Statement for the Paperwork Reduction Act (PRA) Submission related to the DS–4079, submitted to the Office of Management and Budget's Office of Information and Regulatory Affairs in 2023. *See https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202309-1405-004.* That figure does not reflect the full cost to the U.S. government of providing CLN services. The cost estimate of $63 in the PRA submission only reflects the cost of reading the (substantially) revised DS–4079, Questionnaire—Loss of Nationality; Attestations, which incorporates most of the other required forms into one form, including the current DS–4080, Oath/Affirmation of Renunciation, and the DS–4081, Statement of Understanding. Unlike the PRA submission, the Department's Cost of Service Model, which is used to calculate the full cost to the U.S. government of performing each consular service, captures the cost of providing each component of the CLN service.

The same group proposed that the Department consider allowing renunciations by videoconference, to save would-be renunciants the cost of having to travel to the nearest U.S. embassy or consulate in order to obtain this service. The Department has given, and continues to give, serious consideration to remote interview options in the provision of many consular services, including CLN services. With limited exception for certain pilot programs, the Department still is of the view that, by and large, legitimate security and fraud concerns necessitate an in-person appointment for many consular services—including CLN services—to ensure the integrity of the service performed, help safeguard our borders, and enhance national security. In the context of providing CLN services in particular, it is also critical that the U.S. diplomatic or consular officer have the opportunity to assess whether the individual is acting voluntarily and with intent to relinquish U.S. nationality, including whether they fully comprehend the gravity and consequences of relinquishing U.S. nationality, which can most readily be done in person. At this time, the Department continues to rely on its authority under Immigration and Nationality Act section 104(a) to preserve the in-person appearance requirement for CLN services. *See Farrell* v. *Blinken,* 4 F.4th 124, 127 (D.C. Cir. 2021).

A total of 226 commenters, including the group of 215 whose comments are otherwise discussed above, stated that no fee should be charged for individuals who obtained U.S. citizenship by virtue of their birth but who reside overseas and lack meaningful ties to the United States. Finally, a handful of commenters (11) articulated a belief that no fee should be charged for CLN services regardless of ties to the United States while a few others thought the amount of the fee should be means-tested, with a waiver provided for those who are destitute.

The Department has reviewed and considered all of these comments. The Department declines to adopt a tiered approach to the fee for CLN services. Administrative processing of a request for a CLN costs the U.S. government the same amount whether the individual seeking to renounce citizenship currently has or has ever possessed meaningful ties to the United States. A $450 fee is a significant decrease from the current fee that, when adjusted for inflation, represents less of a financial burden than the same fee did when it was first adopted in 2010. Lowering the fee to $450 addresses the concerns raised by these commenters without requiring the Department to implement an unduly burdensome and time-consuming set of procedures by which to research an assertion of lack of ties to the United States.

In enacting this change, the Department is making a policy decision to help alleviate the cost burden for those individuals who decide to request CLN services. This change will better align the fee for CLN services with certain other fees for services provided to U.S. citizens abroad, including applications for a Consular Report of Birth Abroad, which are set significantly below cost.

The Department concludes that a fee of $450, although only a fraction of the cost of providing the service, balances the need for the U.S. government to recoup at least some of its costs with the objective of charging a fee that does not deter individuals from seeking CLN services. As set forth in the NPRM, the Department reviews its Cost of Service Model (CoSM) annually, to calculate the cost of providing all services, including CLN services, applying its standard activity-based costing (ABC) methodology. The Department also regularly assesses the CoSM itself, to determine whether modifications are needed to ensure the ABC methodology employed accurately identifies and assigns costs for each individual service. If, in the future, the results of these processes indicate that the Department ought to reevaluate its approach to the fee for CLN services and/or other services provided to U.S. citizens that are set below cost, the Department will engage its experienced consular officers and senior Department managers to help

determine the appropriate level at which to set the fee, again balancing the need for the U.S. government to recoup at least some of its costs with the objective of charging a fee for these services that does not deter individuals from seeking them.

Eight commenters who had already paid $2,350 for CLN services requested a refund of the $1,900 difference between the current fee and the proposed fee once the fee change is implemented. After careful consideration, the Department declines to offer a refund. The user charges statute directs agencies to set user charges at a level that enables the relevant service to be ''self-sustaining to the extent possible,'' 31 U.S.C. 9701(a), and the Department's rulemaking adequately demonstrated that a fee of $2,350 accurately reflected the cost of providing CLN services at the time it was implemented. *See L'Association des Americains Accidentels* v. *United States Dep't of State,* 656 F. Supp. 3d 165, 177–78 (D.D.C. 2023), *appeal filed,* No. 23–5034 (Feb. 16, 2023). (L'Association des Americains Accidentels filed an appeal at the D.C. Circuit Court of Appeals on February 16, 2023, which remains pending as of the date of publication of this rule.) Moreover, as explained in the NPRM and throughout this final rule, a fee of $450 is and always has been a fraction of the cost of providing CLN services. The decision to lower the fee to $450 was a policy determination designed to alleviate the cost burden for those individuals who decide for whatever reason to request CLN services. Because the fee of $2,350 was properly charged, a refund is not warranted. *See* 22 CFR 22.6(2) (providing for refunds of consular fees only if ''the collection was erroneous under applicable law'').

A few commenters requested that the fee reduction be made retroactive. Agencies generally do not have the authority to enact rules with retroactive effect unless that authority is expressly granted by Congress. *See Bowen* v. *Georgetown University Hospital,* 488 U.S. 204, 208–09 (1988). Neither statute from which the Department derives its authority to charge and collect fees for consular services, 31 U.S.C. 9701 or 22 U.S.C. 4219, expressly provides for retroactive fee changes. Even if one or both of these statutes did permit retroactive fee changes, as noted above, the prior fee accurately represented the cost to the Department of providing CLN services when implemented.

Regulatory Findings

Administrative Procedure Act

The Department published this rulemaking as a proposed rule and provided 30 days for public comment. It will be effective 30 days after publication, in accordance with 5 U.S.C. 553(d).

Regulatory Flexibility Act

The Department has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6).

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501–1504.

Congressional Review Act

This rule is not a major rule as defined by 5 U.S.C. 804(2).

Executive Orders 12866 and 13563

Executive Order 12866 and Executive Order 13563, as amended by Executive Order 14094 (''Modernizing Regulatory Review''), direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in these Executive Orders. This rule is a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

Need for the Regulatory Action

This rule adjusts an existing fee in the Schedule of Fees for Consular Services. The fee for CLN services is charged pursuant to the general user charges statute, 31 U.S.C. 9701, as well as 22 U.S.C. 4219, which provides the President—and by delegation, the Secretary of State—with the power to set the amount of fees to be charged for consular services provided at U.S. embassies and consulates abroad. The user charges statute and the implementing policy found in OMB Circular A–25 [4] stipulate that services provided by the government should be self-sustaining to the extent possible, and that user charges therefore generally should recover the full cost to the U.S. government of providing the service. In lowering the fee from $2,350 to $450, the Department has made a policy determination not to recover its full costs in response to concerns expressed by U.S. citizens residing overseas who seek to renounce their U.S. citizenship, but believe the current fee is prohibitively high or otherwise is unfair. The fee reduction balances the need for the U.S. government to recoup at least some of its costs with the objective of charging a fee for these services that does not deter individuals from seeking them.

a. Summary of Changes From the Current Fee Schedule

The following table summarizes the impact of this final rule:

TABLE 1—CHANGES TO THE SCHEDULE OF FEES

Item No.	Proposed fee	Current fee	Change in fee	Percentage decrease	Projected annual number of applications [1]	Estimated change in annual fees collected [2]	Change in State retained fees	Change in remittance to Treasury
SCHEDULE OF FEES FOR CONSULAR SERVICES								

[4] *https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf.*

TABLE 1—CHANGES TO THE SCHEDULE OF FEES—Continued

Item No.	Proposed fee	Current fee	Change in fee	Percentage decrease	Projected annual number of applications [1]	Estimated change in annual fees collected [2]	Change in State retained fees	Change in remittance to Treasury
*	*	*	*	*	*	*	*	
PASSPORT AND CITIZENSHIP SERVICES								
8. Administrative Processing of Request for Certificate of Loss of Nationality	$450	$2,350	($1,900)	(80%)	4,661	($8,855,900)	$0	($8,855,900)

[1] Estimated FY2024 demand.
[2] Using FY2024 demand to generate collections. This will be a reduction in total annual remittance to Treasury.

b. Time Horizon of the Analysis

The Department's CoSM is updated annually, and the Department aims to update the Schedule of Fees biennially unless a significant change in costs warrants an immediate recommendation to amend the Schedule. If, in the future, the results of the CoSM indicate that the Department ought to reevaluate its approach to the fee for CLN services and/or other services provided to U.S. citizens that are set below cost, the Department will engage its experienced consular officers and senior Department managers to help determine the appropriate level at which to set the fee, balancing the need for the U.S. government to recoup at least some of its costs with the objective of charging a fee for these services that does not deter individuals from seeking them. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the Government.'').

c. Regulatory Alternatives

Processing requests for a CLN is exclusively within the purview of the federal government; an individual seeking a CLN cannot turn to state or local government agencies for assistance. None of the changes requested by the commenters, aside from those related to changing the fee or CLN process, are within the Department's direct control or ability to address via rulemaking or otherwise.

The Department has considered available alternatives to the proposed fee, which include: continuing to set the fee at cost, which would result in a fee substantially higher than $450; lowering the fee to some other amount; or charging no fee for CLN services. As discussed above and in the NPRM, the figure $450 was chosen because this is the level at which the fee was set previously, from 2010–2014. At that time, the $450 was fee was designed ''to lessen the [financial] impact on those who need this service and not discourage the utilization of the service.'' 75 FR 36525. Implementation of this fee generated no comments or concerns from the public and, as noted above, when adjusted for inflation a $450 fee represents even less of a financial burden than the same fee did when it was first adopted in 2010.

The Department assesses that a lower fee or no fee at all would not be appropriate because the provision of CLN services is one of the costliest sets of services that the Department provides. A $450 fee effectively balances the statutory and policy directive to ensure that U.S. government services generally are self-sustaining to the extent possible with the objective of charging a fee that does not deter individuals from seeking CLN services.

d. Costs & Benefits of the Rule

As discussed above, a downward adjustment to the fee for CLN services will provide a benefit to the public by lessening the financial impact of the fee on those who seek this service without discouraging the utilization of the service. *See also* 75 FR 36529. The costs will be felt primarily by the U.S. government, in the form of lower revenue. A U.S. citizen may choose to renounce U.S. citizenship for a variety of reasons. According to the comments on the NPRM, it appears that many U.S. citizens who seek to renounce their citizenship do so because their U.S. citizenship has created obstacles that impede their lives and livelihoods overseas. Aside from self-labeled ''accidental Americans''—individuals who acquired U.S. citizenship by virtue of their birth in the United States but who lack meaningful ties to the country of their birth—most commenters expressed a desire to remain a U.S. citizen but a concern that the benefits of U.S. citizenship no longer justified the costs of tax compliance and/or the administrative hurdles U.S. citizenship presented when trying to open a bank account, obtain a mortgage, or invest for retirement. Although this regulation does not and indeed cannot remedy those concerns, it benefits U.S. citizens seeking to renounce their citizenship by lowering the fee for seeking CLN services. In this way, it makes this service more accessible to all U.S. citizens who seek to renounce, including those with limited means.

Executive Order 14192

The rule is not subject to the offset requirements of Executive Order 14192, *Unleashing Prosperity through Deregulation.* According to OMB Memorandum M–25–20, dated March 26, 2025, an ''action that establishes a new fee or changes the existing fee for a service, without imposing any new costs on net, does not need to be offset'' (Q16).

Executive Order 12372 and 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E.O. 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 22

Consular services, Fees.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is amended as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

■ 1. The authority citation for part 22 continues to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1713, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 2651a, 4201,4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

■ 2. In § 22.1, amend the table by revising entry 2(g) under the heading ''Passport and Citizenship Services'' to read as follows:

§ 22.1 Schedule of fees.

* * * * *

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
SCHEDULE OF FEES FOR CONSULAR SERVICES	
Passport and Citizenship Services	
* * * * * * *	
8. Administrative Processing of Request for Certificate of Loss of Nationality	$450
* * * * * * *	

John L. Armstrong,

Principal Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2026–04931 Filed 3–12–26; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 247, 880, 882, 884, 886, 891, and 966

[Docket No. FR–6529–N–02]

RIN 2501–AE14

Revocation of the 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent; Indefinite Delay of Effective Date

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Interim final rule; delay of effective date.

SUMMARY: In this document, HUD delays the effective date of the interim final rule published on February 26, 2026, which set an effective date of March 30, 2026, until after HUD issues a final rule in response to received comments. HUD will now treat the interim final rule as a proposed rule.

DATES: As of March 13, 2026, the effective date of the interim final rule published in the **Federal Register** on February 26, 2026, at 91 FR 9449, is delayed indefinitely pending consideration of public comments.

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: On February 26, 2026, HUD published an interim final rule (91 FR 9449) revoking a 2021 interim final rule (86 FR 55693) and a 2024 final rule (89 FR 101270) that required public housing agencies and owners of properties receiving project-based rental assistance to provide certain tenants with at least 30-days' notification prior to termination of lease for nonpayment of rent. The 2026 interim final rule solicited comments to be submitted by April 27, 2026, and was to become effective March 30, 2026.

Under section 705 of the Administrative Procedure Act (APA), ''[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.'' 5 U.S.C. 705. On March 2, 2026, a complaint was filed in the U.S. District Court for the District of Columbia challenging the interim final rule.[1] In key part, the complaint alleges that the interim final rule will negatively impact a number of HUD-assisted tenants and will cause irreparable harm to them. The complaint also alleges that further notice-and-comment was required under 5 U.S.C. 553 and that the good cause exception to public comment in 5 U.S.C. 553(b)(B) was inapplicable. In light of the issues currently in litigation, HUD has determined that justice requires postponing the effective date of the 2026 interim final rule.

HUD is now delaying the effective date of the 2026 interim final rule until after issuance of the final rule. The final rule will consider and respond to comments received in response to the interim final rule. HUD will now treat the interim final rule as a proposed rule. As the interim final rule will not come into effect until after the final rule is published and effective, the interim final rule will necessarily be superseded by the final rule and will never come into effect. The April 27, 2026, deadline to submit comments is unaltered by this document.

A delay notice issued under section 705 ''does not constitute substantive rulemaking . . . and therefore is not subject to notice and comment requirements.'' *See Sierra Club* v. *Jackson,* 833 F. Supp. 2d 11, 28–29 (D.D.C. 2012). Even if the APA's notice and comment requirements could apply to a stay notice issued under section 705, HUD has determined that there is good cause to implement this postponement without notice and comment because it is impracticable to seek comment when the original March 30, 2026, effective date of the interim final rule is imminent. Further, soliciting comments on the propriety of

[1] *Jane Addams Senior Caucus, et al.,* v. *U.S. Department of Housing and Urban Development, et al.,* 1:26–cv–00718 (D.D.C.).

the extension of the effective date would be ''impracticable, unnecessary, and contrary to the public interest'' when the purpose of the extension is to allow for members of the public to submit comments on the substantive rule before that rule goes into effect.

Scott Turner,

Secretary.

[FR Doc. 2026–04990 Filed 3–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF EDUCATION

34 CFR Part 685

[Docket ID ED–2025–OPE–0016]

RIN 1840–AA28

William D. Ford Federal Direct Loan (Direct Loan) Program; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final rule; correction.

SUMMARY: The Department of Education (Department) is correcting a final rule that appeared in the **Federal Register** on October 31, 2025 (90 FR 19729). The final rule established regulations governing the Public Service Loan Forgiveness (PSLF) program in the William D. Ford Federal Direct Loan (Direct Loan) program under 34 CFR 685.219.

DATES: Effective July 1, 2026.

FOR FURTHER INFORMATION CONTACT: Tamy Abernathy, U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, 5th floor, Washington, DC 20202. *Telephone:* (202) 245–4595. *Email: NegRegNPRMHelp@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: In FR Doc. 2025–19729 (90 FR 48966) appearing on page 49000 in the **Federal Register** on Friday, October 31, 2025, the Department provided amendatory instructions revising 34 CFR 685.219 that did not correctly capture the intended change as described in the preamble. The second amendatory instruction stated: ''2. Amend § 685.219 by:

a. Adding paragraphs (b)(1) through (b)(35);

b. Revising paragraphs (c)(2) introductory text and (c)(4) . . .''. This amendatory instruction inadvertently duplicates existing definitions already in § 685.219(b)(1) through (b)(35) and the instruction to revise paragraph (c)(4) incorrectly references a non-existent paragraph.

This correction revises the inaccurate amendatory instructions to address these errors. No changes to the regulatory text itself are necessary; the correction only addresses errors in the placement on that text.

Waiver of Proposed Rulemaking, Negotiated Rulemaking, and Delayed Effective-Date

In accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553, the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)). There is good cause to waive rulemaking here as unnecessary.

Informal notice-and-comment rulemaking is ''unnecessary'' in those situations in which ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001) *quoting* U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983). The regulatory change in this document is necessary to properly and accurately reflect the outcome of the rulemaking process, by correcting a technical error. The regulatory text that was proposed and explained in the final rule remains the same, but this correction ensures that the definitions are not duplicated in 34 CFR 685.219(b) and that the new paragraph that was added in the final rule appears in the appropriate place in 34 CFR 685.219(c). It is consistent with the substantive rule stated in the preamble, which was the product of the notice and comment process and does not establish any new substantive rule. Therefore, the Department has determined that publication of a proposed rule is unnecessary under 5 U.S.C. 553(b).

In addition, under section 492 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1098a), all regulations proposed by the Department for programs authorized under title IV of the HEA are subject to negotiated rulemaking requirements. Section 492(b)(2) incorporates the good cause exception, including the exceptions for when it is unnecessary to go through notice and comment. As explained above, the Department finds that notice and comment rulemaking is unnecessary.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nicholas Kent,

Under Secretary of Education.

Accordingly, the Secretary corrects 34 CFR part 685 by making the following correcting amendments:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 1. The authority citation for part 685 continues to read as follows:

Authority: 20 U.S.C. 1070g, 1087a, *et seq.,* unless otherwise noted.

■ 2. Section 685.219 is amended by revising paragraph (b) and adding paragraph (c)(4) to read as follows:

685.219 Public Service Loan Forgiveness Program (PSLF).

* * * * *

(b) *Definitions.* The following definitions apply to this section:

(1) *Aiding or abetting* has the same meaning as defined under 18 U.S.C. 2.

(2) *AmeriCorps service* means service in a position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).

(3) *Chemical castration or mutilation* means:

(i) The use of puberty blockers, including GnRH agonists and other interventions, to delay the onset or progression of normally timed puberty in an individual who does not identify as his or her sex; and

(ii) The use of sex hormones, such as androgen blockers, estrogen, progesterone, or testosterone, to align an individual's physical appearance with an identity that differs from his or her sex.

(4) *Child or children* for the sole and specific purpose of this section means an individual or individuals under 19 years of age.

(5) *Civilian service to the military* means providing services to or on behalf of members, veterans, or the families or survivors of deceased members of the U.S. Armed Forces or the National Guard that is provided to a person because of the person's status in one of those groups.

(6) *Early childhood education program* means an early childhood education program as defined in section 103(8) of the Act (20 U.S.C. 1003).

(7) *Eligible Direct Loan* means a Direct Subsidized Loan, a Direct Unsubsidized Loan, a Direct PLUS Loan, or a Direct Consolidation Loan.

(8) *Emergency management* means services that help remediate, lessen, or eliminate the effects or potential effects of emergencies that threaten human life or health, or real property.

(9) *Employee or employed* means an individual:

(i) To whom an organization issues an IRS Form W–2;

(ii) Who receives an IRS Form W–2 from an organization that has contracted with a qualifying employer to provide payroll or similar services for the qualifying employer, and which provides the Form W–2 under that contract;

(iii) who works as a contracted employee for a qualifying employer in a position or providing services which, under applicable State law, cannot be filled or provided by a direct employee of the qualifying employer.

(10) *Foreign Terrorist Organizations* mean organizations on the list published under paragraph (a)(2)(A)(ii) under the Immigration and Nationality Act (8 U.S.C. 1189).

(11) Full-time means:

(i) Working in qualifying employment in one or more jobs—

(A) A minimum average of 30 hours per week during the period being certified,

(B) A minimum of 30 hours per week throughout a contractual or employment period of at least 8 months in a 12-month period, such as elementary and secondary school teachers and professors and instructors, in higher education, in which case the borrower is deemed to have worked full time; or

(C) The equivalent of 30 hours per week as determined by multiplying each credit or contact hour taught per week by at least 3.35 in non-tenure track employment at an institution of higher education.

(ii) [Reserved]

(12) *Illegal discrimination* means a violation of any Federal discrimination law including, but not limited to, the Civil Rights Act of 1964 (42 U.S.C. 1981 *et seq.*), Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*).

(13) *Law enforcement* means service that is publicly funded and whose principal activities pertain to crime prevention, control or reduction of crime, or the enforcement of criminal law.

(14) *Military service* means ''active duty'' service or ''full-time National Guard duty'' as defined in section 101(d)(1) and (d)(5) of title 10 in the United States Code and does not include active duty for training or attendance at a service school.

(15) *Non-governmental public service* means services provided by employees of a non-governmental qualified employer where the employer has devoted a majority of its full-time equivalent employees to working in at least one of the following areas (as defined in this section): emergency management, civilian service to military personnel, military service, public safety, law enforcement, public interest law services, early childhood education, public service for individuals with disabilities or the elderly, public health, public education, public library services, school library, or other school-based services. Service as a member of the U.S. Congress is not qualifying public service employment for purposes of this section.

(16) *Non-tenure track employment* means work performed by adjunct, contingent or part time faculty, teachers, or lecturers who are paid based on the credit hours they teach at institutions of higher education.

(17) *Other Federal Immigration laws* mean any violation of the Immigration and Nationality Act (8 U.S.C. 1105 *et seq.*) or any other Federal immigration laws.

(18) *Other school-based services* mean the provision of services to schools or students in a school or a school-like setting that are not public education services, such as school health services and school nurse services, social work services in schools, and parent counseling and training.

(19) *Peace Corps position* means a full-time assignment under the Peace Corps Act as provided for under 22 U.S.C. 2504.

(20) *Public education service* means the provision of educational enrichment or support to students in a public school or a public school-like setting, including teaching.

(21) *Public health* means those engaged in the following occupations (as those terms are defined by the Bureau of Labor Statistics): physicians, nurse practitioners, nurses in a clinical setting, health care practitioners, health care support, counselors, social workers, and other community and social service specialists.

(22) *Public interest law* means legal services that are funded in whole or in part by a local, State, Federal, or Tribal government.

(23) *Public library service* means the operation of public libraries or services that support their operation.

(24) *Public safety service* means services that seek to prevent the need for emergency management services.

(25) *Public service for individuals with disabilities* means services performed for or to assist individuals with disabilities (as defined in the Americans with Disabilities Act (42 U.S.C. 12102)) that is provided to a person because of the person's status as an individual with a disability.

(26) *Public service for the elderly* means services that are provided to individuals who are aged 62 years or older and that are provided to a person because of the person's status as an individual of that age.

(27) *Qualifying employer* means:

(i)(A) A United States-based Federal, State, local, or Tribal government organization, agency, or entity, including the U.S. Armed Forces or the National Guard;

(B) A public child or family service agency;

(C) An organization under Section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under Section 501(a) of the Internal Revenue Code;

(D) A Tribal college or university; or

(E) A nonprofit organization that—

(*1*) Provides a non-governmental public service as defined in this section, attested to by the employer on a form approved by the Secretary; and

(*2*) Is not a business organized for profit, a labor union, or a partisan political organization; and

(ii) Does not include organizations that engage in activities such that they

have a substantial illegal purpose, as defined in this section.

(28) *Qualifying repayment plan* means:

(i) An income-driven repayment plan under § 685.209;

(ii) The 10-year standard repayment plan under § 685.208(b) or the consolidation loan standard repayment plan with a 10-year repayment term under § 685.208(c); or

(iii) Except for the alternative repayment plan, any other repayment plan if the monthly payment amount is not less than what will have been paid under the 10-year standard repayment plan under § 685.208(b).

(29) *School library services* mean the operations of school libraries or services that support their operation.

(30) *Substantial illegal purpose* means:

(i) Aiding or abetting violations of 8 U.S.C. 1325 or other Federal immigration laws;

(ii) Supporting terrorism, including by facilitating funding to, or the operations of, cartels designated as Foreign Terrorist Organizations consistent with 8 U.S.C. 1189, or by engaging in violence for the purpose of obstructing or influencing Federal Government policy;

(iii) Engaging in the chemical and surgical castration or mutilation of children in violation of Federal or State law;

(iv) Engaging in the trafficking of children to another State for purposes of emancipation from their lawful parents in violation of Federal or State law;

(v) Engaging in a pattern of aiding and abetting illegal discrimination; or

(vi) Engaging in a pattern of violating State laws as defined in paragraph (b)(34) of this section.

(31) *Surgical castration or mutilation* means surgical procedures that attempt to transform an individual's physical appearance to align with an identity that differs from his or her sex or that attempt to alter or remove an individual's sexual organs to minimize or destroy their natural biological functions.

(32) *Terrorism* is defined under 18 U.S.C. 2331.

(33) *Trafficking* means transporting a child or children from their State of legal residence to another State without permission or legal consent from the parent or legal guardian for purposes of emancipation from their lawful parents or legal guardian, in violation of applicable law.

(34) *Violating State law* means a final, non-default judgment by a State court of:

(i) Trespassing;

(ii) Disorderly conduct;

(iii) Public nuisance;

(iv) Vandalism; or

(v) Obstruction of highways.

(35) Violence for the purpose of obstructing or influencing Federal Government policy means violating any part of 18 U.S.C. 1501 *et seq.* by committing a crime of violence as defined under 18 U.S.C. 16.

(c) * * *

(4) Effective on or after July 1, 2026, through a standard as described in paragraph(h)of this section, no payment shall be credited as a qualifying payment for any month subsequent to a determination that a qualifying employer engaged in activities enumerated in paragraph (b)(30) such that it has a substantial illegal purpose, as described in this section.

* * * * *

[FR Doc. 2026–04978 Filed 3–12–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2024–0067; FRL–11724.1–02–OLEM]

National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''the EPA'' or ''the agency'') in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-authorized remedial action(s), if any, may be appropriate. This rule adds one site, Gelman Sciences Inc., to the General Superfund section of the NPL.

DATES: The rule is effective on April 13, 2026.

ADDRESSES: Contact information for the EPA Headquarters:

• Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue NW; William Jefferson Clinton Building West, Room 3334, Washington, DC 20004, telephone number: (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: Vanessa Van Note, U.S. Environmental Protection Agency, Project Oversight Branch, Assessment and Cleanup Division, Office of Superfund and Emergency Management (Mail Code 5203T), 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564–4830, email address: *vannote.vanessa@epa.gov.*

The contact information for the regional dockets is as follows:

• Todd Quesada, Region 5 (IL, IN, MI, MN, OH, WI), Information Services Section Supervisor & Interim U.S. EPA Superfund Records Officer, Metcalfe Federal Building, 77 West Jackson Boulevard (MI–10J), Chicago, IL 60604; telephone number: (312) 886–4465.

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H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Congressional Review Act (CRA)
K. Executive Order 14192: Unleashing Prosperity Through Deregulation

I. Background

A. What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What is the NCP?

To implement CERCLA, the EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. The EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section'') and one of sites that are owned or operated by other Federal agencies (the ''Federal Facilities section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL.

D. How are sites listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP):

(1) A site may be included on the NPL if it scores sufficiently high on the HRS, which the EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), the EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. On January 9, 2017 (82 FR 2760), a subsurface intrusion component was added to the HRS to enable the EPA to consider human exposure to hazardous substances or pollutants and contaminants that enter regularly occupied structures through subsurface intrusion when evaluating sites for the NPL. The current HRS evaluates four pathways: ground water, surface water, soil exposure and subsurface intrusion, and air. As a matter of agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

(2) Each state may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each state as the greatest danger to public health, welfare or the environment among known facilities in the state. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2).

(3) Certain sites may be listed according to the NCP at 40 CFR 300.425(c)(3). This provision provides that a site can be listed without an HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- The EPA determines that the release poses a significant threat to public health.
- The EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

The EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What happens to sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with a permanent remedy, taken instead of or in addition to removal actions'' (40 CFR 300.5).) However, under 40 CFR 300.425(b)(2), placing a site on the NPL ''does not imply that monies will be expended.'' The EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL define the boundaries of sites?

The NPL does not describe releases in precise geographical terms; it would be

neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come to be located'' (42 U.S.C. 9601(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (*e.g.,* the ''Jones Co. Plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (*e.g.,* it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (*e.g.,* where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination; and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. plant site,'' does not imply that the Jones Company is responsible for the contamination located on the plant site. So, NPL listing does not assign liability to any party or to the owner of any specific property. And if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the agency at any time after it receives notice that it is a potentially responsible party.

EPA regulations provide that the remedial investigation (''RI'') ''is a process undertaken . . . to determine the nature and extent of the problem presented by the release'' as more information is developed on site contamination, and which is generally performed in an interactive fashion with the feasibility study (''FS'') (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and any migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How are sites removed from the NPL?

The EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that the EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented, and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment and taking of remedial measures is not appropriate.

H. May the EPA delete portions of sites from the NPL as they are cleaned up?

In November 1995, the EPA initiated a policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What is state/Tribal correspondence concerning NPL Listing?

In order to maintain close coordination with states and Tribes in the NPL listing decision process, the EPA's policy is to determine the position of the states and Tribes regarding sites that the EPA is considering for listing. This consultation process is outlined in two memoranda that can be found at the following website: *https://www.epa.gov/superfund/statetribal-correspondence-concerning-npl-site-listing.*

The EPA has improved the transparency of the process by which state and Tribal input is solicited. The EPA is using the Web and where appropriate more structured state and Tribal correspondence that: (1) explains the concerns at the site and the EPA's rationale for proceeding; (2) requests an explanation of how the state intends to address the site if placement on the NPL is not favored; and (3) emphasizes the transparent nature of the process by informing states that information on their responses will be publicly available.

A model letter and past correspondence between the EPA and states and Tribes, where applicable, is available on the EPA's website at *https://www.epa.gov/superfund/statetribal-correspondence-concerning-npl-site-listing.*

II. Availability of Information to the Public

A. May I review the documents relevant to this final rule?

Yes, documents relating to the evaluation and scoring of the site in this final rule are contained in dockets located both at the EPA headquarters and in the EPA regional offices.

An electronic version of the public docket is available through *https://www.regulations.gov* (see table below for Docket ID Nos.). Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facilities identified in section II.D.

DOCKET IDENTIFICATION NUMBERS BY SITE

Site Name	City/county, state	Docket ID No.
Gelman Sciences Inc	Ann Arbor, MI	EPA–HQ–OLEM–2024–0067.

B. What documents are available for review at the EPA Headquarters docket?

The headquarters docket for this rule contains the HRS score sheets, the documentation record describing the information used to compute the score, a list of documents referenced in the documentation record for each site and any other information used to support the NPL listing of the site. These documents are available online at *https://www.regulations.gov.*

C. What documents are available for review at the EPA regional dockets?

The EPA regional dockets contain all the information in the headquarters docket, plus the actual documents referenced in the documentation record containing the data principally relied upon by the EPA in calculating or evaluating the HRS score. These reference documents are available only in the regional dockets.

D. How do I access the documents?

You may view the documents that support this rule online at *https://www.regulations.gov* or by contacting the EPA headquarters docket or appropriate regional docket. See **FOR FURTHER INFORMATION CONTACT** section in the beginning portion of this preamble for docket contact information. The hours of operation for the headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. Please contact the individual regional dockets for hours. For addresses for the headquarters and regional dockets, see **ADDRESSES** section in the beginning portion of this preamble.

E. How may I obtain a current list of NPL sites?

You may obtain a current list of NPL sites online at *https://www.epa.gov/superfund/national-priorities-list-npl-sites-site-name.*

III. Contents of This Final Rule

A. Additions to the NPL

This final rule adds the following site to the General Superfund section of the NPL. This site is being added to the NPL based on an HRS score of 28.50 or above.

GENERAL SUPERFUND SECTION

State	Site name	City/county
MI	Gelman Sciences Inc	Ann Arbor.

B. What did the EPA do with the public comments it received?

The EPA is adding one site to the National Priorities List (NPL) in this final rule. The Gelman Sciences Inc. site in Ann Arbor, MI was proposed for addition to the NPL on March 7, 2024 (89 FR 16498). The public comment period on the proposed rule to add this site to the NPL closed on May 6, 2024.

The EPA reviewed and considered all public comments received following the proposed rule publication and responded to all comments in Docket ID No. EPA–HQ–OLEM–2024–0067 (Gelman Sciences Inc., MI).

Through the process of addressing the public comments received on proposing the Site to the NPL, the EPA is proceeding with adding the Gelman Sciences Inc. site to the NPL through this final rule. The public comments received on the proposal of the Gelman Sciences Inc. site to the NPL are being addressed in a response to comment support document that has been made available in the public docket concurrently with rule. To view the compilation of public comments received on the proposal of the Gelman Sciences Inc. site to the NPL, as well as EPA's response to these comments, please refer to the support document available at *https://www.regulations.gov,* Docket ID No. EPA–HQ–OLEM–2024–0067.

IV. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule does not contain any information collection requirements that require approval of the OMB.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This rule listing sites on the NPL does not impose any obligations on any group, including small entities. This rule also does not establish standards or requirements that any small entity must meet and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA section 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or Tribal governments or the private sector. Listing a site on the NPL does not itself impose any costs. Listing does not mean that the EPA necessarily will undertake remedial action. Nor does listing require any action by a private party, state, local or Tribal governments or determine liability for response costs. Costs that arise out of site responses result from future site-specific decisions regarding what actions to take, not directly from the act of placing a site on the NPL.

E. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. Listing a site on the NPL

does not impose any costs on a Tribe or require a Tribe to take remedial action. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this action itself is procedural in nature (adds sites to a list) and does not, in and of itself, provide protection from environmental health and safety risks. Separate future regulatory actions are required for mitigation of environmental health and safety risks.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). Provisions of the CRA may alter the effective date of this regulation. Under 5 U.S.C. 801(b)(1), a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802. If action by Congress under the CRA calls the effective date of this regulation into question, the EPA will publish a document of clarification in the **Federal Register**.

K. Executive Order 14192: Unleashing Prosperity Through Deregulation

This rulemaking is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because it is not a significant regulatory action subject to OMB review. This rulemaking is published in accordance with direction provided in CERCLA to address the cleanup of the Nation's most highly contaminated sites.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

John Busterud,

Assistant Administrator, Office of Land and Emergency Management.

For the reasons set out in the preamble, title 40, chapter I, part 300, of the Code of Federal Regulations is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. In appendix B to part 300, table 1 is amended by adding the entry ''MI, Gelman Sciences Inc.'' in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes [a]
*	*	*	*
MI	Gelman Sciences Inc	Ann Arbor.	
*	*	*	*

[a] A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

* * * * *

[FR Doc. 2026–04904 Filed 3–12–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Chapter 1

Mandatory Guidelines for Federal Workplace Drug Testing Programs—Authorized Testing Panels

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS).

ACTION: Issuance of authorized drug testing panels.

SUMMARY: HHS herein publishes the panels of Schedule I and II drugs and biomarkers authorized for testing in federal workplace drug testing programs. The Department has made no revisions to the current drug testing panels for both urine and oral fluid and current required nomenclature for laboratory and Medical Review Officer Reports, effective July 7, 2025.

DATES: The current authorized drug testing panels and required report nomenclature remain in effect.

FOR FURTHER INFORMATION CONTACT: Eugene D. Hayes, Ph.D., MBA, SAMHSA, Center for Substance Abuse Prevention, Division of Workplace Programs; 5600 Fishers Lane, Room 16N02, Rockville, MD 20857, by telephone (240) 276–1459 or by email at *Eugene.Hayes@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: The drug testing panels in this notification specify the analytes and cutoffs for federal agency workplace drug testing specimens and the nomenclature (*i.e.,* analyte names and abbreviations) that

must be used to report federal workplace drug test results. There are no changes to the drug testing analytes, test cutoffs, and report nomenclature published in the January 16, 2025, Notification (90 FR 4662). The Department has edited footnotes 1 and 2 in the drug testing panels for clarity and correctness.

This notification is in accordance with Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (UrMG, 88 FR 70768) and the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid (OFMG, 88 FR 70814). Section 3.4 of Subpart C calls upon the Secretary of HHS to ''publish the drug and biomarker test analytes and cutoffs (*i.e.,* the 'drug testing panel' and 'biomarker testing panel') for initial and confirmatory drug and biomarker tests in the **Federal Register** each year,'' and make them available on the internet at *http://www.samhsa.gov/workplace.* Section 3.4 of the UrMG and the OFMG also requires HHS-certified laboratories, instrumented initial test facilities (IITF, urine only), and Medical Review Officers to use the nomenclature (*i.e.,* analyte names and abbreviations) published with the drug and biomarker testing panels to report federal workplace drug test results.

Costs and Benefits

No analysis is needed because the current drug testing panels and nomenclature tables remain in effect. Currently, the Department does not require HHS-certified test facilities to implement authorized biomarker tests. Each laboratory and IITF should conduct their own cost analysis when deciding whether to offer biomarker testing to federally regulated clients. The Department will consider costs when deciding whether to require all certified test facilities to test for a specific biomarker.

REPORT NOMENCLATURE—URINE

Urine	
Abbreviation	Analyte
Δ9THCC	Δ-9-tetrahydrocannabinol-9-carboxylic acid.
BZE	Benzoylecgonine.
COD	Codeine.
MOR	Morphine.
HYC	Hydrocodone.
HYM	Hydromorphone.
OXYC	Oxycodone.
OXYM	Oxymorphone.
6–AM	6-Acetylmorphine.
PCP	Phencyclidine.
FENT	Fentanyl.
NFENT	Norfentanyl.
AMP	Amphetamine.
MAMP	Methamphetamine.
MDMA	Methylenedioxymethamphetamine.
MDA	Methylenedioxyamphetamine.

HHS DRUG TESTING PANEL—URINE

HHS Drug Testing Panel—Urine			
Initial test analyte	Initial test cutoff [1] (ng/mL)	Confirmatory test analyte	Confirmatory test cutoff (ng/mL)
Marijuana metabolite (Δ9THCC)	[2] 50	Δ9THCC	15
Cocaine metabolite (Benzoylecgonine)	[2] 150	Benzoylecgonine	100
Codeine/Morphine	2,000	Codeine	2,000
		Morphine	4,000
Hydrocodone/Hydromorphone	300	Hydrocodone	100
		Hydromorphone	100
Oxycodone/Oxymorphone	100	Oxycodone	100
		Oxymorphone	100
6-Acetylmorphine	10	6-Acetylmorphine	10
Phencyclidine	25	Phencyclidine	25
Fentanyl [3]	1	Fentanyl	1
		Norfentanyl	1
Amphetamine/Methamphetamine	500	Amphetamine	250
		Methamphetamine	250
MDMA/MDA	500	Methylenedioxymethamphetamine	250
		Methylenedioxyamphetamine	250

[1] *For grouped analytes* (*i.e.*, two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. For a technology that measures a response from the entire group without differentiating between analytes (*e.g.,* an activity-based assay), the laboratory must compare the result to the initial test cutoff. In the case of an alternate technology that differentiates and quantifies each analyte in the group, the laboratory must compare each analyte's result to the confirmatory test cutoff and reflex specimens with a positive initial test result to confirmatory testing.

[2] *Alternate technology:* When an alternate technology initial test is specific for the target analyte, the confirmatory test cutoff must be used for the initial test (*i.e.,* Δ9THCC, 15 ng/mL; BZE, 100 ng/mL).

[3] A fentanyl immunoassay must have at least 5% cross-reactivity to norfentanyl.

HHS Biomarker Testing Panel—Urine

SAMHSA has not yet authorized routine testing for any biomarker in urine. HHS-certified laboratories and IITFs may request authorization to test federal agency specimens for a biomarker upon Medical Review Officer request by submitting supporting documentation and assay validation records to the National Laboratory Certification Program for SAMHSA review and approval.

REPORT NOMENCLATURE—ORAL FLUID

Oral fluid	
Abbreviation	Analyte
Δ9THC	Δ-9-tetrahydrocannabinol.
COC	Cocaine.
BZE	Benzoylecgonine.
COD	Codeine.
MOR	Morphine.
HYC	Hydrocodone.
HYM	Hydromorphone.
OXYC	Oxycodone.
OXYM	Oxymorphone.
6-AM	6-Acetylmorphine.
PCP	Phencyclidine.
FENT	Fentanyl.
AMP	Amphetamine.
MAMP	Methamphetamine.
MDMA	Methylenedioxymethamphetamine.
MDA	Methylenedioxyamphetamine.

HHS DRUG TESTING PANEL—ORAL FLUID

HHS drug testing panel—undiluted (neat) oral fluid			
Initial test analyte	Initial test cutoff [1] (ng/mL)	Confirmatory test analyte	Confirmatory test cutoff (ng/mL)
Marijuana (Δ9THC)	[2] 4	Δ9THC	2
Cocaine/Benzoylecgonine	15	Cocaine	8
		Benzoylecgonine	8
Codeine/Morphine	30	Codeine	15
		Morphine	15
Hydrocodone/Hydromorphone	30	Hydrocodone	15
		Hydromorphone	15
Oxycodone/Oxymorphone	30	Oxycodone	15
		Oxymorphone	15
6-Acetylmorphine	[2] 4	6-Acetylmorphine	2
Phencyclidine	10	Phencyclidine	10
Fentanyl	[2] 4	Fentanyl	1
Amphetamine/Methamphetamine	50	Amphetamine	25
		Methamphetamine	25
MDMA/MDA	50	Methylenedioxymethamphetamine	25
		Methylenedioxyamphetamine	25

[1] *For grouped analytes* (*i.e.,* two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. For a technology that measures a response from the entire group without differentiating between analytes (*e.g.,* an activity-based assay), the laboratory must compare the result to the initial test cutoff. In the case of an alternate technology that differentiates and quantifies each analyte in the group, the laboratory must compare each analyte's result to the confirmatory test cutoff and reflex specimens with a positive initial test result to confirmatory testing.

[2] *Alternate technology:* When an alternate technology initial test is specific for the target analyte, the confirmatory test cutoff must be used for the initial test (*i.e.,* Δ9THC, 2 ng/mL; 6-AM, 2 ng/mL; FENT, 1 ng/mL).

HHS Biomarker Testing Panel—Oral Fluid

SAMHSA has not yet authorized routine testing for any biomarker in oral fluid. HHS-certified laboratories may request authorization to test Federal agency specimens for a biomarker by submitting supporting documentation and assay validation records to the National Laboratory Certification Program for SAMHSA review and approval. Authorized biomarker test cutoffs for oral fluid will be based on undiluted (neat) oral fluid.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–04981 Filed 3–12–26; 8:45 am]

BILLING CODE 4162–20–P

Proposed Rules

Federal Register
Vol. 91, No. 49
Friday, March 13, 2026

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2295; Project Identifier AD–2025–01361–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This proposed AD was prompted by a Boeing investigation for manufacturing errors and excessive preload forces at the lower side of body (SOB) splice plates common to the lower outboard wing skins. That investigation concluded that shim gaps may have exceeded engineering allowances, and high pull up forces on the components may cause fatigue cracks to form at the fastener holes. This proposed AD would require, depending on configuration, repetitive ultrasonic (UT) inspections at certain splice plates, rear spar terminal fittings, lower chords, front spar terminal fittings, and jack pads for any cracks; repetitive detailed inspections (DET) of certain splice plates for any cracks; and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 27, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2295; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2295.

FOR FURTHER INFORMATION CONTACT: Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–2295; Project Identifier AD–2025–01361–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that a Boeing investigation for manufacturing errors and excessive preload forces at the lower SOB splice plates common to the lower outboard wing skins concluded that shim gaps may have exceeded engineering allowances. High pull up forces on the components may cause fatigue cracks to form at the fastener holes. Structural assessment of the condition has found that the existing structural inspection program for the affected aircraft is not adequate to detect cracking in principal structural elements with sufficient probability prior to the loss of limit load capability. This condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken primary wing structure until it cannot

sustain limit load and result in subsequent loss of continued safe flight and landing.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025. This material specifies procedures for performing repetitive UT inspections depending on configuration, repetitive UT inspections at splice plate No. 1 and No. 2, rear spar terminal fittings, lower chords, front spar terminal fittings, and jack pads for any cracks; repetitive DET of splice plates No. 1 and No. 2 for any cracks; and applicable on-condition actions. On-condition actions include repair.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–2295.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 17 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
UT and DET inspections	Up to 286 work hours × $85 per hour = $24,310 per inspection cycle.	$0	Up to $24,310 per inspection cycle.	Up to $413,270 per inspection cycle.

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–2295; Project Identifier AD–2025–01361–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 27, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001 dated August 11, 2025.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a Boeing investigation for manufacturing errors and excessive preload forces at the lower side of body splice plates common to the lower outboard wing skins. That investigation concluded that shim gaps may have exceeded engineering allowances and high pull up forces on the components may cause fatigue cracks to form at the fastener holes. The FAA is issuing this AD to address improper shim gaps that may lead to fatigue cracks. The unsafe condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken primary wing structure until it cannot sustain limit load and result in subsequent loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB570048, Issue 001, dated August 11, 2025, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025, refer to the Issue 001 date of the Requirements Bulletin B787–81205–SB570048 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

(1) For more information about this AD, contact Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB570048 RB, Issue 001, dated August 11, 2025.

(ii) [Reserved]

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

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

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

Issued on March 5, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–05007 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2297; Project Identifier AD–2025–00184–R]

RIN 2120–AA64

Airworthiness Directives; Various Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for various helicopters. This proposed AD was prompted by a report of a loss of tail rotor authority due to auxiliary system fluid loss caused by a yaw pedal damper housing fatigue fracture and attachment bolt fatigue fracture. This proposed AD would require performing repetitive visual inspections of the auxiliary servo assembly, a fluorescent penetrant inspection (FPI) of the yaw pedal damper housing and, if necessary, corrective actions.

This proposed AD would also require determining and recording the remaining life of a certain part and revising the existing rotorcraft flight manual (RFM) to provide the flight crew with procedures to follow under certain conditions. This proposed AD would also require revising the airworthiness limitations section (ALS) of the existing maintenance manual (MM) or instructions for continued airworthiness (ICAs) and the existing approved maintenance or inspection program, as applicable by incorporating a new service life limit for a certain part. This proposed AD would also require re-identifying the serial number of a certain part. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 27, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2297; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Sikorsky Aircraft Corporation material identified in this proposed AD, contact Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, Mailstop K100, 124 Quarry Road, Trumbull, CT 06611; phone: 1–800–946–4337 (1–800–Winged–S); email: *wcs_cust_service_eng.gr-sik@lmco.com;* website: *sikorsky360.com*.

• You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (516) 228–7350; email: *ECB-COS@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–2297; Project Identifier AD–2025–00184–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received a report of an accident involving a Sikorsky Aircraft Model S–61N helicopter due to the loss of tail rotor authority resulting from auxiliary system fluid loss. An investigation revealed that the auxiliary system fluid loss was caused by a yaw pedal damper housing fatigue fracture and attachment bolt fatigue fracture. During the investigation, it was identified that a non-conforming yaw pedal damper housing lug radius, improper maintenance (failure to properly torque and safety wire bolts), and improper operation (failure to heed the caution in the RFM regarding full activation of rudder pedals in less than five seconds) were contributing factors to the unsafe condition. This condition, if not addressed, could result in auxiliary system fluid loss, loss of tail rotor authority, and consequent reduced controllability of the helicopter or loss of control of the helicopter.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin ASB 61B65–25, Basic Issue, dated October 17, 2022, as corrected by Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin Errata, effective February 3, 2026 (ASB 61B65–25, dated October 17, 2022). This material specifies procedures for repetitive visual inspections of the auxiliary servo assembly, an FPI of the yaw pedal damper housing and, if necessary, corrective actions to include removing from service the yaw pedal damper check valve housing and attachment bolts and replacement with airworthy parts. This material also includes procedures for determining and recording the remaining life of a certain part.

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

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described. This proposed AD would also require revising the existing RFM for your helicopter by revising the normal procedures section by inserting a preflight inspection of the flight control servo system, which provides the flight crew with a caution to follow under certain conditions.

This proposed AD would also require revising the ALS of the existing MM or ICAs and the existing approved maintenance or inspection program, as applicable, by incorporating a new service life limit for the yaw pedal damper check valve housing and re-identifying the part with a new serial number.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 76 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect auxiliary servo assembly	1 work-hour × $85 per hour = $85.	$0	$85	$6,460 per inspection cycle.
Determine remaining life of yaw pedal damper check valve housing.	3 work-hours × $85 per hour = $255.	0	255	$19,380.
Inspect yaw pedal damper check valve housing and attachment bolts.	15 work-hours × $85 per hour = $1,275.	0	1,275	$96,900.
Revise RFM	1 work-hour × $85 per hour = $85.	0	85	$6,460.
Revise ALS	1 work-hour × $85 per hour = $85.	0	85	$6,460.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Record life limit in existing helicopter log card	1 work-hour × $85 per hour = $85.	0	85	$6,460.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Blend repair and remeasure housing edge break radius	4 work-hours × $85 per hour = $340	$0	$340.
Replace yaw pedal damper check valve housing	1 work-hour × $85 per hour = $85	$1,200	$1,285.
Replace attachment bolts	1 work-hour × $85 per hour = $85	$1 (per bolt).	$86.
FPI of yaw pedal damper check valve housing and attachment bolts.	2 work-hours × $85 per hour = $170	$0	$170 per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Various Helicopters: Docket No. FAA–2026–2297; Project Identifier AD–2025–00184–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 27, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the helicopters identified in paragraphs (c)(1) through (7) of this AD, certificated in any category.

(1) Carson Helicopters, Inc. Model S–61L and SH–3H helicopters.

(2) Croman Corporation Model SH–3H helicopters.

(3) Glacier Helicopter, Inc. Model CH–3E helicopters.

(4) Reynolds Aviation Model USAF CH–3C, CH–3E, HH–3C, and HH–3E helicopters.

(5) Sikorsky Aircraft Corporation Model S–61A, S–61D, S–61E, and S–61V helicopters.

(6) Sikorsky Aircraft Model S–61L, S–61N, S–61NM, and S–61R helicopters.

(7) Siller Helicopters Model CH–3E and SH–3A helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 6700, Rotorcraft Flight Control; 6730, Rotorcraft Servo System.

(e) Unsafe Condition

This AD was prompted by a report of a loss of tail rotor authority due to auxiliary system fluid loss caused by a yaw pedal damper housing fatigue fracture and attachment bolt fatigue fracture. The FAA is issuing this AD to detect and address cracking of the yaw pedal damper housing and attachment bolts and a non-conforming lug radius on the yaw pedal damper housing. The unsafe condition, if not addressed, could result in auxiliary system fluid loss, loss of tail rotor authority, and consequent reduced controllability of the helicopter or loss of control of the helicopter.

(f) Compliance

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

(g) Repetitive Visual Inspection and Corrective Actions

As of the effective date of this AD, before the first flight of each day, inspect the lockwire to determine if attachment hardware does not rotate under finger pressure, and use a high-powered light source and mirror to perform a visual inspection of the auxiliary servo assembly located in the controls compartment (also known as the broom closet) for hydraulic fluid leakage, cracks, missing or loose lockwire, and compromised bolt security

(loose, missing, cracked, fractured, or stretched bolts) in accordance with the Accomplishment Instructions Section 3.C.(3)(a) and (b) of Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin ASB 61B65–25, Basic Issue, dated October 17, 2022, as corrected by Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin Errata, effective February 3, 2026 (Sikorsky ASB 61B65–25).

(1) If there is any hydraulic fluid leakage, compromised bolt security (loose, missing, cracked, fractured, or stretched bolts), or if there are any cracks on the yaw pedal damper check valve housing, before further flight, replace the yaw pedal damper check valve housing and the associated attachment bolts with serviceable parts.

(2) If there is any loose or missing lockwire, before further flight, inspect that each bolt has a torque value of 45–50 in./lbs. and perform the applicable corrective actions as follows.

(i) If the torque value is correct replace the lockwire.

(ii) If the torque value is below 45 in./lbs. or above 50 in./lbs., or if evidence of compromised bolt security (loose, missing, cracked, fractured, or stretched bolts) is found, replace the yaw pedal damper check valve housing, the associated attachment bolts, and lockwire with serviceable parts.

(h) Determining Life and Parts Replacement

Within 10 hours time-in-service (TIS) from the effective date of the AD:

(1) Determine the remaining life of the yaw pedal damper check valve housing having part number S6165–61517 in accordance with the Accomplishment Instructions, paragraph 3.B., of Sikorsky ASB 61B65–25 and record it in the existing helicopter log card or equivalent record.

(2) Before the yaw pedal damper check valve housing has accumulated 30,000 total hours TIS or within 60 days after the effective date of this AD, whichever occurs later, remove the yaw pedal damper check valve housing from service and replace with a serviceable part.

(i) Fluorescent Penetrant Inspection (FPI) and Corrective Action

(1) Within 150 hours TIS or 4 months, whichever occurs first after the effective date of this AD, perform a fluorescent penetrant inspection (FPI) of the yaw pedal damper check valve housing in accordance with the Accomplishment Instructions, paragraphs 3.C.(3) through (9), of Sikorsky ASB 61B65–25. If there are any cracks in the yaw pedal damper check valve housing, before further flight, remove the yaw pedal damper check valve housing and the associated attachment bolts from service and replace the affected parts with serviceable parts. This FPI terminates the daily checks required by (g)(1) of this AD.

(2) After accomplishing the actions as required by paragraph (i)(1) of this AD, thereafter at every 15 hours TIS, perform the repetitive visual inspection required by paragraph (g)(1) of this AD.

Note 1 to paragraph (i)(2): The 15-hour repetitive inspection is established to coincide with any existing 15-hour TIS safety inspections of the auxiliary servo assembly. For example, Sikorsky Aircraft Model S–61N helicopters have this inspection as specified in Sikorsky Aircraft S–61 Equalized Inspection and Maintenance Program, SA 4047–13, Revision No. 18, dated January 15, 2014.

(j) Update Maintenance Records

Within 30 days after the effective date of this AD, incorporate into existing maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your helicopter, a new service life limit of 30,000 hours TIS for the yaw pedal damper check valve housing.

(k) Provisions for Alternative Actions and Intervals

After the action required by paragraph (j) of this AD has been accomplished, no alternative actions and associated thresholds and intervals, including life limits, are allowed.

(l) Revision of Existing Rotorcraft Flight Manual (RFM)

Within 30 days after the effective date of this AD, revise the normal procedures section, specifically the preflight inspection of the flight control servo system procedure, of the existing RFM for the helicopter by inserting the information specified in figure 1 to paragraph (l) of this AD or by inserting a copy of this AD.

Figure 1 to Paragraph (l)—New RFM Caution

CAUTION

Full activation of the rudder pedals in less than 5 seconds will likely damage the yaw bellcrank, yaw pedal damper housing, and yaw pedal damper attachment bolts on the YAW AUX servo.

(m) No Reporting or Returning Parts Requirements

Although Sikorsky ASB 61B65–25 specifies submitting certain information or returning an affected part to the manufacturer, this AD does not include those requirements.

(n) Special Flight Permits

Special flight permits are prohibited.

(o) Alternative Methods of Compliance (AMOCs)

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

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

(p) Additional Information

(1) For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (516) 228–7350; email: *ECB-COS@faa.gov*.

(2) Sikorsky Aircraft Corporation material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (q)(3) of this AD.

(q) Material Incorporated by Reference

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

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

(i) Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin ASB 61B65–25, Basic Issue, dated October 17, 2022, as corrected by Sikorsky Aircraft Corporation S–61 Helicopter Alert Service Bulletin Errata, effective February 3, 2026.

(ii) [Reserved]

(3) For Sikorsky Aircraft Corporation material identified in this AD, contact Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, Mailstop K100, 124 Quarry Road, Trumbull, CT 06611; phone: 1–800–946–4337 (1–800–Winged–S); email: *wcs_cust_service_eng.gr-sik@lmco.com;* website: *sikorsky360.com*.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest

Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on March 10, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04966 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 425

RIN 3084–AB54

Rule Concerning the Use of Prenotification Negative Option Plans

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking; request for public comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') seeks public comment on the need for amendments to the Commission's ''Rule Concerning the Use of Prenotification Negative Option Plans'' (*i.e.,* ''Negative Option Rule'' or ''Rule'') to help consumers avoid recurring payments for products and services they did not intend to order and to allow them to cancel such payments without unwarranted obstacles.

DATES: Comments must be received on or before April 13, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. If you prefer to file your comments on paper, write ''Negative Option Rule ANPRM, Project No. P064202'' on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex N), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Hong Park (202–326–2158), Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Overview

The Commission seeks comments on ways to improve its existing regulations for negative option marketing, a common form of marketing where the absence of affirmative consumer action constitutes assent to be charged for goods or services. Negative option offers, which have become more widespread in recent years, can provide substantial benefits for sellers and consumers in the marketplace. However, consumers cannot reap such benefits when sellers fail to make adequate disclosures, charge consumers without their consent, or make cancellation difficult or impossible. Over the years, these types of negative option practices have remained a persistent source of consumer harm, often saddling consumers with recurring payments for goods and services they did not intend to purchase or they no longer want. In the past, the Commission has sought to address such practices through individual law enforcement cases and a patchwork of regulations. Nevertheless, consumers continue to encounter these practices in the marketplace and submit thousands of complaints about them to the FTC each year.

In October 2024, the FTC amended the Rule to address ongoing consumer complaints and continued misconduct in the marketplace. On July 8, 2025, shortly before businesses would need to comply with all parts of the Rule, the United States Court of Appeals for the Eighth Circuit vacated the amended Rule, holding that the Commission had failed to conduct the preliminary regulatory analysis required under section 22 of the FTC Act, 15 U.S.C. 57b–3(b)(1).[1] However, the record compiled during that rulemaking, as well as ongoing consumer complaints and recent enforcement cases,[2] show continued unlawful negative option marketing practices in the marketplace.

To address these persistent concerns, the Commission seeks comments on ways to improve existing regulatory requirements, including whether it should use its rulemaking authority under the FTC Act to modernize the Rule.[3]

II. Negative Option Marketing

A ''negative option'' is any type of sales term or condition that allows a seller to interpret a customer's silence, or failure to take an affirmative action, as acceptance of an offer.[4] Negative option marketing generally falls into four categories: Prenotification negative option plans, continuity plans, automatic renewals, and free-to-pay or nominal-fee-to-pay conversion offers.

Prenotification plans are the only negative option practice currently covered by the Commission's Negative Option Rule. Under such plans (*e.g.,* product-of-the-month clubs), sellers send periodic notices offering goods to participating consumers and then send—and charge for—those goods only if the consumers take no action to decline the offer. The periodic announcements and shipments can continue indefinitely. In continuity plans, consumers agree in advance to receive periodic shipments of goods or provision of services (*e.g.,* bottled water delivery), which they continue to receive until they cancel the agreement. In automatic renewals, sellers (*e.g.,* a magazine publisher) automatically renew consumers' subscriptions when they expire and charge for them, unless consumers affirmatively cancel the subscriptions. Finally, in free-to-pay or nominal-fee-to-pay plans, consumers receive goods or services for free (or at a nominal fee) for a trial period. After the trial period, sellers automatically begin charging a fee (or higher fee) unless consumers affirmatively cancel or return the goods or services.

Some negative option offers include upsell or bundled offers, where the seller uses consumers' billing data to advertise and sell their additional products or passes consumers' billing data to a third party that generates additional offers. An upsell occurs

[1] *Custom Commc'ns, Inc.* v. *FTC,* 142 F.4th 1060, 1070–75 (8th Cir. 2025).

[2] Since the 2019 advance notice of proposed rulemaking (''ANPRM''), 84 FR 52393 (Oct. 2, 2019), the FTC has brought cases (using its own litigating authority or upon notification and referral to the Department of Justice) alleging widespread negative option abuses by major companies including Vonage, Amazon, Adobe, Uber, LA Fitness, and Instacart. *FTC* v. *Vonage Holdings,* No. 3:22–cv–6435 (D.N.J. Nov. 3, 2022); *FTC* v. *Amazon.com Inc.,* No. 2:23–cv–0932 (W.D. Wash. June 21, 2023); *United States* v. *Adobe, Inc.,* No. 5:24–cv–03630 (N.D. Cal. July 23, 2024); *FTC* v. *Uber Techs., Inc.,* No. 3:25–cv–03477 (N.D. Cal. Apr. 21, 2025); *FTC* v. *Fitness Int'l, LLC,* No. 8:25–cv–01841 (C.D. Cal. Aug. 20, 2025); *FTC* v. *Maplebear Inc.,* No. 3:25–cv–10783 (N.D. Cal. Dec. 18, 2025) (Instacart).

[3] Section 18 of the FTC Act authorizes the Commission to promulgate rules specifying acts or practices in or affecting commerce which are unfair or deceptive. 15 U.S.C. 57a(a)(1)(B).

[4] The Commission's Telemarketing Sales Rule defines a negative option feature as a provision in an offer or agreement to sell or provide any goods or services ''under which the customer's silence or failure to take an affirmative action to reject goods or services or to cancel the agreement is interpreted by the seller as acceptance of the offer.'' 16 CFR 310.2(w).

when a consumer completes a first transaction and then receives a solicitation for an additional product or service. A bundled offer occurs when a seller packages two products or services together, typically so that they either cannot be purchased separately or can only be purchased separately by paying a premium.

III. FTC's Negative Option Rule

The Commission first promulgated the Rule in 1973 pursuant to the FTC Act, 15 U.S.C. 41 *et seq.,* after finding that some negative option marketers had committed unfair or deceptive marketing practices that violated section 5 of the Act, 15 U.S.C. 45. As discussed above, the Rule applies only to prenotification plans for the sale of goods and does not reach most modern negative option marketing.[5]

The Rule requires prenotification plan sellers to clearly and conspicuously disclose their plan's material terms before consumers subscribe. It enumerates seven material terms sellers must disclose clearly and conspicuously, including: (1) how subscribers must notify the seller if they do not wish to purchase the selection; (2) any minimum purchase obligations; (3) the subscribers' right to cancel; (4) whether billing charges include postage and handling; (5) that subscribers have at least ten days to reject a selection; (6) that if any subscriber is not given ten days to reject a selection, the seller will credit the return of the selection and the postage to return the selection, along with shipping and handling; and (7) the frequency with which announcements and forms will be sent.[6] In addition, sellers must follow certain procedures, including: abiding by particular time periods during which sellers must send introductory merchandise and announcements identifying merchandise the seller plans to send; giving consumers a specified period to respond to announcements; providing instructions for rejecting merchandise in announcements; and promptly honoring written requests to cancel from consumers who have met any minimum purchase requirements.[7]

[5] The Rule defines ''negative option plan'' narrowly to apply only to prenotification plans. 16 CFR 425.1(c)(1). The Rule covers prenotification plan marketing in all media. In 1998, the Commission clarified that the Rule ''covers all promotional materials that contain a means for consumers to subscribe to prenotification negative option plans, including those that are disseminated through newer technologies . . . .'' 63 FR 44555, 44561 (Aug. 20, 1998).

[6] 16 CFR 425.1(a)(1)(i)–(vii).

[7] 16 CFR 425.1(a)(2), (3), 425.1(b).

IV. Existing Regulatory Requirements

In addition to the Rule, several other statutes and regulations address aspects of harmful negative option practices. First, section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices, has traditionally served as one of the Commission's primary mechanisms for addressing such practices. Additionally, the Restore Online Shoppers' Confidence Act (''ROSCA'') (15 U.S.C. 8401–8405), the Telemarketing Sales Rule (16 CFR part 310), the Postal Reorganization Act (*i.e.,* the Unordered Merchandise Statute) (39 U.S.C. 3009), and the Electronic Fund Transfer Act (15 U.S.C. 1693–1693r) each address various aspects of negative option marketing. ROSCA is the only Federal law primarily designed to regulate negative option marketing, but it is limited to seller transactions effected on the internet.[8]

A. Section 5 of the FTC Act

The main consumer protection statute enforced by the Commission is section 5(a) of the FTC Act, 15 U.S.C. 45(a)(1). This provision states that ''unfair or deceptive acts or practices in or affecting commerce . . . are . . . declared unlawful.'' [9] In past guidance and cases, the FTC has highlighted five basic section 5 requirements that negative option marketing must follow.[10] First, marketers must disclose the material terms of a negative option offer including, at a minimum, the following key terms: the existence of the negative option offer; the offer's total cost; the transfer of a consumer's billing information to a third party, if applicable; and how to cancel the offer. Second, disclosures must be clear and conspicuous. Third, sellers must disclose the material terms of the negative option offer before consumers agree to the purchase. Fourth, marketers must obtain consumers' consent to such offers. Finally, marketers must not impede the effective operation of promised cancellation procedures, and they should honor cancellation requests that comply with such procedures.

Although adherence to these five principles should minimize the likelihood of non-compliance with section 5, the legality of a particular negative option depends on an individualized assessment of, among other things, the claims made in the advertisement, consumers' understanding of the advertisement (*e.g.,* net impression), and the seller's business practices. In addition to these deception-related requirements, several courts have held that billing consumers without consumers' express informed consent constitutes an unfair act or practice under the FTC Act.[11]

B. ROSCA

Enacted by Congress in 2010 to address ongoing problems with online negative option marketing, ROSCA contains general provisions related to disclosures, consent, and cancellation.[12] ROSCA prohibits charging or attempting to charge consumers for goods or services sold on the internet through any negative option feature unless the marketer: (1) clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information; (2)

[8] In addition to these Federal laws that are nationwide in scope, an assortment of State laws also regulates negative option marketing, primarily providing varying levels of protection for consumers in those States. *See, e.g.,* Cal. Bus. & Prof. Code sec. 17600 *et seq.* (California); Colo. Rev. Stat. sec. 6–1–732 (Colorado); Vt. Stat. Ann. Tit. 9, sec. 2454a (Vermont); Va. Code Ann. sec. 59.1–207.46 (Virginia).

[9] The FTC Act defines ''unfair or deceptive acts or practices'' to include such acts or practices involving foreign commerce that cause or are likely to cause reasonably foreseeable injury within the United States or involve material conduct occurring within the United States. 15 U.S.C. 45(a)(4)(A). It also defines ''unfair'' practices as those that cause or are likely ''to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.'' 15 U.S.C. 45(n).

[10] *See Negative Options: A Report by the staff of the FTC's Division of Enforcement* 26–29 (Jan. 2009), *https://www.ftc.gov/sites/default/files/documents/reports/negative-options-federal-trade-commission-workshop-analyzing-negative-option-marketing-report-staff/p064202negativeoptionreport.pdf.* In discussing the five principal section 5 requirements related to negative options, the report cites to the following pre-ROSCA cases and publications: *FTC* v. *JAB Ventures,* No. CV08–04648 (C.D. Cal. 2008); *FTC* v. *Complete Weightloss Ctr.,* No. 1:08cv00053 (D.N.D. 2008); *FTC* v. *Berkeley Premium Nutraceuticals,* No. 1:06cv00051 (S.D. Ohio 2006); *FTC* v. *Think All Publ'g,* No. 4:07cv11 (E.D. Tex. 2006); *FTC* v. *Hispanexo,* No. 1:06cv424 (E.D. Va. 2006); *FTC* v. *Consumerinfo.com,* No. SACV05–801 (C.D. Cal. 2005); *FTC* v. *Conversion Mktg.,* No. SACV04–1264 (C.D. Cal. 2004); *FTC* v. *Mantra Films,* No. CV03–9184 (C.D. Cal. 2003); *FTC* v. *Preferred Alliance,* No. 103–CV0405 (N.D. Ga. 2003); *United States* v. *Prochnow,* No. 102–CV–917 (N.D. Ga. 2002); *FTC* v. *Ultralife Fitness, Inc.,* No. 2:08–cv–07655–DSF–PJW (C.D. Cal. 2008); *Am. Isuzu Motors,* FTC Docket No. C–3712 (1996); *FTC* v. *Universal Premium Servs.,* No. CV06–0849 (C.D. Cal. 2006); *FTC* v. *Remote Response,* No. 06–20168 (S.D. Fla. 2006); and the FTC *Dot Com Disclosures* (2000), *https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-issues-guidelines-internet-advertising/0005dotcomstaffreport.pdf.*

[11] Courts have found unauthorized billing to be unfair under the FTC Act. *See, e.g., FTC.* v. *Neovi, Inc.,* 604 F.3d 1150, 1157–59 (9th Cir. 2010), *amended by* 2010 WL 2365956 (9th Cir. June 15, 2010); *FTC* v. *Amazon.com, Inc.,* No. C14–1038–JCC, 2016 WL 10654030, at *8 (W.D. Wash. July 22, 2016); *FTC* v. *Ideal Fin. Sols., Inc.,* No. 2:13–CV–00143–JAD, 2015 WL 4032103, at *8 (D. Nev. June 30, 2015).

[12] 15 U.S.C. 8401–8405.

obtains a consumer's express informed consent before charging the consumer's account; and (3) provides simple mechanisms for the consumer to stop recurring charges.[13]

ROSCA also addresses offers made by, or on behalf of, third-party sellers during, or immediately following, a transaction effected on the internet with an initial merchant.[14] In connection with these offers, ROSCA prohibits post-transaction third-party sellers from charging or attempting to charge consumers for any good or service unless the seller: (1) before obtaining the consumer's billing information, clearly and conspicuously discloses all material terms of the transaction; and (2) receives the consumer's express informed consent for the charge by obtaining the consumer's name, address, contact information, as well as the full account number to be charged, and by requiring the consumer to perform an additional affirmative action indicating consent.[15] ROSCA also prohibits initial merchants from disclosing billing information to any post-transaction third-party seller for use in any internet-based sale of goods or services.[16]

ROSCA provides that a violation of that Act shall be treated as a violation of a Commission rule under section 18 of the FTC Act.[17] Thus, the Commission may seek a variety of remedies for violations of ROSCA, including civil penalties under section 5(m)(1)(A) of the FTC Act;[18] injunctive relief under section 13(b) of the FTC Act;[19] and consumer redress, damages, and other relief under section 19 of the FTC Act.[20] Although Congress charged the Commission with enforcing ROSCA, it did not require the FTC to create regulations pursuant to its section 18 rulemaking authority.[21]

C. Telemarketing Sales Rule

The Telemarketing Sales Rule (''TSR'') (16 CFR part 310) prohibits deceptive telemarketing acts or practices, including those involving negative option offers, and certain types of payment methods common in deceptive marketing. The TSR applies only to negative option offers made over the telephone. Specifically, the TSR requires that telemarketers disclose all material terms and conditions of the negative option feature, including the need for affirmative consumer action to avoid the charges; the date (or dates) the charges will be submitted for payment; and the specific steps the customer must take to avoid the charges. It also prohibits telemarketers from misrepresenting such information and contains specific requirements related to payment authorization.[22] The Commission amended the TSR in 2015 to prohibit the use of payment methods often used in deceptive marketing, including negative options, such as remotely created checks.[23]

D. Other Relevant Requirements

The Electronic Fund Transfer Act (''EFTA'')[24] and the Postal Reorganization Act (''PRA'') (*i.e.,* Unordered Merchandise Statute) also contain provisions that address negative option marketing.[25] The EFTA prohibits sellers from imposing recurring charges on a consumer's debit cards or bank accounts without written authorization.[26] The PRA provides that mailing unordered merchandise, or a bill for such merchandise, constitutes an unfair method of competition and an unfair trade practice in violation of section 5 of the FTC Act.[27]

V. Limitations of Existing Regulatory Requirements

The existing patchwork of laws and regulations does not provide industry and consumers with a consistent legal framework for negative option marketing across different media and types of plans. For instance, as discussed above, the current Rule does not cover common practices such as continuity plans, automatic renewals, and trial conversions.[28] In addition, ROSCA and the TSR each address negative option plans only in certain media—ROSCA's general statutory prohibitions on deceptive negative option marketing apply only to transactions effected on the internet, whereas the TSR's more specific provisions only apply to telemarketing. Furthermore, harmful negative option practices that fall outside of ROSCA and the TSR's coverage still occur.[29] Therefore, under the current framework, different rules apply depending on whether a negative option offer is made online, over the phone, or in some other medium (*e.g.,* in print, through the mail, etc.).

VI. Past FTC Rulemaking Efforts

The Commission began a regulatory review of the Rule in 2009 (74 FR 22720 (May 14, 2009)), following a 2007 FTC workshop and subsequent Staff Report.[30] The Commission completed the review in 2014 (79 FR 44271 (July 31, 2014)). The Commission received comments advocating for the Rule's expansion because of the continued presence of ''unfair, deceptive, and otherwise problematic negative option marketing practices [that] continue to cause substantial consumer injury, despite determined enforcement efforts by the Commission and other law enforcement agencies.''[31] It also noted

[13] 15 U.S.C. 8403. ROSCA incorporates the definition of ''negative option feature'' from the Commission's Telemarketing Sales Rule, 16 CFR 310.2(w).

[14] ROSCA defines ''post-transaction third-party seller'' as a person other than the initial merchant who sells any good or service on the internet and solicits the purchase on the internet through an initial merchant after the consumer has initiated a transaction with the initial merchant. 15 U.S.C. 8402(d)(2).

[15] 15 U.S.C. 8402(a).

[16] 15 U.S.C. 8402(b).

[17] 15 U.S.C. 8404. Section 18 of the FTC Act is 15 U.S.C. 57a.

[18] 15 U.S.C. 45(m)(1)(A).

[19] 15 U.S.C. 53(b).

[20] 15 U.S.C. 57b(a)(1), (b).

[21] ROSCA states that a violation ''of this chapter or any regulation prescribed under this chapter shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.'' 15 U.S.C. 8404(a).

[22] 16 CFR 310.3(a).

[23] 80 FR 77520 (Dec. 14, 2015). The TSR Notice of Proposed Rulemaking (78 FR 41200 (July 9, 2013)) noted negative option cases where the defendants used unauthorized remotely created checks. *See, e.g., FTC* v. *FTN Promotions, Inc.,* No. 8:07–1279 (M.D. Fla. Dec. 30, 2008) (Stip. Perm. Inj.) (defendants allegedly caused more than $171 million in unauthorized charges to consumers' accounts for bogus travel and buyers' clubs in part by using unauthorized remotely created checks).

[24] 15 U.S.C. 1693–1693r.

[25] 39 U.S.C. 3009.

[26] The EFTA provides that the Commission shall enforce its requirements, except to the extent that enforcement is specifically committed to some other Federal government agency, and that a violation of any of its requirements shall be deemed a violation of the FTC Act. Accordingly, the Commission has authority to seek the same injunctive and monetary equitable relief for EFTA violations that it can seek for other section 5 violations.

[27] The Commission has authority to seek the same remedies for PRA violations that it can seek for other section 5 violations. For example, the Commission can seek civil penalties pursuant to section 5(m)(1)(A) of the FTC Act from violators who have actual knowledge that the Commission has found mailing unordered merchandise unfair.

[28] Indeed, the prenotification plans covered by the Rule represent only a small fraction of negative option marketing. In 2024, for instance, FTC staff estimated that only 25 sellers (''clubs'') were subject to the current Rule's requirements. 88 FR 59922 (Aug. 30, 2023); 89 FR 377 (Jan. 3, 2024).

[29] For instance, in 2018, the Commission brought two cases under section 5 involving negative option plans that did not involve either internet sales or telemarketing. *See FTC* v. *Health Research Labs., LLC,* No. 2:17–cv–00467–JDL (D. Me. 2018); *FTC* v. *Mktg. Architects,* No. 2:18–cv–00050 (D. Me. 2018).

[30] *See Negative Options: A Report by the staff of the FTC's Division of Enforcement* 26–29, *https://www.ftc.gov/sites/default/files/documents/reports/negative-options-federal-trade-commission-workshop-analyzing-negative-option-marketing-report-staff/p064202negativeoptionreport.pdf.*

[31] The Commission cited a number of its law enforcement actions challenging negative option marketing practices, including, for example, *FTC* v. *Process Am., Inc.,* No. 14–0386–PSG–VBKx (C.D. Cal. Jan. 16, 2014) (processing of unauthorized

that practices not covered by the Rule (*e.g.,* trial conversions and continuity plans) accounted for most of its enforcement activity in this area. Despite these findings, the Commission declined to expand or enhance the Rule at that time, concluding that amendments were not warranted because the enforcement tools available then—namely, the TSR and ROSCA—might prove adequate to address continued deceptive and unfair negative option marketing. However, the Commission also explained that, if ROSCA and its other enforcement tools do not adequately protect consumers, the Commission could consider, based on a more complete factual and evidentiary record, whether and how to amend the Rule.[32] The Commission's declination was made at a time, moreover, when courts still interpreted the FTC Act's section 13(b) authority as allowing monetary relief for harmed consumers.[33]

After the conclusion of the 2009 regulatory review of the Rule, mounting evidence strongly suggested that unlawful negative option marketing continued to harm consumers. The Commission and the States continued to regularly bring cases challenging unlawful negative option practices, including more than 20 FTC cases before 2019. These matters involved a range of deceptive or unfair practices, including inadequate disclosures for ''free'' offers and other products or programs, enrollment without consumer consent, and inadequate or overly burdensome cancellation and refund procedures.[34]

In 2019, the Commission published an advance notice of proposed rulemaking (''ANPRM'') seeking comment on the Rule (84 FR 52393 (Oct. 2, 2019)). Specifically, the Commission sought comment on alternatives, including amendments to further address disclosures, consumer consent, and cancellation. The Commission also requested input on using its authority under section 18 of the FTC Act to expand the Rule. In 2021, the Commission issued an ''Enforcement Policy Statement Regarding Negative Option Marketing.'' [35]

In 2023, the Commission issued a notice of proposed rulemaking (''NPRM'') to amend the Rule.[36] The Commission received over 16,000 comments in response.[37]

In 2024, the Commission promulgated an amended Rule.[38] The amendments expanded the scope of the Rule to cover all negative option programs—across all media—and made it an unfair or deceptive act or practice under section 5 of the FTC Act:

- to misrepresent any material fact made while marketing using a negative option feature (§ 425.3);
- to fail to clearly and conspicuously disclose material terms prior to obtaining a consumer's billing information in connection with a negative option feature (§ 425.4);
- to fail to obtain a consumer's express informed consent to the negative option feature before charging the consumer (§ 425.5); and
- to fail to provide a simple mechanism to cancel the negative option feature and immediately halt charges (§ 425.6).

The amended Rule had an effective date of January 14, 2025 and a deferred compliance date of May 14, 2025 for certain parts (later extended to July 14, 2025).[39]

In July 2025, the Eighth Circuit vacated the amended Rule (''Vacated Rule'').[40] The court found the FTC should have conducted a preliminary regulatory analysis under section 22 of the FTC Act, 15 U.S.C. 57b–3(b)(1).[41]

VII. Ongoing Problems With Negative Option Marketing

The Commission continues to receive thousands of complaints each year regarding negative option marketing. The rate of these complaints has steadily risen from at least 33 per day in late 2020 to more than 90 per day in 2025. The complaints come from all 50 States, and involve dozens of industries, and hundreds of companies. These complaints have led the Commission to bring additional enforcement actions. For instance, since January 2025, the Commission has initiated five cases alleging negative option misconduct, and has approved six settlements of alleged negative option misconduct.[42]

charges relating to negative option marketing); *FTC* v. *Willms,* No. 2:11–cv–00828 (W.D. Wash. May 16, 2011) (internet free trials and continuity plans); *FTC* v. *Moneymaker,* No. 2:11–cv–00461–JCM–RJJ (D. Nev. Mar. 28, 2011) (internet trial offers and continuity programs); *FTC* v. *Johnson,* No. 2:10–cv–02203–RLH–GWF (D. Nev. Dec. 21, 2010) (internet trial offers); and *FTC* v. *John Beck Amazing Profits, LLC,* No. 2:09–cv–04719 (C.D. Cal. June 30, 2009) (infomercial and telemarketing trial offers and continuity programs); *see also* ''An Overview of the FTC's Enforcement Actions Concerning Negative Option Marketing,'' a presentation delivered during the Commission's 2007 ''Negative Options: An FTC Workshop Analyzing Negative Option Marketing,'' *https://www.ftc.gov/news-events/events-calendar/2007/01/negative-options-workshop-analyzing-negative-option-marketing.*

[32] 79 FR at 44276.

[33] Numerous courts had held that section 13(b)'s language allowing the Commission to obtain a ''permanent injunction'' included the authority to seek equitable monetary relief such as restitution or disgorgement. *See, e.g., FTC* v. *Ross,* 743 F.3d 886, 890–92 (4th Cir. 2014); *FTC* v. *Bronson Partners, LLC,* 654 F.3d 359, 367 & 375 (2d Cir. 2011); *FTC* v. *Stefanchik,* 559 F.3d 924, 931 (9th Cir. 2009). The Supreme Court rejected this interpretation in 2021. *AMG Cap. Mgmt., LLC* v. *FTC,* 593 U.S. 67 (2021).

[34] Examples of these matters include: *FTC* v. *Nutraclick LLC,* No. 2:16–cv–06819–DMG (C.D. Cal. 2016); *FTC* v. *Health Formulas, LLC,* No. 2:14–cv–01649–RFB–GWF (D. Nev. 2016); *FTC* v. *AAFE Products Corp.,* No. 3:17–cv–00575 (S.D. Cal. 2017); *FTC* v. *Pact Inc.,* No. 2:17–cv–1429 (W.D. Wash. 2017); *FTC* v. *Tarr,* No. 3:17–cv–02024–LAB–KSC (S.D. Cal. 2017); *FTC* v. *AdoreMe, Inc.,* No. 1:17–cv–09083 (S.D.N.Y 2017); *FTC* v. *Credit Bureau Ctr., LLC,* No. 17–cv–00194 (N.D. Ill. 2017); *FTC* v. *JDI Dating, Ltd.,* No. 1:14–cv–08400 (N.D. Ill. 2014); *FTC* v. *XXL Impressions,* No. 1:17–cv–00067–NT (D. Me. 2017); *FTC* v. *DOTAuthority.com, Inc.,* No. 0:16–cv–62186–WJZ (S.D. Fla. 2018); *FTC* v. *Bunzai Media Grp., Inc.,* No. CV15–04527–GW(PLAx) (C.D. Cal. 2015); *FTC* v. *RevMountain, LLC,* No. 2:17–cv–02000–APG–GWF (D. Nev. 2018); *FTC* v. *Apex Capital Grp., LLC,* No. 2:18–cv–9573 (C.D. Cal. 2018); *FTC* v. *Jason Cardiff,* No. 18–cv–2104 (C.D. Cal. 2018); *FTC* v. *Triangle Media Corp.,* No. 18–cv–1388 (S.D. Cal. 2018); *FTC* v. *AH Media Grp.,* LLC, No. 3:19–cv–4022 (N.D. Cal. 2019); *FTC* v. *Elite IT Partners, Inc.,* No. 2:19–cv–125 (D. Utah 2019); *FTC* v. *F9 Advertising LLC,* No. 3:19–cv–1174 (D. P.R. 2019); *UrthBox, Inc.,* FTC Matter No. C–4676 (2019).

[35] Enforcement Policy Statement, 86 FR 60822 (Nov. 4, 2021).

[36] 88 FR 24716 (Apr. 24, 2023).

[37] *See* 89 FR 90476 (Nov. 15, 2024). Unique public comments to the NPRM are available online. *See regulations.gov,* Negative Option Rule (NPRM), FTC–2023–0033–0001, *https://www.regulations.gov/document/FTC-2023-0033-0001.*

[38] 89 FR 90476 (Nov. 15, 2024).

[39] FTC, Statement of the Commission Regarding the Negative Option Rule, Matter No. P064202 (May 9, 2025).

[40] *Custom Commc'ns, Inc.* v. *FTC,* 142 F.4th 1060, 1070–75 (8th Cir. 2025). The Eighth Circuit's vacatur reinstated the prior version of the Rule which was first promulgated in 1973. 38 FR 4896 (Feb. 22, 1973).

[41] *Custom Commc'ns, Inc.,* 142 F.4th at 1074–75.

[42] The Commission initiated (or referred to the Department of Justice for initiating) enforcement actions in *FTC* v. *JustAnswer LLC,* No. 3:26–cv–00333 (N.D. Cal. Jan. 13, 2026); *United States* v. *Iconic Hearts Holdings,* No. 2:25–cv–09310 (C.D. Cal. Sept. 29, 2025); *FTC* v. *Int'l Markets Live, Inc.,* No. 2:25–cv–00760 (D. Nev. May 20, 2025); *FTC* v. *Fitness Int'l, LLC,* No. 8:25–cv–1841 (C.D. Cal. Aug. 20, 2025); and *FTC* v. *Uber Tech., Inc.,* No. 3:25–cv–03477 (N.D. Cal. Apr. 21, 2025). The Commission approved settlements in *FTC* v. *Maplebear Inc.,* No. 3:25–cv–10783 (N.D. Cal. Dec. 18, 2025) (Instacart; Proposed Stipulated Order); *FTC* v. *Amazon.com Inc.,* No. 2:23–cv–0932 (W.D. Wash. Sept. 25, 2025) (Stipulated Order); *FTC* v. *Chegg, Inc.,* No. 5:25–cv–07827 (N.D. Cal. Sept. 15, 2025) (Stipulated Order); *FTC* v. *Match Grp., Inc.,* No. 3:19–cv–0228 1–K (N.D. Tex. Aug. 12, 2025) (Proposed Stipulated Order); *FTC* v. *Paddle.com Market Ltd.,* No. 1:25–cv–01886 (D.D.C. June 16, 2025) (Stipulated Order); *FTC* v. *Cleo AI, Inc.,* No. 1:25–cv–02594 (S.D.N.Y. Mar. 27, 2025) (Stipulated Order); *see also FTC* v. *Amazon.com, Inc.,* 2025 WL 2677086 (W.D. Wash. Sept. 17, 2025) (granting summary judgment on certain ROSCA violations and individual liability). In addition, the Commission has brought a number of other recent enforcement actions involving unfair or deceptive negative option practices, using its own litigating authority or upon notification and referral to the Department of Justice. *See, e.g., United States* v. *Adobe, Inc.,* No. 5:24–cv–03630 (N.D. Cal. July 23, 2024); *FTC* v. *Wealthpress Holdings, Inc.,* No. 3:23–cv–00046 (M.D. Fla. Jan. 12, 2023); *FTC* v. *Vonage*

Continued

These recent cases and the increasingly high volume of complaints suggest there is prevalent, unabated consumer harm in the marketplace. As discussed below, the Commission seeks comments on these issues.

VIII. Objectives, Regulatory Alternatives, and Request for Comments

The Commission seeks comments on the current Rule as well as regulatory alternatives to better address unfair or deceptive negative option practices. The Commission promulgated the current Rule to address unlawful negative option conduct in the marketplace as it existed over 50 years ago.[43] While the record in the prior proceeding amply demonstrates the prevalence of unlawful negative option conduct,[44] the Commission solicits additional public comment to update the record and ensure its rulemaking adequately responds to concerns from both consumers and industry.

Specifically, the Commission seeks information relating to practices that prevent consumers from understanding the terms of the negative option program, enroll consumers without their express informed consent, or impede consumers from canceling their enrollments. The Commission also seeks information regarding ways to address these practices, including retaining the current Rule, adopting provisions of the Vacated Rule or some other provision, or implementing alternatives to regulation such as educating consumers and businesses on avoiding unlawful negative option practices.

In responding to the questions below, the Commission invites the public to submit any market studies, economic data, or other empirical evidence that the Commission may not have considered in promulgating the Vacated Rule in the prior proceeding. The Commission reminds commenters that, while it reviews all submissions, comments may be more persuasive when substantiated with evidence, particularly economic evidence.

A. General Questions About the Current Rule

1. Is there a continuing need for the current Rule? Why or why not?

2. Is there a need for new provisions to prevent unfair or deceptive practices by addressing negative option plans not covered by the current Rule? Why or why not?

a. If new regulations are needed, should the Rule be amended, or should a new Rule or Rules be created?

b. Should the Commission consider alternatives to new regulation, such as the publication of additional consumer and business education? If so, what are these alternatives, and how effectively would they prevent unfair or deceptive negative option practices?

c. What are the benefits and costs to consumers and businesses under your proposed approach compared to the other options, whether issuing a new Rule(s), amending the existing Rule, or implementing an alternative to new regulation?

d. What evidence supports your responses to the above questions?

B. Questions About the Marketplace for Negative Option Programs

1. How many negative option enrollments do all negative option sellers have collectively?

a. On average, how many negative option programs is each person, household, or business enrolled in?

b. On average, how many negative option program enrollments occur each year, by enrollment method (*i.e.,* online, over the phone, in person)?

c. On average, how many negative option program enrollments are cancelled each year, by cancellation method (*i.e.,* online, over the phone, in person)?

d. On average, how often do consumers attempt to cancel a negative option program without being able to complete the cancellation process?

2. Which industries[45] sell negative option programs? How many businesses sell negative option programs? Is this expected to change, and if so, how?

a. What is the total revenue associated with negative option programs?

b. What is the average price of a negative option program?

c. How much do consumers spend on negative option programs that go unused?

d. How much do consumers spend on negative option programs after attempting to cancel?

3. On average, how long does it take consumers to enroll in negative option programs, by enrollment method (*i.e.,* online, over the phone, in person), starting from the time the consumer reaches the website, calls the phone number, or visits the premises designated by the business for enrolling, and including the time consumers spend to navigate the website, wait for a representative, or take steps to reach a representative?

a. For each enrollment method, please provide the average times for all consumers and separately the time for consumers at the 25th percentile, 50th percentile, and 75th percentile ranked by time taken to enroll.

b. Do these enrollment times vary by industry? If so, how?

4. On average, how long does it take consumers to cancel negative option enrollments, by cancellation method (*i.e.,* online, over the phone, in person), starting from the time the consumer reaches the website, calls the phone number, or visits the premises designated by the business for canceling, and including the time consumers spend to navigate the website, wait for a representative, or take steps to reach a representative?

a. For each cancellation method, please provide the average times for all consumers and separately the time for consumers at the 25th percentile, 50th percentile, and 75th percentile ranked by time taken to cancel.

b. Do these cancellation times vary by industry? If so, how?

5. Are third parties, such as payment service providers, subscription management providers, or customer relationship management providers, involved in enrolling consumers into, or canceling consumers' enrollment for, a business's negative option program?

a. If so, what types of third parties, and how are they involved?

b. What impact, if any, do these third parties have on a business's ability to disclose the material terms of the program, obtain consumers' express informed consent, or enable consumers to easily cancel their enrollment?

c. What role, if any, do third-party service providers, such as subscription management providers or customer relationship management providers, currently have in ensuring compliance with existing State and Federal laws governing negative options?

Holdings, No. 3:22–cv–6435 (D.N.J. Nov. 3, 2022); *FTC* v. *Benefytt Techs., Inc.,* 8:22–cv–1794 (M.D. Fla. Aug. 8, 2022); *FTC* v. *First Am. Payment Sys.,* No. 4:22–cv–654 (E.D. Tex. July 29, 2022); *Movie Pass,* No. C–4751 (FTC Oct. 5, 2021); *FTC* v. *RagingBull.com, LLC,* No. 1:20–cv–3538 (D. Md. Dec. 14, 2020); *FTC* v. *Age of Learning, Inc.,* No. 2:20–cv–07996 (C.D. Cal. Sept. 2, 2020); *United States* v *MyLife.com, Inc.,* No. 20–cv–6692 (C.D. Cal. July 27, 2020).

[43] *See* 38 FR 4896 (Feb. 22, 1973); 63 FR 44555 (Aug. 20, 1998) (minor technical amendments).

[44] For instance, consumer complaints, law enforcement actions, and academic studies, among other evidence, show unfair and deceptive negative option practices permeate the economy across industries. *See supra* Section VII (consumer complaints about negative option marketing have increased to 90 per day in 2025); *supra* notes 2, 34 (collecting recent cases); *see also* 89 FR 90476 (Nov. 11, 2024) at Sections VII.A.1(a)–(b), II.A.1(b) (2024 Statement of Basis and Purpose sections collecting enforcement actions, studies, and consumer complaints that demonstrate the prevalence of negative option misconduct for the Vacated Rule).

[45] You may use NAICS codes to identify industries. *See NAICS Code Identification Tools, https://www.naics.com/search/.*

6. What evidence supports your responses to the above questions?

7. What timeframe(s) do your responses to the above questions cover?

C. Questions About Unfair or Deceptive Practices Involving Negative Option Programs

1. What unfair or deceptive practices do consumers encounter that involve negative option programs?

a. What practices make it difficult for consumers to understand that a product or service is part of a negative option program?

b. What practices make it difficult for consumers to understand all material terms of a negative option program?

c. What practices enroll consumers into negative option programs without their express informed consent?

d. What practices make it difficult for consumers to cancel the negative option feature of a product or service offering?

e. Is it unfair or deceptive to offer discounts or other incentives to remain enrolled in a negative option program (''Saves'') instead of promptly honoring a consumer's request to cancel? Why or why not?

i. What proportion of consumers who are offered Saves accept them?

ii. On average, how much money do consumers save by accepting a Saves offer?

iii. To what extent, if any, do Saves make it difficult for consumers to cancel their enrollment in a negative option program? If the business makes a Saves offer and the consumer declines it, how much longer on average does it take for a consumer to cancel?

iv. How do Saves impact competition in the negative options marketplace? What are the circumstances under which Saves foster competition and result in lower prices and/or better negative option programs for consumers? What are the circumstances under which Saves impede competition by undermining consumers' ability to cancel and choose a different product or service?

v. What has been the impact of State laws regulating Save attempts (*e.g.,* California) on offers to consumers? Has compliance with these laws resulted in an increase or decrease in Saves offered to consumers?

vi. In addition to the above factors, what other factors should the Commission consider in evaluating the extent to which Saves are unfair or deceptive? What do these factors indicate about whether Saves are unfair or deceptive?

2. Congress authorized the Commission to propose a rule defining unfair or deceptive acts or practices with specificity when the Commission ''has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent.'' [46] A determination about prevalence can be made either on the basis of previous Commission cease-and-desist orders regarding such acts or practices, or when the Commission has ''any other information'' that ''indicates a widespread pattern of unfair or deceptive acts or practices.'' [47] Which unfair or deceptive negative option practices identified in your response to Question C.1 are prevalent? For each of these practices, please answer the following:

a. Is there information indicating that such practices are prevalent? If so, what information?

b. How frequently do consumers encounter the practice?

c. What proportion of consumers have encountered the practice?

d. Is the practice prevalent for all types of negative option programs or just certain types?

e. If just certain types, for which types of negative option programs is the practice not prevalent?

f. Are there features of certain negative option programs that prevent the practice from becoming prevalent?

i. If so, which features?

ii. Is the practice not prevalent for negative option transactions between certain types of parties (*e.g.,* B2B transactions between sophisticated business entities)? If so, which types of parties?

iii. How do negative option transactions between these types of parties prevent the practice from becoming prevalent?

g. Is the practice not prevalent for certain industries?

i. If so, which industries?

ii. What aspects of these industries prevent the practice from becoming prevalent?

h. Do you expect future developments in the negative option marketplace to change any of your responses to the above questions? If so, how?

3. How many, or what proportion of, businesses that sell negative option programs do not engage in any unfair or deceptive negative option practices?

a. Does the proportion that is not engaged in any unfair or deceptive negative option practices vary by observable characteristics, such as industry or firm size? If so, how?

b. Is the proportion of businesses not engaged in unfair or deceptive negative option practices changing over time (*i.e.,* getting larger or smaller)? If so, how?

4. To the extent unfair or deceptive negative option practices are prevalent in any industry, how do the practices affect competition among businesses?

a. How do the practices affect a business's ability to win and retain customers?

b. How do the practices affect the need for businesses to compete on the merits of their products or services?

c. Are businesses that do not engage in the practices at a competitive disadvantage to those who do? If so, how?

d. Do the practices affect small businesses differently? If so, how?

5. What evidence supports your responses to the above questions?

D. Questions About Specific Rule Provisions

The Commission may consider portions of the Vacated Rule to propose a new rule.[48] The Vacated Rule imposed the following four requirements. First, it prohibited misrepresentations of any material fact in connection with a negative option offering.[49] Second, it required sellers to obtain the consumer's consent to the negative option feature separately from any other portion of the transaction and to maintain records verifying the consumer's consent.[50] Third, it required disclosure of important information about the negative option feature immediately next to the means for obtaining the consumer's consent for the negative option.[51] Finally, it required a simple

[46] 15 U.S.C. 57a(b)(3).

[47] *Id.*

[48] Since January 2025, the FTC has received two petitions for rulemaking regarding negative options. Petition for Rulemaking of Consumer Federation of America and the American Economic Liberties Project (Dec. 3, 2025), *https://www.regulations.gov/document/FTC-2025-0792-0001;* Petition for Rulemaking of Central Office of Reform and Efficiency (Negative Option Rule) (Jan. 21, 2025), *https://www.regulations.gov/document/FTC-2025-0003-0001.* The Commission will process these requests pursuant to 16 CFR 1.31.

[49] Vacated Rule at § 425.3. The prohibition applied to misrepresentations relating to the negative option feature, the underlying product or service, or ''[a]ny other Material fact.''

[50] Vacated Rule at § 425.5. The Vacated Rule required Negative Option Sellers to maintain records verifying consumer consent to the negative option feature for 3 years. The Vacated Rule, however, deemed most sellers in compliance with this recordkeeping requirement if they obtained consumer consent using ''a check box, signature, or other substantially similar method,'' which the consumer must complete to accept the negative option feature.

[51] Vacated Rule at § 425.4. Specifically, the Vacated Rule required disclosure that consumers will be charged unless the consumer cancels; the deadline(s) by which the consumer must cancel to avoid the charge(s); the amount of the charge(s); and the information necessary for the consumer to find the simple cancellation mechanism.

mechanism for consumers to cancel the negative option feature.[52] In the November 2024 Final Rule document, the Commission analyzed the economic impact of these four requirements and the other requirements of the Vacated Rule in its Final Regulatory Analysis, Final Regulatory Flexibility Act Analysis, and Paperwork Reduction Act Analysis.[53] The following questions solicit comments on these four requirements and their economic impact.

1. What requirements, if any, from the Vacated Rule are needed to address unlawful negative option practices prevalent in the marketplace? For any such requirement, or part thereof, please provide the following information:

a. What benefit would the requirement provide consumers in terms of time and money saved?

b. What costs would the requirement impose on consumers?

c. What benefit would the requirement provide businesses in terms of time and money saved?

i. Would complying with the requirement allow businesses to eliminate or reduce certain other business practices? If so, which business practices?

ii. What are the savings in terms of time and money for eliminating or reducing such business practices?

d. What costs would the requirement impose on businesses?

e. What modifications, if any, should the Commission make to the requirements to reduce the costs imposed on businesses, particularly small businesses? [54]

f. Would the requirement interfere with legitimate business practices?

i. If so, what types of legitimate business practices would be affected and how?

ii. How can the Commission modify the requirements to accommodate these legitimate business practices?

g. Does the requirement overlap or conflict with existing Federal, State, or local laws or regulations?

i. If so, how?

ii. Should any Rule amendment address such overlaps or conflicts? If so, why, and how? If not, why not?

2. The Commission seeks information on both (i) the current costs [55] for complying with existing laws on negative options and (ii) how those costs will change if the Commission adopts all or part(s) of the Vacated Rule.

a. For the average negative option seller, what are the current costs to comply with existing Federal, State, and local laws or regulations governing negative options?

b. How, and to what extent, would each of these four requirements change the costs to comply with existing Federal, State, and local laws or regulations governing negative options?

i. Please provide separate estimates for each cost component, including costs to read and understand the rule, costs to update procedures and train personnel on compliance, costs to revise web pages and apps for compliance, costs to modify existing contracts and subscriptions, costs to update disclosures, costs for record keeping, and any other compliance costs.

ii. Would any other requirement from the Vacated Rule change the costs of compliance? If so, how and to what extent?

c. How do the costs in your responses to the above questions vary by industry?

d. How do the costs in your responses to the above questions vary by business size?

e. How do the costs in your responses to the above questions vary by specific business processes, including third-party services, used to market and operate the negative option program (*e.g.,* how do costs vary by type of system for managing customer relationships or subscriptions)?

f. How do the costs in your responses to the above questions vary over time (in real dollars), in particular between initial first year compliance efforts and subsequent years?

3. What evidence supports your responses to the above questions?

4. What evidence do you have that either supports or contradicts the Final Regulatory Analysis, the Final Regulatory Flexibility Act Analysis, and the Paperwork Reduction Act Analysis in the Final Rule document for the Vacated Rule? [56]

E. Questions About Exemptions

The Commission will consider how to handle industry requests for exemptions from the requirements of a new rule. The Vacated Rule, for example, affirmed existing procedures for petitioning the Commission for an exemption and specified these procedures apply to petitions for both partial and full exemptions.[57] The Commission could take a similar approach to exemptions under a new rule and additionally consider supplementing the existing petition process with new procedural or substantive requirements. Alternatively, the Commission could expressly exempt particular segments of the marketplace from a new rule or apply any new requirements only to specific industries where unlawful negative option marketing practices are prevalent. The following questions solicit information and evidence for making this determination.

1. What procedure should the Commission use to decide requests for exemptions?

2. What criteria should the Commission use to decide requests for exemption?

3. What types of evidence should the Commission require petitioners to submit to support their exemption request?

4. How broadly should the Commission grant exemptions to such a new rule?

a. Should exemptions be limited to individual businesses or should it cover entire industries?

b. Should it be limited in time or in any other manner?

5. Should a new rule exempt certain businesses or industries from any of the four requirements discussed in Section VIII.D above or any other requirement from the Vacated Rule?

a. If so, which requirement(s) and why?

6. Conversely, should a new rule apply to certain industries only? If so, which industries, and why?

7. What evidence supports your responses to the above questions?

IX. Comment Submissions

The public is invited to submit comments on this document. The Commission will consider all timely and responsive comments it receives on or before April 13, 2026. Because of the agency's heightened security screening, postal mail addressed to the

[52] Vacated Rule at § 425.6. The Vacated Rule required the simple cancellation mechanism to be ''at least as easy to use'' as the mechanism used to obtain the consumer's consent to the negative option feature and specified certain minimum requirements.

[53] 89 FR 90476, 90517–37 (Nov. 15, 2024) (Sections X, XI, and XII).

[54] Please use the U.S. Small Business Administration's (''SBA'') standards for defining ''small business.'' *See Size Standards, https://www.sba.gov/federal-contracting/contracting-guide/size-standards.* SBA defines ''small business'' by NAICS code based on either employment levels or annual receipts.

[55] Current costs include fixed costs as well as costs that vary with production.

[56] 89 FR 90476, 90517–37 (Nov. 15, 2024) (Sections X, XI, and XII).

[57] Vacated Rule at § 425.8. Section 18 of the FTC Act provides that any affected person may petition the Commission for an exemption from a rule proscribing unfair or deceptive acts or practices. 15 U.S.C. 57a(g). The Commission Rules incorporated this right into 16 CFR 1.16. The vacated Rule specified this right covers both petitions for partial and full exemptions and designated the procedures under 16 CFR 1.31 for resolving such petitions.

Commission will be delayed. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. If you prefer to file your comments on paper, write ''Negative Option Rule ANPRM, Project No. P064202'' on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex N), Washington, DC 20580.

For comments submitted online through the *https://www.regulations.gov* website, you are solely responsible for making sure your comment does not include any sensitive personally identifiable or health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website. Once your comment has been posted there—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website unless you submit a written confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request. Such requests must be clearly labeled ''Confidential,'' must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c).

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, *see https://www.ftc.gov/site-information/privacy-policy.*

X. Regulatory Review

E.O. 14215 requires all executive branch departments and agencies to submit all their proposed and final significant regulatory actions to the Office of Management and Budget (OMB) for review. E.O. 12866 says that agencies should assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and distributive impacts).

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2026–04952 Filed 3–12–26; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

16 CFR Chapter I

RIN 3084–AB88

Rule on Unfair or Deceptive Rental Housing Fee Practices

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking; request for public comment.

SUMMARY: The Federal Trade Commission (''Commission'') proposes to commence a rulemaking proceeding to address unfair or deceptive acts or practices relating to advertised rent and other fees and charges in the rental housing industry. To assist the Commission in determining the existence and prevalence of any such potentially unfair or deceptive practices and exploring ways to address them, the Commission is soliciting written comment, including data and argument, concerning such fees and charges throughout a lease lifecycle, from application to move out. The Commission is soliciting such public comment to determine the need for a rule to prevent persons, entities, and organizations from engaging in unfair or deceptive practices in connection with rental housing fees and charges, such as advertising rent that fails to include all mandatory fees or charges, imposing fees and charges without express informed consent, and misleading consumers about the nature and purpose of fees or charges.

DATES: Comments must be received on or before April 13, 2026.

ADDRESSES: Members of the public may file a comment online or on paper by following the instructions in the Comment Submissions part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Unfair or Deceptive Rental Housing Fee Practices ANPRM, Project No. R207011'' on your comment and file your comment online at *https://www.regulations.gov*. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex R), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Annette Soberats, *asoberats@ftc.gov,* 202–326–2921; Karen Mandel, *kmandel@ftc.gov,* 202–326–2491; Edwin Rodriguez, *erodriguez@ftc.gov,* 202–326–3147, Attorneys, Division of Advertising Practices.

SUPPLEMENTARY INFORMATION:

I. General Background Information

The Commission publishes this advance notice of proposed rulemaking (''ANPRM'') pursuant to section 18 of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 57a, the provisions of part 1, subpart B, of the Commission's Rules of Practice, 16 CFR 1.7–1.20, and 5 U.S.C. 553. This authority permits the Commission to promulgate, modify, and repeal rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

II. Objectives the Commission Seeks To Achieve and Possible Regulatory Alternatives

A. Background

Consumers in the market today for rental housing, including renters and prospective renters, must navigate a wide array of hidden or misleading fees and charges that can appear at every stage of the rental cycle—from application to move out. These fees and charges obscure the total rent, causing renters to pay well above what is advertised. For consumers of all ages—from young singles to families to older adults—the gap between the advertised rent and the true total rent, including all mandatory fees and charges, may be more than they can afford.[1] More than half of renters are ''cost-burdened, spending at least 30% of their income on rent'' and, as a result, struggle to afford other basic necessities.[2] In 2023,

[1] *See* Allaire Conte, *Rent Isn't What It Seems: The Hidden Fees Driving Up Housing Costs and the States Taking Action* (Sept. 23, 2025), *https://www.realtor.com/advice/rent/hidden-rental-fees-state-laws/.*

[2] *See, e.g.,* E.O. 13878, 84 FR 30853 (June 25, 2019) (''In 2017, approximately 37 million renter and owner households spent more than 30 percent of their incomes on housing, with more than 18 million spending more than half of their incomes on housing. Between 2001 and 2017, the number of renter households allocating more than half of their incomes toward rent increased by nearly 45 percent. These rising costs are leaving families with fewer resources for necessities such as food,

Continued

for example, consumers experienced ''the largest annual real increase in rental costs since at least 2011.'' [3]

Recent renter surveys and reports confirm the importance of price transparency to renters.[4] Unfortunately, consumers nationwide who are searching for rental housing struggle to learn the true total rent of a property. Rental property owners, rental property managers, and third-party property management software providers, listing services, and online rental platforms (together, ''rental housing providers'') often advertise rents that fail to include all mandatory fees and charges.

Consumers seek rental housing that is affordable and within their budget.[5] The failure to advertise the true total rent and to clearly and conspicuously disclose fees or charges and their nature and purpose impairs consumers' ability to comparison shop for rental housing and to make informed financial decisions, increasing search costs.[6] These practices also may undermine competition in the rental housing market, specifically, adversely impacting the incentives of rental housing providers who do advertise the true total rent, which may impede the market's ability to operate as efficiently as it otherwise would.[7]

B. Description of the Area of Inquiry

According to the U.S. Census Bureau's *2024 American Community Survey,* nearly 35% of households live in rented homes.[8] Rental housing providers often advertise rents that fail to include all mandatory fees and charges. These mandatory fees and charges are proliferating and go by many different names—lifestyle fees, amenity fees, maintenance fees, common area maintenance fees, pest control fees, parking fees, technology fees, smart home fees, trash collection fees, repair fees, administrative fees, utilities-related fees, air filter delivery fees, move-in fees, community fees, renters' insurance fees, payment processing fees, convenience fees, January fees, roommate fees, guest fees, high risk fees, mail sorting fees, fees to rent month-to-month instead of on an annual basis—to name just a few.[9] Indeed, a 2025 report found that more than 70% of renters reported having to pay at least one mandatory fee or charge aside from the monthly rent.[10] Furthermore, the nature and purpose of some fees, including processing, convenience, and administrative fees, are often undisclosed or unclear to consumers.[11]

Often it is not until lease signing or the first bill that rental housing providers disclose additional mandatory one-time or recurring charges, further inflating the total cost of rental housing.[12] Yet by this time, consumers have likely already paid significant fees or charges during the application process and potentially incurred other unavoidable costs, such as investing significant time searching for rental properties, paying moving-related expenses and ending a prior lease. The overarching concern is that hidden and misleading fees provide no competitive benefits to the market or consumers but instead are designed to impede consumer choice and extract consumer surplus from renters who have invested time and energy into shopping for a rental property.[13]

Even before entering a lease, when applying for rental housing, consumers often have to pay significant mandatory, non-refundable, one-time fees and charges without a clear understanding of the true total rent of the unit or property for which they are applying.[14] Indeed, multiple fees and charges—application fees, screening fees, approval fees, credit reporting fees, and reservation or holding fees—can apply. One source reports recent data indicating that the average renter submits two applications, with the median application fee being $50 per application.[15] Another source indicates that, typically, each renter older than 18 has to submit and pay a separate fee for their own application.[16]

In addition, security deposits are a significant charge many renters are required to pay at the start of a lease. According to one survey, 83% of renters pay a security deposit, with the median security deposit reaching $795 in 2025.[17] Yet, despite the substantial size

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healthcare, clothing, education, and transportation, negatively impacting their quality of life and hindering their access to economic opportunity.''); Press Release, U.S. Census Bureau, *More Than 19 Million Renters Burdened by Housing Costs* (Dec. 8, 2022), *https://www.census.gov/newsroom/press-releases/2022/renters-burdened-by-housing-costs.html* (data from 2017–2021 period).

[3] Chairman Andrew N. Ferguson, *Concurring Statement of Chairman Andrew N. Ferguson Regarding FTC* v. *Greystar Real Estate Partners* (Dec. 2, 2025) (quoting U.S. Census Bureau, *Cost of Rent and Utilities Rose Faster Than Home Values in 2023* (Sept. 12, 2024), *https://www.census.gov/library/stories/2024/09/acs-rent-burden.html*); *see also* Presidential Mem., *Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis* (Jan. 20, 2025) (''Hardworking families today are overwhelmed by the cost of fuel, food, housing, automobiles, medical care, utilities, and insurance.''), *https://www.whitehouse.gov/presidential-actions/2025/01/delivering-emergency-price-relief-for-american-families-and-defeating-the-cost-of-living-crisis/*.

[4] *See, e.g.,* Zillow, Inc., *Zillow's Commitment to Transparent Rental Pricing for Renters and Housing Providers* (Nov. 6, 2025), *https://www.zillowgroup.com/news/transparent-rental-pricing-for-renters-and-housing-providers/;* Zillow, Inc., *Renters: Results from the Zillow Consumer Housing Trends Report 2025* (Oct. 27, 2025), *https://www.zillow.com/research/renters-housing-trends-report-2025-35647/* (citing U.S. Census Bureau, *2023 American Community Survey*); *Apartments.com, 2025 Data: Renters Want Transparent Pricing in Rental Listings* (Aug. 8, 2025), *https://www.apartments.com/rental-manager/resources/listing/transparent-pricing*; SatisFacts, *Biennial Online Renter Study* (Sept. 2025), *https://www.satisfacts.com/researchfindings/biennial-online-renter-study-september-2025-release/*.

[5] Zillow, *Renters: Results from the Zillow Consumer Housing Trends Report 2025, supra* note 4 (finding that 94% of renters surveyed deemed staying within their budget ''essential'').

[6] *See* Howard Beales & Todd J. Zywicki, *Junkyard Dogs: The Law and Economics of* ''*Junk*'' *Fees* (May 11, 2023) at 3–5, CPI Antitrust Chronicle, April 2023, George Mason Law & Economics Research Paper No. 23–10, *https://ssrn.com/abstract=4446501*.

[7] *Id.*

[8] U.S. Census Bureau, *2024 American Community Survey,* Table DP04, *https://data.census.gov/table/ACSDP1Y2024.DP04?q=DP04* (indicating that more than one hundred million people live in forty-six million renter-occupied units; that the median rent paid for these units, when paid, is $1,487; and that many renters pay a significant portion of their income on total rent, including mandatory fees and charges: 59% of renters pay more than 25% of their income on total rent and 39% of renters pay more than 35% of their income on total rent).

[9] *See, e.g.,* Susan Finch, *What are Hidden Costs to Watch for When Renting?* (July 9, 2025), *https://www.apartmentlist.com/renter-life/hidden-costs-of-renting*.

[10] Zillow, *Renters: Results from the Zillow Consumer Housing Trends Report 2025, supra* note 4 (citing U.S. Census Bureau, *2023 American Community Survey*).

[11] *See, e.g., FTC and State of Colorado* v. *Greystar Real Estate Partners, LLC,* No. 25–cv–00165 (D. Colo. Stipulated Final Order entered Dec. 12, 2025) (requiring rental housing provider to clearly and conspicuously display total monthly rent and mandatory fees to resolve allegations that it misrepresented the true total rent by displaying a deceptively low rent that excluded several mandatory recurring fees); *see generally* Zillow, *Zillow's Commitment to Transparent Rental Pricing for Renters and Housing Providers, supra* note 4; Finch, *What are Hidden Costs to Watch for When Renting, supra* note 9.

[12] *See, e.g., Greystar Real Estate Partners,* No. 25–cv–00165; *see generally* Zillow, *Zillow's Commitment to Transparent Rental Pricing for Renters and Housing Providers, supra* note 4; Finch, *What are Hidden Costs to Watch for When Renting, supra* note 9.

[13] *See* Beales & Zywicki, *supra* note [6], at 3 (''disclosing fees only on the back-end of a transaction or unnecessarily unbundling prices into multiple parts might provide no consumer benefit and instead might be designed to confuse consumers into paying a higher price, to raise search costs to finding the best deal, or to extract consumer surplus from consumers who have already made an investment of time or energy into shopping'').

[14] *See, e.g., Greystar Real Estate Partners,* No. 25–cv–00165.

[15] Zillow, *Renters: Results from the Zillow Consumer Housing Trends Report 2025, supra* note 4 (citing U.S. Census Bureau, *2023 American Community Survey*).

[16] *See, e.g.,* Zillow, Inc., *How Much Are Application Fees* (Oct. 28, 2025), *https://www.zillow.com/learn/how-much-are-apartment-application-fees/*.

[17] Zillow, *Renters: Results from the Zillow Consumer Housing Trends Report 2025, supra* note

of this charge, many consumers do not know, in advance, the circumstances in which their security deposits may not be refunded or what charges could offset full reimbursement.[18]

The Commission has taken several actions to identify and address unfair or deceptive rental housing fee practices, including research,[19] consumer education,[20] issuing warning letters,[21] conducting investigations and bringing enforcement actions,[22] and creating an intra-agency Rental Housing Working Group and engaging in public outreach on issues related to rental housing, including hidden and misleading fees and charges.[23]

Unfair and deceptive rental housing fee practices violate Federal law. As discussed below, the Commission has filed cases against certain rental housing providers for unfair and deceptive fee practices under the Commission's general authority to take action against unfair or deceptive acts or practices in commerce under section 5 of the FTC Act, 15 U.S.C. 45(a), (n), as well as its more specific authority under the Gramm-Leach-Bliley Act, 15 U.S.C. 6821(a)(2), which makes it illegal to use false, fraudulent, or fictitious statements or representations to obtain, attempt to obtain, cause the disclosure of, or attempt to cause the disclosure of customer information of a financial institution. Violations of the FTC Act and the Gramm-Leach-Bliley Act may be subject to legal action and Federal district court injunctions. In addition, companies or individuals that violate the Gramm-Leach-Bliley Act may be subject to civil penalties of up to $[53,088] per violation pursuant to section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A), and may be required to pay refunds to consumers or provide other relief pursuant to section 19(a)(1), 15 U.S.C. 57b(a)(1).

The Commission filed two cases in the past two years challenging unfair and deceptive fee practices by nationwide rental housing providers. In *FTC* v. *Invitation Homes Inc.,* No. 24–cv–04280 (N.D. Ga. Stipulated Final Order entered Sept. 27, 2024), the Commission alleged that Invitation Homes, the largest single family home rental housing provider in the country, violated section 5 of the FTC Act by, among other things, excluding mandatory monthly fees from the advertised rent, failing to disclose all mandatory monthly fees consumers must pay to rent a home, and misrepresenting and unfairly withholding deductions from security deposits. The Commission further alleged that Invitation Homes violated the Gramm-Leach-Bliley Act by falsely representing the price of a rental home and thereby obtaining or attempting to obtain customer information of a financial institution. Invitation Homes was ordered to change its fee practices to advertise the total rent including all mandatory fees, clearly and conspicuously disclose certain information about all fees, stop unfairly withholding security deposit deductions, and pay $48 million in consumer redress.

In *FTC and State of Colorado* v. *Greystar Real Estate Partners, LLC,* No. 25–cv–00165 (D. Colo. Stipulated Final Order entered Dec. 12, 2025), the Commission alleged that Greystar, the largest residential rental property owner and manager in the United States, violated section 5 of the FTC Act by misrepresenting the true cost of renting a property and by excluding mandatory, fixed fees from the advertised rent. The Commission further alleged that Greystar violated the Gramm-Leach-Bliley Act by using these false representations to induce consumers to provide their credit card or bank account information to pay nonrefundable application fees, thereby causing the disclosure of customer information of financial institutions. Co-plaintiff the State of Colorado made additional allegations under state law. Greystar was ordered to change its fee practices to most prominently advertise the total rent including all mandatory fees, clearly and conspicuously make certain disclosures about all fees, stop misrepresenting the rent and other fees, and pay $23 million in consumer redress and $1 million to the State of Colorado for costs and fees.

In addition, several states have passed laws and taken enforcement action to curb unfair or deceptive rental fee practices. For example, several states have enacted, or are in the process of enacting, statutes specifically to prohibit, to varying extents, practices such as advertising the price of a rental property without displaying most prominently a single total rent or imposing certain mandatory, undisclosed, or deceptive rental fees; some also may require rental housing providers to provide certain disclosures about rental fees or charges.[24] In addition, some states have enacted, or are in the process of enacting, statutes that generally prohibit unfair or

4 (citing U.S. Census Bureau, *2023 American Community Survey*).

[18] *See, e.g.,* Zillow, Inc., *What Are Security Deposits for Apartments?* (July 30, 2025) (cautioning renters to ask about security deposit policies and confirm the details before signing a lease), *https://www.zillow.com/learn/what-are-security-deposits-for-apartments/;* Zillow, Inc., *How to Get Your Security Deposit Back* (June 12, 2025) (reporting that, ''many renters anticipate getting their security deposit back'' but ''only about 40% of renters get their full deposit back, while nearly a quarter walk away empty-handed'' and discussing myriad steps renters should take to ensure their deposit is returned), *https://www.zillow.com/learn/get-your-security-deposit-back/.*

[19] *See, e.g.,* Joint FTC–CFPB Tenant Screening Request for Information, Docket ID FTC–2023–0024, *https://www.regulations.gov/docket/FTC-2023-0024* (publishing more than 600 comments received in response to a request for information on issues affecting renter background screening, including requests related to application fee costs and disclosures).

[20] *See, e.g.,* Fed. Trade Comm'n, Consumer Alert, *Moving This Summer? Watch for Rental Scams* (Aug. 18, 2025), *https://consumer.ftc.gov/consumer-alerts/2025/08/moving-summer-watch-rental-scams*; Larissa Bungo, Fed. Trade Comm'n, Consumer Alert, *FTC Says Invitation Homes Was Anything But Inviting* (Sept. 24, 2024), *https://consumer.ftc.gov/consumer-alerts/2024/09/ftc-says-invitation-homes-was-anything-inviting*; Anna Burns, Fed. Trade Comm'n, Consumer Alert, *What Issues Do Renters Face* (June 27, 2024), *https://consumer.ftc.gov/consumer-alerts/2024/06/what-issues-do-renters-face.*

[21] Press Release, Fed. Trade Comm'n, *FTC Sends Warning Letters to 13 Property Management Software Providers Nationwide* (Dec. 9, 2025), *https://www.ftc.gov/news-events/news/press-releases/2025/12/ftc-sends-warning-letters-13-property-management-software-providers-nationwide?utm_source=govdelivery.*

[22] *See, e.g., FTC* v. *Invitation Homes Inc.,* No. 24–cv–04280 (N.D. Ga. Stipulated Final Order entered Sept. 27, 2024); Press Release, Fed. Trade Comm'n, *FTC Takes Action Against Invitation Homes for Deceiving Renters* (Sept. 24, 2024), *https://www.ftc.gov/news-events/news/press-releases/2024/09/ftc-takes-action-against-invitation-homes-deceiving-renters-charging-junk-fees-withholding-security* (hereinafter, *Invitation Homes Press Release*); *Greystar Real Estate Partners,* No. 25–cv–00165; Press Release, Fed. Trade Comm'n, *Greystar Agrees to Pay $24 Million and Stop Deceptive Advertising Practices as a Result of FTC and Colorado Lawsuit Alleging the Firm Deceived Consumers About Rent Prices* (Dec. 2, 2025), *https://www.ftc.gov/news-events/news/press-releases/2025/12/greystar-agrees-pay-24-million-stop-deceptive-advertising-practices-result-ftc-colorado-lawsuit* (hereinafter, *Greystar Press Release*).

[23] *Invitation Homes Press Release, supra* note 20 (''Earlier this year, the FTC formed an agency-wide Renters Working Group to examine unfair, deceptive, and anticompetitive practices affecting renters. The Commission is holding listening sessions to hear directly from renters. . . .'').

[24] H.B. 25–1090, 2025 Reg. Sess. (Colo. 2025); S.B. No. 3, Pub. Act No. 25–44 (Conn. 2025); S.B. 251, 2025–2026 Reg. Sess. (Ga. 2025); S.B. 1039, 67th Leg., 1st Reg. Sess. (Idaho 2023), Idaho Codes and Stat. sec. 55–314 (2024); S.B. 1964, 104th Gen. Assemb. (Ill. 2025); L.D. 1490, 131st Leg. (Me. 2024), Me. Rev. Stat. sec. 6030–J (2024); H.B. 1257, 2025 Leg., Reg. Sess. (Md. 2025) (engrossed); S.B. 984, 194th Gen. Ct. (Mass. 2025); S.B. 375, 103rd Leg., Reg. Sess. (Mich. 2025); Minn. Stat. sec. 504B.120 (2025); L.B. 17, 109th Leg., 1st Sess. (Neb. 2025); A.B. 121, 83rd Leg. (Nev. 2025); H.B. 283, 2024 Reg. Sess. (N.H. 2024); S.B. 267, 2025 Reg. Sess. (N.M. 2025); S.B. 430, 2025 Reg. Sess. (Or. 2025); S.B. 2643, 2024 Reg. Sess. (R.I. 2024); H.B. 4305, 89th Leg. (Tex. 2025–2026); H.B. 68, 2021 Gen. Sess. (Utah 2021); S.B. 91, 2025–2026 Reg. Sess. (Vt. 2025); H.B. 2430, 2025 Reg. Sess. (Va. 2025).

deceptive pricing practices, such as advertising a price for goods and services that does not include all mandatory fees and charges.[25] Such statutes could also be used to challenge unfair or deceptive rental fee practices. However, even those state laws that do exist only address some aspects of the many unfair or deceptive rental fee practices that harm renters across the country.

Numerous states have also filed legal actions challenging rental fee practices under state law.[26] In some instances, renters have also sought to challenge unfair or deceptive rental fee practices through private legal actions.[27] Similar to the State laws addressed above, however, such legal actions only address some aspects of the harmful fee practices in the rental industry.

In addition, commenters to the Commission's earlier Unfair or Deceptive Fees Rulemaking described the prevalence of many potentially unfair or deceptive rental housing fee practices. Individuals, national and local consumer interest groups, legal services entities, and elected officials highlighted the prevalence of hidden and misleading rental fees that inflate the cost of rental housing beyond what is advertised and problematic practices concerning fees imposed during the application process and throughout the term of a lease.[28]

Concerns raised by commenters include: (a) the lack of pricing transparency; (b) fees and charges that may exceed the cost of a good or service to the rental housing provider, pay for goods or services not ultimately provided, or represent charges for goods or services that the rental housing provider already is legally obligated to provide (*e.g.,* pest fees, fees to maintain the furnace to provide heat, security deposit deductions for normal wear and tear or preexisting damage) or that consumers would expect to be included in the rent; and (c) fee practices that inhibit consumer choice by requiring renters to use a certain service provider.[29]

Rental housing providers and their representatives, including local and national housing groups and associations, commented that advertised rents are often only ''base'' rents to which other fees and charges are later added, because many rental fees are conditional or usage-based and, therefore, are unknown upfront.[30] They observed that the rental relationship is ongoing and that fees are disclosed in the rental lease and throughout the lifecycle of the lease term as new circumstances arise.[31] They also argued that regulation at the Federal level is unnecessary given existing State and local laws.[32]

In the Unfair or Deceptive Fees Rulemaking, the Commission determined, in its discretion, to proceed incrementally and not include rental housing as part of that rulemaking.[33] Based on the relevant information discussed above, the Commission's current view is that unfair and deceptive rental fee practices like those challenged in *Invitation Homes* and *Greystar,* those that have been the subject of State legislation and law enforcement and individual lawsuits, and others identified by commenters to the Unfair or Deceptive Fees Rulemaking and in recent renter surveys and reports, appear to be prevalent and may require additional Commission action. As Chairman Ferguson underscored in his *Concurring Statement* regarding *Greystar:* ''the Commission's work on this case has revealed that the problem involving misleading pricing representations in America's rental markets is not limited to Greystar, and today's order will not fully resolve this problem.'' [34]

C. Objectives and Regulatory Alternatives

The Commission believes a rule addressing unfair or deceptive rental housing fee practices could help reduce the level of unlawful activity in this area, serving as a deterrent against these practices because such a rule would allow for civil penalties to be sought against violators.[35] It also would enable the Commission to more readily obtain redress for consumers through section 19(a)(1) of the FTC Act, 15 U.S.C. 57b(a)(1).

Although the Commission has brought cases that challenge rental housing fee practices under section 5 of the FTC Act, 15 U.S.C. 45, and other statutes, its current remedial authority is limited. The U.S. Supreme Court held equitable monetary relief, including consumer redress, is unavailable under section 13(b) of the FTC Act.[36] Consumer redress under section 19(a)(2), 15 U.S.C. 57b(a)(2), is limited and challenging to obtain, significantly diminishing the Commission's ability to provide timely relief to injured consumers in this critical area. Moreover, to the extent that these practices are prevalent, unlawful pricing practices and an unfair playing field persist despite the Commission's actions to date—case-by-case enforcement,

[25] *See, e.g.,* S.B. 180, 33rd Leg., Reg. Sess. (Alaska 2023–2024); S.B. 478, 2023 Reg. Sess. (Cal. 2023), Cal. Civ. Code sec. 1770(a); 940 C.M.R. sec. 38.00 (Mass. Att'y Gen. Off.); H.F. 3438, 93rd Leg., Reg. Sess. (Minn. 2024), Minn. Stat. sec. 325D.44 (2025); S.B. 363, 2025–2026 Gen. Assemb. (N.Y. 2025); S.B. 986, 2025 Reg. Sess. (Okla. 2025) (in committee); S.B. 430, 2025 Reg. Sess. (Or. 2025).

[26] *See, e.g., Commonwealth* v. *Creshem Valley Realty Co.,* No. 230701198 (Pa. Com. Pl., Compl. filed July 13, 2023), *https://www.attorneygeneral.gov/wp-content/uploads/2023/07/230713-SBG-CIE-packet.pdf; State* v. *Populum Real Estate Holdings, LLC,* No. 2024CV30023 (Colo. Dist. Ct., Stip. Final Consent J. filed Jan. 8, 2024), *https://coag.gov/app/uploads/2024/01/2024-01-08-16-17-07-Four-Star-Final-Consent-Judgment.pdf*; *Office of the Attorney General* v. *786 Property Management, Inc.* (Assurance of Discontinuance announced Aug. 31, 2023), *https://oag.maryland.gov/News/Documents/2023/083123a.pdf*; *State* v. *Berrada Props. Mgmt. Inc.,* No. 2023AP1031–LV (Consent J. entered Dec. 18, 2024), *https://www.wisdoj.gov/PressReleases/2.20.25_Berrada_Update.pdf; City of Cincinnati* v. *VineBrook Homes, LLC,* (Compl. filed Jan. 18, 2023), *https://www.scribd.com/document/620563275/Cincinnati-vs-VineBrook-Complaint*).

[27] *See, e.g., Horton* v. *Bernstein Mgmt. Corp.,* No. 2025–CAB–004502 (DC Super. Ct. filed July 11, 2025) (challenging under District of Columbia law the advertising of total applicable rent that did not include a mandatory air conditioning fee); *Valencia Rios* v. *Belvedere NRDE, LLC,* No. 25–cv–474 (E.D. Va. filed June 23, 2025) (challenging under state law the imposition of mandatory pest and common area fees on renters for maintenance that is the legal responsibility of the rental housing providers); *Hall* v. *Camden Development, Inc.*, No. 16–cv–24–005335 (Prince George's Cty. Md. Cir. Ct. filed Nov. 11, 2024, removed Feb. 5, 2025 to D. Md., No. 25–cv–366, remanded Oct. 17, 2025 to Prince George's Cty. Md. Cir. Ct.) (challenging under state law the imposition of undisclosed or misleading mandatory community, technology, and online service fees plus use of a ratio utility billing system).

[28] Publicly posted comments are available to view through *Regulations.gov* under Docket ID FTC–2022–0069 at *https://www.regulations.gov/docket/FTC-2022-0069/comments* (hereinafter, *Fees Rule Comments*); *see also, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR 2066, 2074–2076, 2087–2088, 2102–2103 (Jan. 10, 2025), *https://www.federalregister.gov/documents/2025/01/10/2024-30293/trade-regulation-rule-on-unfair-or-deceptive-fees.*

[29] *Fees Rule Comments; see also, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR at 2074–2076, 2087–2088, 2102–2103.

[30] *Fees Rule Comments; see also, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR at 2070–2071.

[31] *Fees Rule Comments; see also, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR at 2093.

[32] *Fees Rule Comments; see also, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR at 2106.

[33] *See, e.g.,* Statement of Basis and Purpose, Rule on Unfair or Deceptive Fees, 90 FR at 2089, 2119.

[34] *See Concurring Statement of Chairman Andrew N. Ferguson Regarding FTC* v. *Greystar Real Estate Partners, supra* note 3.

[35] *See* 15 U.S.C. 45(m)(1)(A).

[36] *See AMG Cap. Mgmt., LLC* v. *FTC,* 141 S. Ct. 1341, 1352 (2021). *See generally* Fed. Trade Comm'n, Notice of Proposed Rulemaking: Trade Regulation Rule on Impersonation of Government and Businesses, 87 FR 62741 (Oct. 17, 2022) (describing in greater detail the Commission's perspective that promulgating new rules can be worth the cost because of the benefit in providing consumer redress when lawbreakers violate not only section 5 of the FTC Act but also a specific rule promulgated under section 18 or treated as such).

warning letters, public outreach, and consumer education.

The Commission requests input on whether and how it should use its authority under section 18 of the FTC Act, 15 U.S.C. 57a, to address unfair or deceptive acts or practices involving rental housing fees and charges. Specifically, to assist the Commission in deciding whether it should engage in rulemaking and what the coverage of any such rule should be, the Commission seeks public comment about the rental housing fee practices discussed in Section II.B and any other potentially unfair or deceptive rental fee practices. These practices include: (a) failing to disclose clearly and conspicuously or misrepresenting the total rent for a unit or property, the existence of any fees or charges that are mandatory or not reasonably avoidable for a unit or property, or the nature and purpose of any fee or charge, including that the amount exceeds the cost of a good or service or pays for services not ultimately provided; (b) failing to disclose clearly and conspicuously or misrepresenting whether fees, charges, goods, or services are mandatory or optional, or any material restriction, limitation, or condition that may result in a mandatory fee or charge or that may diminish a consumer's use of a rental unit or property; (c) misrepresenting that a consumer owes payments for any fees or charges that a consumer did not agree to incur; (d) billing consumers fees or charges, or for goods or services, without express, informed consent, or that rental housing providers are legally obligated to provide, or that consumers would reasonably believe to be included in the total rent; and (e) inhibiting consumer choice including by requiring renters and prospective renters to use a certain service provider.

The Commission seeks comment on, among other things, the prevalence of each of the above practices, the costs and benefits of a rule that would require the clear and conspicuous disclosure of the total rent including all mandatory fees and charges whenever consumers are quoted a price for a rental unit or property, and other potential rule requirements to curtail unfair or deceptive rental housing fee practices. The Commission also seeks comment on alternatives to or additional actions to supplement such a rulemaking, such as publishing additional consumer and business education materials and hosting public workshops. In their replies, commenters should provide any available evidence and data that support their position, such as empirical data, consumer-perception studies, and consumer complaints.

D. The Rulemaking Process

The Commission seeks the broadest participation from the public in response to this ANPRM. The Commission encourages all members of the public to submit written comments. After reviewing responsive comments, the Commission may proceed with further steps outlined in section 18 of the FTC Act and Part 1, Subpart B, of the Commission's Rules of Practice.

III. Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant to the Commission's consideration of the proposed rulemaking. In addition to the issues raised above, the Commission solicits public comment on the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. For all questions, the Commission seeks commenters' views, arguments, experiences, and the qualitative and quantitative data, evidence, and analyses that support or inform their answers.[37] The Commission requests that commenters be specific, explain their reasoning, and submit all factual data, evidence, and analyses such as the empirical data upon which the comments are based. For questions that ask about potential rule requirements (for example, Questions 55–74), the Commission requests that commenters discuss how any such changes differ from current practices, how such requirements would benefit consumers, including data, evidence, and analyses on both monetary and non-monetary benefits, and what such requirements would cost rental housing providers, including data, evidence, and analyses on capital and labor costs, and how such costs vary with the size and type of the property owners. The Commission must receive comments on or before April 13, 2026.

Questions About the Rental Housing Industry and Rental Fees and Charges

1. What is the type and role of each person, entity, or organization involved in advertising and providing rental housing, billing and collecting rent, and imposing any other fee or charge on renters and prospective renters, including, but not limited to, rental housing providers (previously defined in Section II.A as rental property owners, rental property managers, and third-party property management software providers, listing services, and online rental platforms)?

2. How do rental housing providers determine the advertised rent? What is included in, and excluded from, the advertised rent?

3. What is a ''base'' rent? What is included in, and excluded from, a ''base'' rent?

4. What percentage of the rental housing market advertises a monthly rent versus rent based on another time period?

a. What other time periods are advertised?

5. What percentage of the rental housing market advertises a rent that does not include all mandatory fees and charges?

a. What factors contribute to the use of such advertised rents?

b. What rental housing property types most often use such advertised rents?

6. What percentage of the rental housing market advertises a total rent that includes all mandatory fees and charges?

a. What factors contribute to the use of such total rent in advertising?

b. What rental housing property types most often advertise a total rent?

7. Historically, what changes have occurred with respect to including or excluding different types of mandatory fees and charges from advertised rents?

a. When did advertised rents start to itemize or unbundle each different type of mandatory fee or charge?

8. How widespread is the practice of failing to disclose clearly and conspicuously in any offer, display, or advertisement for rental housing the total rent including all mandatory fees and charges?

a. How widespread is the practice of failing to include mandatory recurring fees and charges in advertised rent?

b. How widespread is the practice of failing to include mandatory one-time fees and charges in advertised rent?

9. How common is it for rental housing providers to advertise the total rent including all mandatory fees and charges more prominently than any other pricing information?

10. How widespread is the practice of failing to disclose clearly and conspicuously fees and charges that have been excluded from advertised rent before renters or prospective renters consent to pay for rental housing?

[37] *See* Fed. Trade Comm'n, Public Participation in the Rulemaking Process, *https://www.ftc.gov/enforcement/rulemaking/public-participation-rulemaking-process*. Commenters who filed comments on other rulemaking dockets that address related issues, such as the notice of proposed rulemaking concerning a Trade Regulation Rule on Unfair or Deceptive Fees, 88 FR 77420 (Nov. 9, 2023), and who want to ensure their comments are considered in response to this ANPRM should update them, as commenters think appropriate, and re-file them on this rulemaking docket on *www.regulations.gov*.

a. How widespread is the practice of failing to disclose the nature, purpose, and amount of any such fee or charge?

b. How widespread is the practice of failing to disclose the identity of the good or service for which such fee or charge is imposed?

11. How widespread is the practice of misrepresenting in any offer, display, or advertisement for rental housing any fee or charge, including: the nature, purpose, amount, or refundability of any fee or charge; and the identity of the good or service for which the fee or charge is imposed?

12. How widespread is the practice of misrepresenting mandatory fees or charges as optional and vice versa?

a. How widespread is the practice of misrepresenting that fees or charges are imposed by a government entity?

13. What mandatory fees or charges do renters or prospective renters incur?

a. What percentage of total rent do these fees or charges reflect?

14. What optional fees or charges do renters or prospective renters incur?

a. What percentage of total rent do these fees or charges reflect?

15. In addition to a rental housing unit or property, what goods or services do rental housing providers provide to renters or prospective renters?

a. For which of these goods or services do rental housing providers impose a mandatory fee or charge as a condition for obtaining or occupying rental housing?

16. In addition to a rental housing unit or property, what goods or services do third parties provide to renters or prospective renters and do rental housing providers collect payment for these goods and services?

a. For which of these goods or services do rental housing providers impose a mandatory fee or charge as a condition for obtaining or occupying rental housing?

17. For what durations of time do renters occupy units and what fees do they end up paying for the duration of their residency? Please provide any data at a detailed level, such as a residential unit or property, including renter tenure and rent and any other fee payments. For example, this could include evidence, data, or analyses related to:

a. Lease term duration (for example, 12 months), advertised rent, and payments.

b. List of all recurring fees that are excluded from advertised rent, their nature, purpose, amount, refundability, and when and how such fees are disclosed, and actual payments received and refunds issued.

c. List of all one-time fees or charges that are excluded from advertised rent, when they are imposed (for example, before or after move-in, during or at the beginning or end of a lease term, or at or after move-out), their nature, purpose, amount, refundability, and when and how such fees are disclosed, and actual payments received and refunds issued.

d. Lease renewals, early terminations, evictions, and lease-breaking penalties.

18. How widespread is the practice of imposing fees or charges for goods or services that consumers would reasonably believe to be included in the advertised rent?

a. What fees and charges would consumers reasonably believe are included in the advertised rent?

19. Is there any material difference between the terms ''mandatory,'' ''required,'' ''unavoidable,'' and ''not reasonably avoidable'' as used in the rental housing industry?

a. Are there any other terms used in the rental housing industry that convey that a fee, charge, good, or service is mandatory or otherwise unavoidable?

20. How widespread is the practice of advertising a rent and failing to disclose clearly and conspicuously or misrepresenting any material restriction, limitation, or condition that may prevent renters from obtaining housing at the advertised rent?

a. How and to what extent are such material restrictions, limitations, or conditions undisclosed or misrepresented?

21. What impediments, if any, exist that impact the ability of rental housing property owners and managers to advertise the total rent in their own advertising and in advertising involving third-party service providers, such as property management software providers, listing services, and online rental platforms?

22. What roles do third-party service providers, such as property management software providers, listing services, and online rental platforms, play in the advertising of rental housing pricing information, including total rent?

a. How common is it for rental housing property owners and managers to use each such third-party service provider?

b. How do rental housing property owners and managers use each such third-party service provider?

c. How do rental housing property owners and managers transmit rental pricing information to each such third-party service provider?

d. How and to what extent does the technology used by such third-party service providers limit the ability of rental property owners and managers to accurately advertise total rent or other pricing information, including all fees and charges?

e. How common is it for such third-party service providers to limit the ability of rental property owners and managers to accurately advertise the total rent and other rental pricing information, including all fees and charges?

23. What is the state of the technology to facilitate advertising that lists the total rent including all mandatory fees and charges?

a. What technological changes could be made to facilitate or automate advertising total rent?

b. What challenges, obstacles, or technological barriers do third-party service providers, such as property management software providers, listing services, and online rental platforms, face in obtaining and displaying pricing information from property owners or managers, including the total rent and all mandatory and optional fees or charges and their nature and purpose?

c. What is the state of the technology in allowing consumers to search for and sort rental housing by total rent?

24. What mandatory fees or charges imposed by rental housing providers are contingent on renter choice, behavior, or circumstances and which are tied to the property and not to renter choice, behavior, or circumstances?

25. What mandatory fees or charges imposed by rental housing providers truly cannot be known, calculated, or estimated at the time that rental housing is advertised or at the entry of a lease?

26. What mandatory fees or charges imposed by rental housing providers can be calculated or estimated using historical data such as annual budget reconciliations, from objective measures such as a pro-rata share, or otherwise calculated or estimated for planning purposes?

27. For rental housing providers that charge or collect payment for utilities, is it feasible to include actual or estimated utility expenses in the total rent, including where utilities are subject to a ratio utility billing system (''RUBS'')?

28. How do rental housing providers calculate monthly utility charges, including where utilities are subject to a RUBS?

29. How common is it for rental housing providers to impose a fee or charge on renters for preparing, providing, or processing utility bills?

30. What one-time fees or charges must renters and prospective renters pay to obtain rental housing?

a. How widespread is the practice of imposing these one-time charges?

31. How widespread is the practice of imposing application, holding, and

reservation fees or charges to obtain rental housing?

32. What are the average amounts of application, holding, and reservation fees or charges?

33. What are the costs of evaluating applications and how much do they vary across rental housing providers?

34. Are application, holding, and reservation fees or charges most commonly refundable, non-refundable, or credited to rent?

35. Are application, holding, and reservation fees or charges charged to all prospective renters or only those who have a viable chance of securing the unit or property in question?

a. How common is it for rental housing providers to impose such fees or charges and not fully process applications?

b. How common is it for rental housing providers to impose such fees or charges for a unit or property that already has been reserved by another renter?

c. How common is it for rental housing providers to impose such fees or charges on multiple prospective renters at the same time for the same unit or property?

36. What criteria do rental housing providers use to determine the refundability of a security deposit?

a. When and how are such criteria communicated to renters and prospective renters?

37. What happens to one-time fees and charges such as application fees and security deposits when renters' or prospective renters' applications are accepted or rejected? Please provide any data at a detailed level, such as a residential unit or property, including tenant application behavior, or any analysis of such data. For example, this could include evidence, data, or analyses related to:

a. Renters or prospective renters who paid an application fee, signed a lease, had their application denied, or did not ultimately rent the unit, including the number and amount of these payments.

b. Renters or prospective renters who paid a holding fee or deposit, the amount, and whether it was refunded or applied to rent, to a security deposit, or to another fee or charge, including the number and amount of these payments.

c. Renters or prospective renters who paid an application fee and holding fee or deposit, but the unit was unavailable, including the number and amount of these payments.

d. Renters or prospective renters who received a refund of any fees paid, including the number of renters or prospective renters and amount of the refund.

38. How widespread is the practice of failing to disclose clearly and conspicuously or misrepresenting fees or charges imposed in connection with terminating a rental housing lease or contract?

a. How and to what extent are those fees or charges undisclosed or misrepresented?

39. Under what circumstances or criteria are fees or charges refundable to renters and potential renters?

40. When and how do rental housing providers disclose mandatory fees or charges (including application, holding, and reservation fees, and security deposits) and their nature and purpose, to renters and prospective renters?

a. When and how do renters and prospective renters expect rental housing providers to disclose these fees and charges?

41. When and how do rental housing providers disclose government fees or charges, including taxes, that they pass through to renters and prospective renters?

42. When and how do rental housing providers disclose penalties or other fees or charges imposed on renters for late payment or for terminating a lease early?

43. How common is it for rental housing providers to use a cover sheet or the first page of the application or lease to list all fees and charges applicable to the renter (including mandatory, optional, variable, contingent fees or charges, and their nature, purpose, amount, and refundability), the total rent, and the total move-in cost?

a. How common is it for rental housing providers to use addenda to disclose such fees and charges, including their nature, purpose, amount, and refundability?

44. What requirements do rental housing providers impose on renters relating to payment method?

a. How common is it for rental housing providers to require renters to use a specific payment method or platform that incurs a mandatory fee?

b. How common is it for rental housing providers to provide free payment alternatives and what challenges, obstacles, or technological barriers may renters face in using them?

45. How common is it for rental housing providers to initially make a fee or charge optional (including whether the fee or charge is opt in or opt out), and later make it mandatory?

a. When and how is such a change disclosed to renters?

b. How quickly does the change take effect?

c. Is the change imposed on renters in the middle of a lease cycle or when a lease renews?

46. How common is it for rental housing providers to impose mandatory fees or charges after a renter enters a lease?

a. When and how are these changes disclosed to renters?

b. How quickly do such changes take effect?

c. Are these changes imposed on renters in the middle of lease cycles or when a lease renews?

47. How widespread is the practice of imposing fees or charges or billing for goods or services without the renter's express, informed consent?

a. To what extent are third parties engaging in such practices?

48. How widespread is the practice of requiring renters to use service providers (*e.g.,* cable/internet, plumbers, technicians) designated by the rental housing providers? How does this practice impact consumers' ability to receive such services at competitive rates and how does this practice impact competition among service providers?

49. How widespread is the practice of requiring renters to pay for services they do not use (*e.g.,* requiring renters to pay for a cable TV package)?

50. For each of the potentially unfair or deceptive practices described in Section II, does the practice harm consumers or competition?

a. If so, how does the practice harm consumers or competition?

51. For each of the potentially unfair or deceptive practices described in Section II, are there circumstances in which such practices would not be unfair or deceptive?

a. If so, what are those circumstances?

52. How widespread are the potentially unfair or deceptive practices described in Section II within geographic markets?

a. Are there competition effects such that the use of such practices by one or more rental housing providers leads to the proliferation of such practices by other rental housing providers?

b. Are rental housing providers using such practices as a way to appear cheaper relative to competitors?

53. How has the Commission's Rule on Unfair or Deceptive Fees [38] (16 CFR part 464) impacted the markets for live-event ticketing and short-term lodging, including, but not limited to:

a. What benefits and costs have arisen?

b. Has consumer search time changed?

[38] 90 FR 2066.

c. Have market prices and quantities shifted as a result of total price disclosures?

d. What costs have firms borne to satisfy the rule's disclosure requirements?

Please provide evidence, data, and analyses on both monetary and non-monetary benefits and costs.

54. How would the Commission's earlier proposal of an economy-wide rule on unfair and deceptive fees [39] have impacted relevant markets, including, but not limited to:

a. Have benefit-cost analyses been performed on the proposed total price disclosures either across the economy or with a specific focus on the rental housing market?

b. Would consumer search time change?

c. Would market prices and quantities shift as a result of the proposed total price disclosures?

d. What costs would firms bear to satisfy the proposed disclosure requirements?

Please provide evidence, data, and analyses on both monetary and non-monetary benefits and costs.

Questions About Potential Rule Provisions and Other Potential Commission Action

55. Is there a need for new rule provisions to prevent the potentially unfair or deceptive practices described in Section II?

a. If so, should the Commission issue a new rule and add a new part to 16 CFR chapter 1, subchapter D, or should the Commission amend the Rule on Unfair or Deceptive Fees (16 CFR part 464)?

b. How should each provision of the Rule on Unfair or Deceptive Fees (16 CFR part 464) be amended, if necessary, to apply to rental housing fees and charges?

56. How should such a rule be crafted to maximize the benefits to consumers and to minimize the costs to businesses, including small businesses?

57. What terms would such a rule need to define (for example, rental housing or rental housing providers) and how should such a rule define those terms?

58. Should such a rule prohibit rental housing providers from offering, displaying, or advertising any price of rental housing without clearly and conspicuously disclosing total rent that includes all mandatory fees and charges?

a. Should such a rule require total rent to include all mandatory recurring fees and charges (for example, mandatory administration fees, common area maintenance fees, estimated utilities, or parking)?

b. Should such a rule require total rent to include all mandatory one-time fees and charges (for example, mandatory application, holding, reservation, and administration fees, move-in costs, and security deposits)?

i. If so, how could total rent be calculated to include all mandatory one-time fees and charges—could it be by amortizing, prorating, or another method?

ii. If not, should such a rule require such mandatory one-time fees and charges be calculated and disclosed in advertising as a total first month's rent or total move-in cost, or should another term be used?

59. Should such a rule require rental housing providers, in any offer, display, or advertisement that represents any price of rental housing, to disclose the total rent including all mandatory fees and charges more prominently than any other pricing information?

60. Should such a rule prohibit rental housing providers from failing to disclose clearly and conspicuously, before consumers consent to pay for rental housing, the nature, purpose, and amount of any fee or charge that they have excluded from advertised rent and the identity of the good or service for which the fee or charge is imposed?

61. Should such a rule prohibit rental housing providers, in any offer, display, or advertisement for rental housing, from misrepresenting any fee or charge, including: the nature, purpose, amount, or refundability of any fee or charge; and the identity of the good or service for which the fee or charge is imposed?

62. Should such a rule require total rent to include government-imposed fees and charges, including taxes?

63. Should such a rule require rental housing providers to calculate or estimate contingent or variable fees or charges?

a. Should such a rule require rental housing providers to include such fees and charges in total rent?

i. If not, should such a rule require rental housing providers to disclose such fees or charges in advertising or before a renter or prospective renter consents to pay any fee or charge, including an application, holding, or reservation fee?

b. Should such a rule require rental housing providers to disclose contingent or variable fees or charges imposed by third parties for which rental housing providers collect payment?

i. When and how should such fees and charges be disclosed?

64. Should such a rule require rental housing providers to itemize all fees and charges?

a. When and how should a rule require such itemizations?

b. In such itemizations, should such a rule require rental housing providers to explain the nature and purpose of each fee or charge?

65. Should such a rule require fees or charges to accurately reflect the actual cost?

66. Should such a rule require all mandatory fees, charges, goods, and services for rental housing to be disclosed before any application and holding or reservation fees or charges are imposed?

a. When and how should they be disclosed?

67. Should such a rule require all applicable fees, charges, goods, and services to be disclosed in the lease?

a. When and how should they be disclosed?

68. Should such a rule prohibit rental housing providers from withholding security deposit money for damages that are part of normal wear and tear or not related to damage caused by the renter (for example, to fix issues that were present before the renter moved in, or to cover the cost of maintenance, repairs, capital improvements)?

a. How would such a prohibition impact current practices and what costs would it impose on rental housing providers?

b. Should such a rule require that any security deposit money paid by renters and prospective renters be used only for unpaid rent or to repair or correct damage in excess of normal wear and tear caused by the renter for which it was withheld?

c. Should such a rule require rental housing providers to have adequate documentation to support that the damage was caused by the renter, the amounts charged to the renter, and the actual costs incurred by the rental housing provider to repair the damage?

69. Should such a rule require that the amount withheld from the return of a security deposit reasonably reflect the amount a rental housing provider incurs to repair or correct the damage for which it is withheld?

70. Should such a rule exempt or exclude any type of rental housing providers (for example, small businesses, providers of single- or two-family homes, units in owner-occupied buildings with four or fewer units, or third-party service providers, such as property management software providers, listing services, and online

[39] *See* Notice of Proposed Rulemaking, Trade Regulation Rule on Unfair or Deceptive Fees, 88 FR 77420 (Nov. 9, 2023), *https://www.federalregister.gov/documents/2023/11/09/2023-24234/trade-regulation-rule-on-unfair-or-deceptive-fees.*

rental platforms) from compliance with the rule, in whole or in part?

a. If so, please identify such providers, provide a justification for exempting or excluding them and specify the type or types of potential requirements from which they would be exempted or excluded.

71. How would such a rule intersect with existing rental housing practices, norms, rules, laws, or regulations?

a. Are there any existing rental housing laws or regulations, including State or local tenant protection laws relating to fees, that would affect or interfere with the implementation of such a rule?

72. Should the Commission consider publishing additional consumer and business education materials or hosting public workshops to reduce consumer injury or harm associated with the potentially unfair and deceptive practices described in Section II?

a. If so, what should such education materials and workshops include, and how should the Commission communicate that information to consumers and businesses?

73. How would a rule requiring the disclosure of mandatory fees and charges before the consumer consents to pay affect advertising?

a. How would advertising costs be impacted?

b. What would it cost third-party service providers, such as property management software providers, listing services, and online rental platforms to ensure compliance with such a rule?

74. How would a rule requiring the disclosure of total rent including all mandatory fees and charges affect advertising?

a. How would advertising costs be impacted?

b. What would it cost third-party service providers, such as property management software providers, listing services, and online rental platforms to ensure compliance with such a rule?

IV. Comment Submissions

The public is invited to submit comments on this document. The Commission will consider all timely and responsive comments it receives on or before April 13, 2026. Because of the agency's heightened security screening, postal mail addressed to the Commission will be delayed. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. If you prefer to file your comments on paper, write ''Unfair or Deceptive Rental Housing Fee Practices ANPRM, Project No. R207011'' on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex R), Washington, DC 20580.

For comments submitted online through the *https://www.regulations.gov* website, you are solely responsible for making sure your comment does not include any sensitive personally identifiable or health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website. Once your comment has been posted there—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website unless you submit a written confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request. Such requests must be clearly labeled ''Confidential,'' must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c).

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, *see https://www.ftc.gov/site-information/privacy-policy.*

V. Regulatory Review

E.O. 14215 requires all executive branch departments and agencies to submit all their proposed and final significant regulatory actions to the Office of Budget and Management (OMB) for review. E.O. 12866 says that agencies should assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and distributive impacts).

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2026–04907 Filed 3–12–26; 8:45 am]

BILLING CODE 6750–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0656; FRL–13272–01–R1]

Air Plan Approval; Connecticut; Revision to the State Implementation Plan for Inclusion of Consent Order No. 8383—Algonquin Gas Transmission, LLC and Negative Declaration for Rubber Tire Manufacturing Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by Connecticut (CT) to address certain Federal requirements for the 2008 and 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) under the Clean Air Act (CAA). Specifically, the EPA is proposing to approve a source-specific SIP revision for Algonquin Gas Transmission, LLC's compressor station facility, located in Cromwell, CT, to address reasonably available control technology (RACT) determinations for major stationary sources of volatile organic compounds (VOC). These RACT determinations are required because the source is located in the New York-Northern New Jersey-Long Island, NY-NJ-CT 2008 ozone Severe nonattainment area and 2015 ozone serious nonattainment area. The State of Connecticut is also located in the Ozone Transport Region (OTR). Section 172 of the CAA outlines the general nonattainment plan provisions and CAA section 182 requires additional plan requirements for ozone nonattainment areas based on classification status. Additionally, if a state is in the OTR, it is subject to requirements under CAA section 184, which include implementing RACT requirements statewide. The EPA is also proposing to approve a negative declaration for existing rubber tire manufacturing sources statewide. The EPA is proposing to approve the State's submission as a SIP revision pursuant to sections 110, 172, 182, 184 and part D of the CAA and EPA's regulations.

DATES: Written comments must be received on or before April 13, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–0656 at *https://www.regulations.gov,* or via email to *kosin.michele@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Michele Kosin, Physical Scientist, Air Quality Branch, Air & Radiation Division U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109–3912, telephone: (617) 918–1175, email: *kosin.michele@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background and Purpose

On December 9, 2024, the Connecticut Department of Energy and Environmental Protection (CT DEEP) issued Consent Order No. 8383 to Algonquin Gas Transmission, LLC. Consent Order No. 8383 establishes emission standards that CT DEEP determined satisfy RACT for VOC pursuant to Section 22a–174–32(e)(1)(D) of the Regulations of Connecticut State Agencies (RCSA) for the facility located at 252 Shunpike Road, Cromwell, Middlesex County, CT. On December 10, 2024, CT DEEP submitted a proposed SIP revision to the EPA to incorporate Consent Order No. 8383 into the Connecticut SIP. Algonquin Gas Transmission, LLC maintains and operates the following equipment and activities at the Cromwell compressor station facility, which are subject to the requirements of Consent Order No. 8383: two (2) centrifugal compressors with dry seals, each driven by a 4,700 horsepower (hp) Solar Centaur 40–T4702S gas turbine; one (1) centrifugal compressor with dry seals, driven by a 15,900 hp Solar Mars 100–16002 gas turbine; one (1) centrifugal compressor with dry seals, driven by a 7,700 hp Solar Taurus 60–7802 gas turbine; one (1) centrifugal compressor with dry seals, driven by a 6,130 hp Solar Centaur 50–6102 gas turbine; fugitive emission components; pneumatic controllers; and organic liquids storage vessels. Algonquin Gas Transmission, LLC, transports natural gas throughout New England by way of a 1,129-mile pipeline and owns and operates the Cromwell compressor station.[1]

The Cromwell compressor station is located in the CT portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT Severe 2008 ozone nonattainment area and 2015 serious ozone nonattainment area; is a major source of nitrogen oxides (NO_X) and VOC (both ozone precursors); and operates under the CT DEEP-issued Title V Permit No. 043–0020–TV. Because the facility is located in an ozone nonattainment area and the OTR, CT DEEP is required under CAA sections 184, and 182(d) and 182(f) in combination, to implement a RACT program for major stationary sources of NO_X and VOC, and for sources of VOC that are covered by a Control Techniques Guideline (CTG) issued by the EPA. This action is only addressing RACT requirements for VOC. The state has codified requirements to implement RACT for major sources of VOC at Section 22a–174–32, and for sources of VOC covered by a CTG sources at Section 22a–174–20. RACT, as defined by Connecticut's rules, is ''the lowest emission limitation that a particular stationary source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' [2]

In 2014, the Cromwell compressor station became subject to major source VOC RACT under Section 22a–174–32 of the RCSA because the potential VOC emissions exceeded the major source threshold at RSCA Section 22a–174–32 with 61 tons per year (tpy). Under Connecticut's major source VOC RACT rules, the owner or operator of an affected source shall submit a VOC RACT compliance plan to CT DEEP for review and approval. RCSA 22a–174–32 also allows owners or operators to submit an alternative VOC RACT compliance demonstration in lieu of meeting the standard requirements of the major source VOC RACT rule. Algonquin submitted an alternative VOC RACT compliance plan to CT DEEP via several submittals from 2021–2023. CT DEEP approved Algonquin's alternative VOC RACT compliance plan through the issuance of Consent Order No. 8383, which CT DEEP then submitted to the EPA as a SIP revision. The EPA is proposing to add Consent Order No. 8383 to the Connecticut SIP.

EPA is also proposing to approve a negative declaration for existing rubber tire manufacturing sources submitted by CT DEEP on May 16, 2025. CAA section 182(b)(2)(A) requires that for ozone nonattainment areas classified as Moderate or above, a state must revise its SIP to include provisions to implement RACT for each category of VOC sources covered by a CTG document. CAA section 184(b)(1)(B) extends the RACT obligation to all areas of the state within the OTR. In addition to Connecticut being classified as nonattainment for the 2008 and 2015 ozone standards in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT area and the Greater Connecticut area, Connecticut is in the OTR. A state

[1] Except where otherwise noted, any reference to ''compressor station'' herein applies to compressor stations in the natural gas transmission and storage segment, not to upstream/production or midstream/processing compressor stations.

[2] RCSA Section 22a–174–1(98).

subject to RACT requirements is required to adopt controls for sources covered by a CTG, either via the adoption of regulations or by issuance of single source orders or permits that outline the controls the source is required to implement. If a state contains no sources covered by a particular CTG, the state may submit as a SIP revision a negative declaration documenting this fact. A negative declaration is a formal statement by a state that it has no sources subject to a particular CTG. In this case, CT DEEP has certified that there are no facilities in Connecticut subject to EPA's CTG ''Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.'' [3]

II. Description and Review of Submittals

A. Order for Algonquin Gas Transmission, LLC

In accordance with 22a–174–32 of the RCSA, CT DEEP issued Consent Order 8383 to approve the alternative compliance plan submitted by Algonquin to satisfy RACT for the Cromwell facility. CT DEEP used a three-step RACT analysis for each category of VOC-emitting equipment or processes at the Cromwell compressor station subject to Section 22a–174–32 in the evaluation of Algonquin's proposed alternative VOC RACT compliance plan. CT DEEP compared Algonquin's proposed RACT with (1) the RACT standards in EPA's 2016 CTG for the oil and natural gas industry (''2016 CTG''); [4] (2) the best system of emission reduction (BSER) for VOC for new, modified, and reconstructed sources, as set forth in the oil and gas 2016 New Source Performance Standards at 40 CFR part 60, subpart OOOOa (''2016 NSPS'') [5] and (3) the BSER for VOC for new, modified, and reconstructed sources in the oil and gas 2024 NSPS at 40 CFR part 60, subpart OOOOb (''2024 NSPS''),[6] and the BSER for methane for existing sources in the 2024 Emission Guidelines (EG) at 40 CFR part 60, subpart OOOOc (''2024 EG'').[7]

In Step 1, the transmission sources that are discussed in the 2016 CTG document and the equipment at these sources is often similar in nature to the equipment at production and processing sources. If the CTG supports RACT, as established in 2016, for the equipment/processes in more VOC-intensive ends of the industry, then CT DEEP states that it also should support RACT for the same equipment/processes in the less VOC-intensive natural gas transmission and storage segment. In analyzing Step 2, CT DEEP noted that the 2016 NSPS set forth BSER for VOC for new, modified, and reconstructed sources in the oil and gas sector, including the natural gas transmission and storage segment. CT DEEP reasoned that the BSER as promulgated in 2016, for new, modified, and reconstructed sources should be at least as stringent as—and is likely more stringent than—RACT for existing sources. And for Step 3 of the RACT analysis, CT DEEP considered BSER for methane in the 2024 EG for existing sources in the oil and gas sector, and BSER for VOC and methane in the 2024 NSPS for new, modified, and reconstructed sources in the oil and gas sector, including the natural gas transmission and storage segment. CT DEEP reasoned that BSER for VOC and methane for new, modified, and reconstructed sources should be at least as stringent as—and is likely more stringent than—RACT for existing sources. CT DEEP also reasoned that BSER for methane for existing sources should be at least as stringent as and likely more stringent than RACT for existing sources in the natural gas transmission segment. CT DEEP concluded that RACT was met or exceeded for each category of VOC-emitting equipment/process if the emission reduction and method for such category met RACT as outlined in Step 1, BSER as outlined in Step 2, and, in certain cases, BSER as outlined in Step 3. A more detailed discussion of CT DEEP's RACT analysis for each category of equipment/process subject to CT DEEP's VOC RACT regulations is included below.

1. Centrifugal Compressors

Compressors are mechanical devices that increase the pressure of natural gas and allow it to be transported through the supply chain and to the consumer.[8] The types of compressors used by the natural gas industry are reciprocating and centrifugal compressors. All compressors at the Algonquin facility are centrifugal compressors with dry seals. According to section 5.2 of the oil and gas CTG, dry seal systems offer an 87 percent reduction in VOC emissions over wet seal systems and emit considerably less gas than reciprocating compressors.[9] EPA also noted in the 2016 CTG that dry seal systems are an available control option for reducing VOC emissions from wet seal centrifugal compressors, but EPA did not recommend dry seals as RACT for centrifugal compressors, because EPA had previously determined that dry seals may not be technically feasible for certain compressor sizes.[10] In addition, EPA observed in the 2016 NSPS that the only VOC emission control option for dry seal compressors is the use of dry seal.[11] In 2019, Algonquin upgraded two of the oldest compressor units from 1985 (EU–07, EU–08) from wet to dry seals.

EPA also reviewed RACT regulations for nearby states to assess the adequacy of CT DEEP's RACT determination for centrifugal compressors. During its review, EPA identified RACT regulations approved into the New York SIP that regulate centrifugal compressors at compressor stations. 87 FR 52337 (August 25, 2022).[12] In particular, New York regulations at 6 NYCRR § 203–4.3(b) and (c) allow the use of dry seals on centrifugal compressors located at compressor stations in the transmission segment. These regulations also require compliance with leak detection and repair (LDAR) standards that include Method 21 or OGI,[13] which is consistent with the LDAR methods provided in Consent Order No. 8383 and discussed further below.

CT DEEP determined that no additional controls are needed to satisfy RACT, because all Algonquin centrifugal compressors already use dry seals. The RACT Order requires Algonquin to use dry seals or a seal system that achieves the same or better VOC control effectiveness.[14] Based on CT DEEP's RACT evaluation and the EPA's evaluation of the SIP-approved RACT regulations in the neighboring state of New York, EPA is proposing to agree that the use of dry seals satisfies RACT for these sources of VOC emissions.

[3] Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires, EPA–450/2–78–030, December 1978, *available at https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=00001TB0.txt.*

[4] *Available at https://www.epa.gov/sites/default/files/2016-10/documents/2016-ctg-oil-and-gas.pdf.*

[5] 40 CFR 60.5360a, *et seq.*

[6] 40 CFR 60.5360b, *et seq.*

[7] 40 CFR 60.5360c, *et seq.*

[8] 2016 CTG at 5–1.

[9] Memorandum from Bradley Nelson, EC/R to Jodi Howard, EPA/OAQPS/SPPD, Estimation of Potential Emission Reductions with the Implementation of a Method 21 Monitoring Program. April 25, 2016.

[10] 2016 CTG at 5–4 (citing 77 FR 49490 at 49523 (August 16, 2012); 80 FR 56593 at 56619).

[11] 80 FR 56593 at 56619 (September 18, 2015); 77 FR 49490 at 49532 (August 16, 2012).

[12] New York's SIP-approved regulations are available at *https://www.epa.gov/system/files/documents/2024-06/ibr-ny-part-203-eff-march-18-2022_1.pdf.*

[13] 6 NYCRR Subpart 203–7.

[14] Consent Order No. 8383 at B.2.

2. Fugitive Emission Components

At the Algonquin facility, there are numerous piping components in natural gas service, heavy oil service, and pipeline liquids service, with potential fugitive emissions of VOC. The collection of fugitive emission components are subject to quarterly LDAR program requirements under the 2016 NSPS, which include the allowable threshold of 500 parts per unit volume (ppmv) and the applicable test method of EPA Reference Method 21.[15] The 2024 NSPS strengthens the BSER standard that was initially established under the 2016 NSPS. The 2024 NSPS and 2024 EG include a monthly audio/visual/olfactory (AVO) inspection requirement for fugitive emission components in the natural gas transmission and storage segment.[16] CT DEEP included monthly AVO inspections as an element of this RACT order, in addition to the quarterly Method 21 LDAR.[17] Routine AVO inspections can lead to the discovery of significant leaks that originate between quarterly LDAR surveys and might otherwise go undetected for an extended period. Optical Gas Imaging (OGI) cameras use infrared technology to make invisible gas leaks, including VOC, visible in real-time, allowing operators to quickly identify sources for repair and ensure compliance with applicable requirements. The 2024 NSPS and 2024 EG allow the use of OGI equipment as an alternative to Method 21 for screening for fugitive emissions or leaks. Therefore, the RACT order incorporates both quarterly Method 21 LDAR (with optional use of OGI in lieu of Method 21); and monthly AVO inspections, with a requirement that any indication of leakage discovered during an AVO inspection be treated as a fugitive emission and that such fugitive emission be repaired, recorded, and reported according to the applicable provisions of the 2016 NSPS.[18] Therefore, the EPA is proposing to approve the fugitive emissions requirements in Consent Order 8383 satisfy RACT for this source of VOC emissions at the facility.

3. Pneumatic Controllers

The Cromwell compressor station uses only intermittent-bleed natural gas-actuated pneumatic controllers, which vent gas only when actuated (*i.e.,* the valve position is moved from open to closed and back). Cromwell has a total of 68 intermittent-bleed natural gas-actuated pneumatic controllers, with a collective VOC PTE of 0.5 tpy as calculated by Algonquin. Annual gas venting volume from pneumatic actuators is dependent upon the volume of gas venting per actuation and the number of actuations per year.

To determine RACT for the pneumatic controllers at the Cromwell compressor station, DEEP reviewed the oil and gas CTG, the 2016 NSPS, and the 2024 NSPS/EG, as discussed earlier. The oil and gas CTG and 2016 NSPS do not specifically address intermittent-bleed natural gas-actuated pneumatic controllers but focus instead on lowering bleed rates of continuous-bleed controllers, due to their potential for higher emissions.[19] [20] Under the 2016 NSPS, however, intermittent bleed natural gas-actuated controllers are a compliance alternative to low-bleed continuous bleed pneumatic controllers. The 2024 NSPS regulates both continuous and intermittent-bleed natural gas-actuated pneumatic controllers, setting a BSER standard of zero-emissions of VOCs, but only for process controllers constructed, modified, or reconstructed after December 6, 2022; the 2024 NSPS does not apply to existing process controllers constructed, modified, or reconstructed prior to that date.[21] As noted above, the Cromwell compressor station does not have continuous-bleed pneumatic controllers. Furthermore, the intermittent-bleed natural gas actuated pneumatic controllers at the facility were constructed prior to December 2022 and are not subject to requirements of the 2024 NSPS. In addition, although the 2024 EG determined that the replacement of pneumatic controllers at existing facilities may be cost-effective, the EG regulations were based on, and set a BSER standard for, the control of methane and not VOCs.[22] To determine whether zero-bleed controllers constitute RACT at the Cromwell compressor station, DEEP examined their cost effectiveness at the facility by using total annual costs (TAC) for such controllers that EPA calculated in the proposal for the 2024 NSPS.The lowest TAC for large, existing plants is electric controllers,[23] at $3,709 per year.[24] Using that figure, CT DEEP determined that the cost effectiveness for VOC for electric controllers at the Cromwell facility is $8,448 per ton based on a baseline calculated VOC emissions of 0.439 tons per year.[25] [26] However, CT DEEP considered that its cost effectiveness calculation incorporates a degree of uncertainty due to a variety of factors, including the difference between the number of pneumatic controllers at the Cromwell facility versus the 2024 NSPS and EG analysis, the use of TAC from the 2024 NSPS and EG versus a site-specific value, the varying pollutant baseline emissions calculations (*i.e.* methane vs VOC), as well as the estimates of the number of controllers types (*i.e.* low-bleed, high-bleed, and intermittent bleed) at each facility used in the 2024 NSPS and EG cost analysis. Given the nominal VOC emissions from Algonquin's Cromwell facility (less than 1 tpy) and the uncertainty in the cost effectiveness calculations of retrofitting and replacing the intermittent-bleed natural gas actuated pneumatic controllers with zero-bleed pneumatic controllers at the facility, CT DEEP determined that the existing intermittent bleed pneumatic controllers meet the state's RACT requirements for these sources of VOC emissions.

CT DEEP also reviewed EPA's nationwide RACT/BACT/LAER Clearinghouse and did not find any RACT demonstrations requiring the use of zero-bleed controllers at existing natural gas transmission facilities for the control of VOCs.[27] In addition, EPA reviewed RACT regulations for nearby states to assess the adequacy of CT DEEP's RACT determination for pneumatic controllers. During its review, EPA identified RACT

[15] 40 CFR 60.5397a(a), (g)2), and (c)(2).

[16] *Id.* at §§ 60.5397b, 60.5397c.

[17] Consent Order No. 8383 at B.3.

[18] 40 CFR 60.5397a.

[19] 2016 CTG at Section 6.2; 40 CFR 60.5365a(d). In the 2016 CTG, EPA also explained that intermittent controllers serve functionally different purposes than continuous bleed devices and that EPA did not, in 2016, consider the use of intermittent controllers to be a technically practical control option for all continuous bleed controllers. 2016 CTG at 6–3.

[20] By comparison, continuous-bleed pneumatic controllers vent gas even when not actuated. The rate at which the continuous release occurs is referred to as the bleed rate.

[21] 40 CFR 60.5390b(a).

[22] 87 FR 74702 at 74768 (Table 28), ''Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review'' (December 6, 2022).

[23] Table 26 of EPA's Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review'' indicates a ''large: facility consists of greater than 15 pneumatic controllers.

[24] See Table 27 at 87 FR 74767.

[25] More information on CT DEEP's cost effectiveness analysis is included in the TSD in the docket for this rulemaking.

[26] CT DEEP calculated the baseline VOC emissions using the baseline methane emissions estimated by EPA in the supplemental proposal for the 2024 NSPS/EG for large, existing facilities (15.9 tpy) multiplied by the weight ratio of VOC:methane (0.0276—rounded) to get baseline VOC emissions of 0.439 tpy-VOC. *See* 87 FR at 74767 (Table 26) and Page 17 of CT's TSD in the docket for this rulemaking.

[27] See page 25 of CT DEEP's TSD in the docket for this rulemaking.

regulations approved into the New York SIP that regulate pneumatic controllers at compressor stations. 87 FR 52337 (August 25, 2022).[28] In particular, New York regulations at 6 NYCRR § 203–4.2(d) allow the use of intermittent bleed pneumatic controllers at compressor stations and require compliance with LDAR standards that include Method 21 or OGI,[29] which is consistent with the LDAR methods provided in Consent Order No. 8383. Therefore, based on CT DEEP's RACT evaluation and SIP-approved RACT regulations in the neighboring state of New York, EPA is proposing to agree that the use of existing intermittent bleed pneumatic controllers implement RACT for these sources of VOC emissions.

4. Organic Liquid Storage Vessels

The Algonquin facility contains the following vessels to include tanks and separators: one 2,940-gallon pipeline condensate tank, one 1,000-gallon oil (lubricating or heavy oil) storage tank, one 750-gallon oil storage tank, one 1,000-gallon oily water (oil comingled with condensed water) storage tank, one 2,790-gallon coolant storage tank, one 350-gallon coolant storage tank, and five process separators. Several of these vessels at the facility meet the definition of ''storage vessel'' in the 2016 CTG, the 2016 NSPS, the 2024 NSPS, and the 2024 EG: ''a tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support.'' [30] [31] While this definition excludes process vessels such as knockout vessels,[32] process vessels at Algonquin are subject to the RACT requirements for fugitive emission components discussed earlier. Similarly, fugitive emission components associated with storage vessels covered by the above definition are also covered by the fugitive emission components discussed earlier.

The 2016 CTG recommends that any storage vessel with potential emissions greater than or equal to 6 tpy-VOC be served by a VOC capture and control system, unless uncontrolled actual VOC emissions have remained below 4 tpy, as calculated monthly, for 12 consecutive months and such emission rate is maintained.[33] The 2016 NSPS requires controls on any storage vessel with potential and actual emission at the same thresholds,[34] and the 2024 NSPS retains the 6 tpy-VOC applicability threshold.[35]

CT DEEP determined that Algonquin does not have any storage vessels with a VOC PTE greater than or equal to 6 tpy. The aggregate potential VOC emissions of all storage vessels identified by Algonquin (including the vessels that do not meet the traditional definition of ''storage vessel'') is 1.16 tpy.

Therefore, CT DEEP determined that no emission controls are necessary to satisfy VOC RACT since the aggregate VOC PTE of the storage vessels is significantly less than the 6 tpy threshold in the 2016 CTG, 2016 NSPS, and 2024 NSPS and EG. However, Consent Order No. 8383 requires that Algonquin maintain the potential emissions of each affected storage vessel below 6 tpy-VOC, calculated in accordance with the methodology set forth in the 2016 NSPS at 40 CFR 60.5365a(e)(1), and keep documentation to this effect.[36] As an alternative compliance option, consistent with the 2016 NSPS, Consent Order No. 8383 provides the option for Algonquin to maintain the actual uncontrolled VOC emissions of each affected storage vessel at a rate less than 4 tpy, as determined monthly.[37] This compliance option may be exercised only if Algonquin demonstrates that actual uncontrolled VOC emissions have remained less than 4 tpy, as determined monthly, for the 12 consecutive months prior to exercising this compliance option.[38] After making such demonstration, Algonquin is required to determine, and keep records of, the actual uncontrolled VOC emission rate each month.[39]

As another alternative compliance option, consistent with the 2016 NSPS, Consent Order No. 8383 also provides the option for Algonquin to install a VOC capture and control system that reduces VOC emissions from each affected storage vessel by at least 95 percent.[40] If Algonquin becomes ineligible to operate under the first two compliance options (PTE less than 6 tpy-VOC or actual emissions less than 4 tpy-VOC), Consent Order No. 8383 requires Algonquin to comply with this VOC capture and control requirement within 60 days after loss of eligibility.[41]

5. Conclusion

EPA has reviewed the CT DEEP SIP submittal with respect to Consent Order No. 8383 issued to Algonquin's Cromwell facility and proposes to approve the state's determination that the VOC stationary source controls requirements in the Consent Order meet the RACT obligation. As discussed above, CT DEEP used a three-step process to determine VOC RACT and compared emissions control recommendations in EPA's 2016 CTG for the oil and natural gas industry and BSER for the 2016 NSPS and 2024 NSPS and EG for each of the VOC emitting equipment and processes. CT DEEP determined that the requirements in the order are generally consistent with EPA's determinations for new sources and, in some cases, for existing sources in this sector. In sum, the compressor station employs intermittent bleed actuated pneumatic controllers with total VOC emissions less than 1 tpy, all five centrifugal compressors use dry seals (which are a compliance alternative to wet seals (NSPS 0000a) and achieve 95% reductions compared to wet seals), Algonquin must perform quarterly Method 21 LDAR and monthly AVO inspections for fugitive emissions, and the storage vessels at the facility have a combined PTE of 1.16 tpy (which is below the 6 tpy threshold in the 2016 CTG, 2016 NSPS, and 2024 NSPS and EG). EPA is proposing to find that these requirements implement RACT and is therefore proposing to approve the addition of the Consent Order into the CT SIP.

B. Negative Declaration for Existing Rubber Tire Manufacturing Sources

On May 16, 2025, CT DEEP submitted a negative declaration for existing rubber tire manufacturing sources to EPA. This source category is covered by EPA's Control Techniques Guideline (CTG) EPA—450/2–78–030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires. CT DEEP has determined that there are currently no sources of rubber tire manufacturing located in the state. To make this determination, CT DEEP reviewed the inventory of sources for facilities with the North American Industrial Classification System (NAICS) codes and Standard Industrial

[28] New York's SIP-approved regulations are available at *https://www.epa.gov/system/files/documents/2024-06/ibr-ny-part-203-eff-march-18-2022_1.pdf.*

[29] See 6 NYCRR Subpart 203–7.

[30] 2016 CTG at Section 4.1; 40 CFR 60.5430a, 60.5430b, 60.5430c.

[31] Other vessels that do not meet the definition of ''storage vessel'' do not store volatile liquids and have negligible VOC emissions.

[32] 2016 CTG at Section 4.1; 40 CFR 60.5430a, 60.5430b.

[33] 2016 CTG at Section 4.4.

[34] 40 CFR 60.5365a(e), 60.5395a(a)(3).

[35] *Id.* at §§ 60.5365b(e)(1), 60.5395b(a)(3).

[36] Consent Order No. 8383 at B.5.a.

[37] *Id.* at B.5.b.

[38] *Id.*

[39] *Id.*

[40] *Id.* at B.5.c.

[41] *Id.* at B.5.d.

Classification (SIC) codes, interviewed its enforcement staff, and searched internet web pages. Based on the state's representations, EPA is proposing to approve the negative declaration for rubber tire manufacturing resources.

III. Proposed Action

EPA is proposing to approve a SIP revision submitted on December 10, 2024, by the CT DEEP to add Consent Order No. 8383 issued to Algonquin Gas Transmission, LLC, located in Cromwell, CT, to the Connecticut SIP. The intended effect of this action is to establish emission standards that implement RACT for VOC. EPA is also proposing to approve the CT DEEP's negative declaration for existing rubber tire manufacturing sources covered by the EPA's CTG EPA—450/2–78–030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting comments on this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to the Connecticut SIP to include Consent Order No. 8383 and approve a negative declaration for existing rubber tire manufacturing sources as discussed in section I. of this preamble and set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 11, 2026.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2026–04991 Filed 3–12–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 49
Friday, March 13, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0013]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Sweet Potato (Ipomoea batatas (L.)) Roots From the Republic of Korea Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh sweet potato (*Ipomoea batatas* (L.)) roots from the Republic of Korea into the United States for consumption. Currently, fresh sweet potato roots are authorized into Guam and the Commonwealth of the Northern Mariana Islands. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh sweet potato roots from the Republic of Korea into the rest of the United States. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before May 12, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *FederaleRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2025–0013 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2025–0013, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Gina Stiltner, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 1400 Independence SW, Washington, DC 20250; (518) 760–2468.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart L—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section. Paragraph (c) of that section provides that the name and origin of all fruits and vegetables authorized importation into the United States, as well as the requirements for their importation, be listed on the internet in APHIS' Agricultural Commodity Import Requirements database, or ACIR (*https://acir.aphis.usda.gov/s/*).

Currently, fresh sweet potato roots from the Republic of Korea are listed in ACIR as authorized importation into Guam and Commonwealth of the Northern Mariana Islands (CNMI).

APHIS received a request from the national plant protection organization of the Republic of Korea to allow the importation of fresh sweet potato roots from the Republic of Korea into the rest of the United States.[1] As part of our evaluation of the Republic of Korea's request, we have prepared a pest risk assessment to identify the pests of quarantine significance that could follow the pathway of the importation of fresh sweet potato roots into the United States from the Republic of Korea. Based on the pest risk assessment, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the fresh sweet potato roots to mitigate the pest risk.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our pest risk assessment and RMD for public review and comment. Those documents, as well as a description of the economic considerations associated with the importation of fresh sweet potato roots from the Republic of Korea, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the pest risk assessment and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh sweet potato roots from the Republic of Korea in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will authorize[2] the importation of fresh sweet potato roots from the Republic of Korea into the rest of the United States subject to the requirements specified in the RMD.

(Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.)

[1] The United States includes all states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and any other territory or possession of the United States. For this notice, ''rest of the United States'' does not include Guam or Commonwealth of the Northern Mariana Islands.

[2] This notice will not impact the current import authorization to Guam and Commonwealth of the Northern Mariana Islands.

Done in Washington, DC, this 4th day of March 2026.

Kelly Moore,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–04922 Filed 3–12–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–0232]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Cooperative State-Federal Brucellosis Eradication Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the Cooperative State-Federal Brucellosis Eradication Program.

DATES: We will consider all comments that we receive on or before May 12, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–0232 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–0232, Regulatory Analysis and Development, PPD, APHIS, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Cooperative State-Federal Brucellosis Eradication Program, contact Dr. Jennifer Siembieda, Assistant Director, Ruminant Health Center, Strategy and Policy, Veterinary Services, APHIS, 2150 Centre Ave., Bldg. B, Fort Collins, CO 80526; (970) 278–7893. For more information on the information collection reporting process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Cooperative State-Federal Brucellosis Eradication Program.

OMB Control Number: 0579–0047.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) of 2002 gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary, to prevent the spread of any livestock or poultry pest or disease.

Disease prevention and disease surveillance are the most effective methods for maintaining a healthy animal population and for enhancing the United States' ability to compete in the world market of animal and animal product trade. The Veterinary Services (VS) unit of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is responsible for administering regulations intended to protect the health of the U.S. livestock population.

Brucellosis is an infectious disease of animals and humans caused by bacteria of the genus *Brucella.* The disease is characterized by abortions and impaired fertility in its principal animal hosts. The disease infects humans through contact with infected animals or with certain body fluids of infected animals. Usually *Brucella abortus* is associated with the disease in cattle or bison, *Brucella suis* with the disease in swine, and *Brucella melitensis* with the disease in sheep and goats. The continued presence of brucellosis in a herd seriously threatens the health, welfare, and economic viability of the livestock industry. There is no economically feasible treatment for brucellosis in livestock.

The Cooperative State-Federal Brucellosis Eradication Program is a national program to eliminate this serious disease of livestock. The program is conducted under the authority of the various States and supplemented by Federal authorities regulating interstate movement of infected animals. Regulations in 9 CFR part 78 outline the Cooperative State-Federal Brucellosis Eradication Program. The regulations include required surveillance, epidemiological investigation, annual reporting, and interstate movement activities that must be documented.

Minimum program standards known as the Brucellosis Eradication Uniform Methods and Rules (UM&R) have been developed cooperatively by organizations representing the livestock industry, State animal health agencies, and the USDA. State and Federal officials in charge of program activities in each State are responsible for continuously evaluating the efficiency of local procedures in locating and eliminating infected livestock. The minimum standards in the UM&R must be met or exceeded throughout the certification period to maintain continuous classification status. Meeting these standards requires information collection.

Information is generally collected by State and Federal animal health officials through interviews or reviewing records. In addition, the information on some documents may be collected by private veterinary practitioners (*i.e.,* test charts, vaccination records, and official Certificates of Veterinary Inspection) or blood collection personnel on contract (*i.e.,* market cattle slaughter surveillance blood collection forms and brucellosis ring testing milk sample collection forms). The information is collected at the time each appropriate event occurs. In most instances, information is collected when testing or vaccinating individual animals or herds, applying official identification to animals, or conducting surveillance or epidemiological investigation activities. Some events, such as market cattle slaughter surveillance, occur daily. Other events, such as on-farm blood testing and vaccination, occur as part of routine animal health management. A few events, such as infected-herd investigations, occur only a few times a year.

In addition, the bovine brucellosis program regulations in part 78 provide a system for classifying States or portions of States according to the rate of *B. abortus* infection present and the general effectiveness of a brucellosis control and eradication program. The program also provides for the creation of brucellosis management areas within a State and for testing and movement mitigation activities before regulated animals are permitted to move interstate. This system enhances the ability of States to move healthy,

brucellosis-free cattle and bison interstate and internationally. This management area and testing system also enhances the effectiveness of the Brucellosis Eradication Program by decreasing the likelihood that infected animals will be moved interstate or internationally.

The creation of brucellosis management areas allows States that have found *B. abortus* in wildlife (which are nonregulated animals) to mitigate the risk of transmission and spread of disease while maintaining the State's disease-free status in regulated domestic livestock. The State must sign a memorandum of understanding with the APHIS Administrator that describes its brucellosis management plan. The brucellosis management plan developed by the State must define the geographic brucellosis management area and describe the surveillance and mitigation activities that the State will conduct to identify occurrence of *B. abortus* in domestic livestock and wildlife and potential risks for spread of the disease.

We are asking Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years. APHIS has amended this information collection by increasing the number of Responses and Total Burden Hours being reported for the collection.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.26 hours per response.

Respondents: Commercial livestock farm owners and managers; animal agriculture-related business owners and managers; private veterinarians; animal agriculture-related agencies and organizations; breed registry agencies; agriculture extension agents; fair and exhibition officials; owners, operators, and managers of livestock markets; owners, operators, and managers of slaughter establishments and dairy plants; and State animal health officials and laboratory personnel (including wildlife biologists).

Estimated annual number of respondents: 87,974.

Estimated annual number of responses per respondent: 11.

Estimated annual number of responses: 956,044.

Estimated total annual burden on respondents: 246,575 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 9th day of March 2026.

Kelly Moore,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–04923 Filed 3–12–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–28–2026]

Foreign-Trade Zone (FTZ) 46, Notification of Proposed Production Activity; Patheon API, Inc., (Pharmaceutical Products); Cincinnati, Ohio

Patheon API, Inc., submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Cincinnati, Ohio within Subzone 46K. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on March 9, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is agonist treatment drug for ulcerative colitis (API Ono-6414HY) (duty-free).

The proposed foreign-status material/component is 2-{[2-({2-[(2R)-2-{(1E,3S)-3-Hydroxy-8-[(pyridin-2-yl)sulfanyl]oct-1-en-1-yl}-5-oxopyrrolidin-1-yl]ethyl}sulfanyl)-1,3-thiazole-4-carbonyl]amino}ethane-1-sulfonic acid monohydrate, active pharmaceutical ingredient (duty rate 6.5%).

The request indicates that the material/component is subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 22, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: March 10, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–04949 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–29–2026]

Foreign-Trade Zone (FTZ) 116, Notification of Proposed Production Activity; The Premcor Refining Group; (Renewable Fuels); Port Arthur, Texas

Valero Energy Corporation submitted a notification of proposed production activity on behalf of its affiliate The Premcor Refining Group, Inc. to the FTZ Board (the Board) for its facility in Port Arthur, Texas within Subzone 116C. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on March 10, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and

subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished products include: renewable naphtha; renewable diesel; synthetic paraffinic kerosene; propane and butane mix; mixed gas stream; and hydrogen sulfide (duty rate ranges from duty-free to 52.5 cents/bbl).

The proposed foreign-status materials/components include: inedible waste streams of animal fats; inedible fish fats and oils; used cooking oil; and yellow grease (duty rate ranges from duty-free to 8%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122), section 232 of the Trade Expansion Act of 1962 (section 232), and section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 122, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 22, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Chris Williams at *Christopher.williams@trade.gov.*

Dated: March 10, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–04950 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) hereby publishes a list of scope rulings made during the period October 1, 2025, through December 31, 2025. We intend to publish future lists after the close of the next calendar quarter.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce's regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on January 26, 2026.[2] This current notice covers all scope rulings made by Enforcement and Compliance between October 1, 2025, and December 31, 2025.

Final Scope Rulings

Japan

A–588–881: Aluminum Lithographic Printing Plates From Japan

Requestor: The flexographic photopolymer printing plates imported by Miraclon Corporation Ltd. (Miraclon) are outside the scope of the antidumping duty (AD) order on aluminum lithographic printing plates from Japan because Miraclon's merchandise does not contain any aluminum. The scope of the order is limited to ''{a}luminum lithographic printing plates consist{ing} of a flat substrate containing at least 90 percent aluminum.'' November 24, 2025.

People's Republic of China (China)

A–570–090 and C–570–091: Certain Steel Wheels 12 to 16.5 Inches in Diameter From China

Requestor: Vision Wheel Inc. Eighty-two models of aftermarket light and medium truck wheels produced in China and imported by Vision Wheel Inc. are not covered by the scope of the AD and countervailing duty (CVD) orders on certain steel wheels 12 to 16.5 inches in diameter from China because the record supports that they may be differentiated from subject merchandise based on certain physical factors, including rim size, offset, bolt pattern, hub bore (or center hole) size, and load rating/capacity consistent with numerous prior scope rulings concerning similar products. Additionally, one model of aftermarket light and medium truck wheels produced in China and imported by Vision Wheel Inc. are not covered by the scope of the orders because the record supports that it is distinct from subject merchandise based on an analysis of the expectations of the ultimate purchasers; the ultimate use of the product; and the manner in which the product is advertised and displayed. December 29, 2025.

A–570–117 and C–750–118: Wood Mouldings and Millwork Products From China

Requestor: Blinds to Go (US), Inc. Feedstock for wooden slats for window blinds, feedstock for wooden bottom rails for window blinds, and feedstock for wooden valances for window blinds imported by Blinds to Go (US), Inc. are not covered by the scope of the AD and CVD orders on wood mouldings and millwork products from China because they are not permanent or semi-permanent installations in buildings and are not shaped for architectural or decorative purposes or building applications: December 22, 2025

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice is published in accordance with 19 CFR 351.225(o).

Dated: March 10, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04942 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 91 FR 3113 (January 26, 2026).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–849, C–557–835]

Certain Fatty Acids From Indonesia and Malaysia: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable March 9, 2026.

FOR FURTHER INFORMATION CONTACT: Paul Kebker at (202) 482–2254 (Indonesia)

and Rachel Accorsi at (202) 482–3149 (Malaysia), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 28, 2026, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of certain fatty acids (fatty acids) from Indonesia and Malaysia filed in proper form on behalf of Vantage Specialty Chemicals, Inc. (the petitioner), a domestic producer of certain fatty acids.[1] The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of fatty acids from Indonesia and Malaysia.[2]

Between January 30 and February 26, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between February 3 and 27, 2026, the petitioner filed timely responses to these requests for additional information.[4]

On February 9, 2026, Commerce extended the initiation deadline by 20 days to poll the domestic industry in accordance with section 702(c)(4)(D) of the Tariff Act of 1930, as amended (the Act), because the Petitions ''{had} not established that the domestic producers or workers accounting for more than 50 percent of total production support the Petitions . . . .'' [5]

In accordance with section 702(b)(1) of the Act, the petitioner alleges that the Government of Indonesia (GOI) and the Government of Malaysia (GOM) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of fatty acids in Indonesia and Malaysia and that such imports are materially injuring, or threatening material injury to, the domestic industry producing fatty acids in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[6]

Periods of Investigation (POI)

Because the Petitions were filed on January 28, 2026, the POI for the Indonesia and Malaysia CVD investigations is January 1, 2025, through December 31, 2025.[7]

Scope of the Investigations

The products covered by these investigations are fatty acids from Indonesia and Malaysia. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between January 30 and February 26, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[8] Between February 3 and 26, 2026, the petitioner provided clarifications and/or revised the scope.[9] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[10] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[11] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on March 30, 2026, which is the next business day after 20 calendar days from the signature date of this notice.[12] Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on April 9, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated January 28, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''General Issues Supplemental Questions,'' dated January 30, 2026 (First General Issues Supplemental Questionnaire); First Country-Specific CVD Supplemental Questionnaires: Indonesia CVD Supplemental and Malaysia CVD Supplemental, dated February 6, 2026; ''Supplemental Questions,'' dated February 13, 2026 (Second General Issues Questionnaire); and ''Second Supplemental Questionnaire,'' dated February 26, 2026 (Second Indonesia CVD Questionnaire); *see also* Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated February 26, 2026 (February 26, 2026, Scope Memorandum).

[4] *See* Petitioner's Letters, ''Amendments to Antidumping and Countervailing Duty Petitions: Volume I—General Issues and Injury,'' dated February 3, 2026 (First General Issues Supplement); Country-Specific CVD Supplemental Responses: Malaysia CVD Supplement and Indonesia CVD Supplement respectively, dated February 10 and 12, 2026; ''Response to Second General Issues Supplemental Questions,'' dated February 18, 2026 (Second General Issues Supplement); and ''Second Amendment to Countervailing Duty Petition: Volume IV—Information Related to Indonesia—Countervailing Duties,'' dated February 27, 2026 (Second Indonesia CVD Supplement).

[5] *See Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Fatty Acids from Indonesia and Malaysia,* 91 FR 6192 (February 11, 2026) (*Initiation Extension Notice*).

[6] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[7] *See* 19 CFR 351.204(b)(2).

[8] *See* First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire and February 26, 2026, Scope Memorandum.

[9] *See* First General Issues Supplement at 2–5 and Exhibits I–35–Supp–1 through I–37–Supp–1; *see also* Second General Issues Supplement at 1–2 and Attachment; and February 26, 2026, Scope Memorandum.

[10] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[11] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[12] The deadline for initial scope comments falls on March 29, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, March 30, 2026). See 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[13] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOI and the GOM of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.[14] Commerce held consultations with the GOI on March 4, 2026.[15] The GOM did not request consultations.

Additionally, given the nature of certain subsidy programs alleged in the Indonesia and Malaysia CVD Petitions, on January 28, 2026, Commerce issued a letter to the Government of the People's Republic of China (China), providing the Government of China the opportunity to meet with Commerce officials.[16] The Government of China did not request to meet with Commerce officials, but filed written comments.[17]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[18] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[19]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[20] Based on our analysis of the information submitted on the record, we have determined that fatty acids, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[21]

On February 9, 2026, Commerce extended the initiation deadline by 20 days to poll the industry in accordance with sections 702(c)(4)(D) of the Act, because the Petitions ''{had} not established that the domestic producers or workers accounting for more than 50 percent of total production support the Petitions . . . .'' [22] On February 13, 2026, we issued polling questionnaires to all known U.S. producers identified in the Petitions.[23] We requested that the companies complete the polling questionnaire and certify their responses by the due date specified in the cover letter to the questionnaire.[24]

Our analysis of the data we received in the polling questionnaire responses indicates that the domestic producers and workers who support the Petitions account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[25] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[26]

Injury Test

Because Indonesia and Malaysia are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Indonesia and/or

[13] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[14] *See* Commerce's Letters, ''Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated January 28 and 29, 2026.

[15] *See* Memorandum, ''Consultations with the Government of Indonesia,'' dated March 4, 2026.

[16] *See* Commerce's Letter, ''Alleged Transnational Subsidy Programs'' dated January 29, 2026.

[17] *See* Government of China's Letters, ''Comments on CVD Petition on Certain Fatty Acids from Malaysia: Alleged Transnational Subsidy Programs (C–557–835),'' dated February 11, 2026; and ''Comments on CVD Petition on Certain Fatty Acids from Indonesia: Alleged Transnational Subsidy Programs (C–560–849),'' dated February 11, 2026.

[18] *See* section 771(10) of the Act.

[19] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[20] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Countervailing Duty Investigation Initiation Checklists: Certain Fatty Acids from the Indonesia and Malaysia,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Fatty Acids from Indonesia and Malaysia (Attachment II). These checklists are on file electronically via ACCESS.

[21] For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[22] See *Initiation Extension Notice.*

[23] *See* Commerce's Letter, ''Polling Questionnaire,'' dated February 13, 2026.

[24] *Id.* For information and analysis of the responses received, *see* Attachment II of the Country-Specific CVD Initiation Checklists. The polling questionnaire and questionnaire responses are on file electronically via ACCESS.

[25] For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[26] *Id.*

Malaysia materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports from Indonesia and Malaysia individually exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[27]

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; and negative impact on financial performance.[28] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[29]

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of fatty acids from Indonesia and Malaysia benefit from countervailable subsidies conferred by the GOI and the GOM, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Indonesia

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 16 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Indonesia CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Malaysia

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 18 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, see the Malaysia CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

Indonesia and Malaysia

In the Petitions, the petitioner identified 23 companies in Indonesia and 16 companies in Malaysia.[30] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in the investigations. Following standard practice in CVD investigations, in the event Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations,'' in the appendix.

On March 3, 2026, Commerce released CBP data on imports of fatty acids from Indonesia and Malaysia under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three days of the publication date of the notice of initiation of these investigations.[31] Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOI and GOM via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigations, whether there is a reasonable indication that imports of fatty acids from Indonesia and/or Malaysia are materially injuring, or threatening material injury to, a U.S. industry.[32] A negative ITC determination for either country will result in the investigation being terminated with respect to that country.[33] Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[34] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[35] Time limits for the submission of factual information are

[27] For further discussion, *see* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Fatty Acids from Indonesia and Malaysia.

[28] *Id.*

[29] *Id.*

[30] *See* Petitions at Volume I (page 13 and Exhibits I–12 through I–13); *see also* First General Issues Supplement at 1–2 and Exhibit I–12–Supp–1 through 1–12–Supp–4.

[31] *See* Country-Specific Memoranda, ''Release of U.S. Customs and Border Protection Entry Data,'' dated March 3, 2026.

[32] *See* section 703(a)(1) of the Act.

[33] *Id.*

[34] *See* 19 CFR 351.301(b).

[35] *See* 19 CFR 351.301(b)(2).

addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[36] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[37]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[38] Parties must use the certification formats provided in 19 CFR 351.303(g).[39] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[40]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: March 9, 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

Scope of the Investigations

The merchandise subject to these investigations is certain fatty acids, which are organic acids made of a hydrocarbon chain with a carboxylic acid group (*i.e.,* an organic acid that contains a carboxyl group (-C(=O)-OH) attached to an R-group, sometimes also written as R-COOH, R-C(O)OH, or R-CO_2H) at one end with a carbon chain length (*i.e.,* the number of carbon atoms in the fatty acid chain) of C6, C8, C10, C12, C14, C16, or C18, with an iodine value below 105 g/100 g and with a ratio of free fatty acids to triglycerides (also known as the ''degree of split'' or DoS) of at least 97 percent, including single fatty acid (also referred to as ''pure cut''), and blends containing a combination of two or more carbon chain lengths.

Certain fatty acids covered by the scope range in physical form from low viscosity liquids to solids. Certain fatty acids are covered by the scope of these investigations irrespective of whether they have gone through a distillation process and regardless of acid content, reactivity, functionality, freeze stability, heat stability, physical form, viscosity, grade, purity, molecular weight, or packaging.

Certain fatty acids may contain additives, such as catalysts, solvents, antioxidants, fire retardants, colorants, pigments, diluents, thickeners, fillers, softeners, and toughening agents.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes certain fatty acids that are commingled or blended with certain fatty acids from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

Certain fatty acids covered by the scope are also commonly called pure, pure cut, fractionated, or distilled fatty acid or mixed, mixed cut, or blended fatty acid, with the terms pure, pure cut, fractionated, and distilled typically referring to specific single-chain fatty acids that have been separated from a mixed natural source such as animal fat or vegetable oil using processes like hydrolysis (the breakdown of fat molecules by water, catalyzed by acid, base, or enzymes (lipases) to yield glycerol and free fatty acids), distillation, and crystallization, and the terms mixed or mixed cut referring to combinations, blends or mixtures of different single-chain fatty acids also derived from a natural source such as animal fat or vegetable oil using processes like hydrolysis, distillation, and crystallization. Common names for pure, pure cut, fractionated, or distilled fatty acids forms include stearic acid and oleic acid. Common names for mixed or mixed cut fatty acids include coconut fatty acid, hardened coconut fatty acid, topped coconut fatty acid, topped hardened coconut fatty acid, palm kernel fatty acid, hardened palm kernel fatty acid, topped palm kernel fatty acid, topped hardened palm kernel fatty acid, palm fatty acid, palm stearin fatty acid, palm fatty acid distillate, and palm olein fatty acid.

Certain fatty acids covered by the scope are normally associated with Chemical Abstracts Service (CAS) registry numbers 57–11–4, 112–80–1, 61790–38–3, 67701–05–7, 67701–06–8, 67707–01–3, 68938–15–8, 101403–98–9, 91771–90–3, 90990–15–1, 68440–15–3, 98106–68–4, 98106–66–2, 90990–08–1, and 90990–08–2 but several others may also be used.

Specifically excluded from the scope are certain fatty acids containing 90 percent or more, by weight, of fatty acids with carbon chain lengths of C6, C8, or C10 (or any combination thereof). The scope also does not include mixtures of certain fatty acids with other materials, when the combined certain fatty acids component comprises less than 80 percent of the total weight of the mixture.

The merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2915.70.0110, 2915.70.0120, 2915.70.0150, 2915.90.1010, 2915.90.1050, 2916.15.1000, 2916.15.5100, 3823.11.0000, 3823.12.0000, 3823.19.2000, and 3823.19.4000 and may also enter under 3824.99.4190.

The HTSUS subheadings set forth above are provided for convenience and customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2026–04945 Filed 3–12–26; 8:45 am]

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[36] *See* 19 CFR 351.302.

[37] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[38] *See* section 782(b) of the Act.

[39] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *https://access.trade.gov/Resources/filing/index.html.*

[40] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–729–805]

Steel Concrete Reinforcing Bar From Egypt: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that steel concrete reinforcing bar (rebar) from Egypt is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2024, through March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Ajay Menon or Anne Entz, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208 or (202) 482–3845, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 30, 2025.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] 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.[3] On January 8, 2026, Commerce postponed the preliminary determination of this investigation until March 9, 2026.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II 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 Investigation

The product covered by this investigation is rebar from Egypt. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Therefore, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences, for El Marakby Steel (El Marakby) and Suez Steel Company (Suez Steel). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce has preliminarily assigned rates based entirely on facts available to El Marakby and Suez Steel. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Al-Ezz Dekheila Steel Alexandria Company S.A.E. (EZDK); Ezz Steel Company S.A.E. (ESR); Ezz Rolling Mills Company S.A.E. (ERM); and Al-Ezz Flat Steel Company S.A.E. (EFS) (collectively, the Ezz Group).[8] Consequently, the rate calculated for the Ezz Group is also assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Al-Ezz Dekheila Steel Alexandria Company S.A.E; Ezz Steel Company S.A.E.; Ezz Rolling Mills Company S.A.E.; and Al-Ezz Flat Steel Company S.A.E	34.20

[1] *See Steel Concrete Reinforcing Bar from Algeria, Bulgaria, Egypt, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 27846 (June 30, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Steel Concrete Reinforcing Bar from Bulgaria, Egypt, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 696 (January 8, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar from Egypt'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See Initiation Notice,* 90 FR at 27846–7.

[8] Commerce preliminarily determines that EZDK, ESR, ERM, and EFS should be collapsed and treated as a single entity. *See* Memorandum, ''Preliminary Affiliation and Collapsing Analysis,'' dated December 10, 2025.

Exporter/producer	Estimated weighted-average dumping margin (percent)
El Marakby Steel	*52.73
Suez Steel Company	*52.73
All Others	34.20

* Rate based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. However, in the companion CVD investigation, Commerce preliminarily found no export subsidies; accordingly, we did not make an export subsidy offset to the estimated weighted-average dumping margins in this preliminary determination.[9] These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in connection with this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.[10] A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] 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.[12]

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.[13] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. 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).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of the issues to be discussed. 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.

All briefs and hearing requests must be filed electronically using ACCESS.[15] An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

[9] See Steel Concrete Reinforcing Bar from Egypt: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination, 91 FR 1263 (January 13, 2026), and accompanying Preliminary Decision Memorandum.

[10] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[11] *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*).

[12] *See* 19 351.309(c)(2) and (d)(2).

[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Final Rule.*

[15] *See* 19 CFR 351.303.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 27, 2026, pursuant to 19 CFR 351.210(e), the Ezz Group requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[16] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

[16] *See* Ezz Group's Letter, ''Request for Postponement of Final AD Determination,'' dated February 27, 2026.

Dated: March 9, 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

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof.

The subject merchandise includes rebar that has been further processed in the subject countries or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (*i.e.,* nondeformed or smooth rebar).

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Application of Facts available and Use of Adverse Inference
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

[FR Doc. 2026–04947 Filed 3–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–107]

Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain producers and exporters of wooden cabinets and vanities and components thereof (wooden cabinets) from the People's Republic of China (China) received countervailable subsidies during the period of review (POR) January 1, 2023, through December 31, 2023.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Suresh Maniam, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–0176, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 11, 2025, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review and invited comments from interested parties.[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] 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.[3] On January 14, 2026, Commerce extended the deadline for issuing the final results until March 9, 2026.[4]

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[5] The Issues and

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2023,* 90 FR 30860 (July 11, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See* Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2023,'' dated January 14, 2026.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China; 2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Decision Memorandum is a public document and is on file electronically ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the *Order* are wooden cabinets. For a full description of the scope of the order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum. The topics discussed and the issues raised by parties to which we responded in the Issues and Decision Memorandum are listed in the appendix to this notice.

Changes Since the Preliminary Results

Based on our analysis of comments received from interested parties, we made no changes to the net countervailable subsidy rates calculated for KM Cabinetry Co., Ltd. (KM Cabinetry) and The Ancientree Cabinet Co., Ltd. (Ancientree). For a discussion of comments, *see* the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific. For a full description of the methodology underlying all of Commerce's conclusions, including our reliance, in part, on facts otherwise available, including adverse facts available, pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all others rate in an investigation. Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate the all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely on the basis of facts available.

There are ten companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. In this review, the rates for Ancientree and KM Cabinetry were above *de minimis* and not based entirely on facts available. Therefore, we are applying to the non-selected companies the weighted average of the net subsidy rates calculated for Ancientree and KM Cabinetry, which we calculated using the publicly-ranged sales data submitted by Ancientree and KM Cabinetry.[6]

Final Results of Administrative Review

Commerce determines that the following net countervailable subsidy rates exist for the period January 1, 2023, through December 31, 2023:

Producer/exporter	Subsidy rate (percent *ad valorem*)
The Ancientree Cabinet Co., Ltd.[7]	9.33
KM Cabinetry Co., Ltd.[8]	11.85
Review-Specific Average Rate Applicable to the Following Companies[9]	
Anhui Swanch Cabinetry Co., Ltd	9.51
Changyi Zhengheng Woodwork Co., Ltd	9.51
Honsoar New Building Material Co., Ltd	9.51
Jiangsu Xiangsheng Bedtime Furniture Co., Ltd	9.51
Senke Manufacturing Company	9.51
Shanghai Zifeng International Trading Co., Ltd	9.51
Taishan Oversea Trading Company Ltd	9.51
Xiamen Golden Huanan Imp. & Exp. Co., Ltd	9.51
Xuzhou Yihe Wood Co., Ltd	9.51
Yixing Pengjia Technology Co., Ltd.[10]	9.51

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of a review within five days of the date of publication of the notice in the **Federal Register** in accordance with 19 CFR 351.224(b). However, because Commerce has not made any changes to the *Preliminary Results,* there are no new calculations to disclose.

Assessment

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) and (a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for the companies listed above for shipments of subject merchandise

[6] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an order in Part,* 75 FR 53661, 53663 (September 1, 2010).

[7] As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds the following companies to be cross-owned with Ancientree: Jiangsu Hongjia Wood Co., Ltd., Jiangsu Hongjia Wood Co., Ltd. Shanghai Branch, and Jiangsu Yunru Technology Industry Co., Ltd.

[8] KM Cabinetry Co., Ltd exports subject merchandise produced by the unaffiliated company Zhongshan Nu Furniture Company Ltd.

[9] This rate is based on the rate for the respondents that were selected for individual review, excluding rates that are zero, *de minimis,* or based entirely on facts available. *See* section 705(c)(5)(A) of the Act.

[10] This company was formerly known as Yixing Pengjia Cabinetry Co., Ltd. *See* Pengjia's Letter ''Section III,'' dated January 4, 2024, at 2 and Exhibit 5.1.

entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Certification

Following the publication of this notice, the importer, or the importer's agent, must continue to submit any required certifications to CBP as part of the entry process by uploading them into the document imaging system in CBP's Automated Commercial Environment at the time of entry summary filing. Consistent with CBP's procedures, importers shall also identify entries required to have certifications by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.[11]

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

The final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: March 9, 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 Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Non-Selected Rate
V. Subsidies Valuation
VI. Use of Facts Otherwise Available and Application of Adverse Inferences
VII. Analysis of Programs
VIII. Discussion of the Issues
Comment 1: Whether Commerce Should Calculate a Land Purchase Benefit for Jiangsu Yunru
Comment 2: Calculation of the Ocean Freight Benchmark
Comment 3: Whether AFA Should Be Applied to LTAR Inputs
IX. Recommendation

[FR Doc. 2026–04943 Filed 3–12–26; 8:45 am]

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[11] *See* Cargo System Messaging Service #59384253, dated 02/12/2024; *see also Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications,* 89 FR 7372 (February 2, 2024).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–487–002]

Steel Concrete Reinforcing Bar From Bulgaria: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that steel concrete reinforcing bar (rebar) from Bulgaria is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2024, through March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 30, 2025.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] 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.[3] On January 8, 2026, Commerce postponed the preliminary determination of this investigation until March 9, 2026.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II 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 these Investigations

The product covered by this investigations is rebar from Bulgaria. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Therefore, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

[1] *See Steel Concrete Reinforcing Bar from Algeria, Bulgaria, Egypt, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 27846 (June 30, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Steel Concrete Reinforcing Bar from Bulgaria, Egypt, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 696 (January 8, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar from Bulgaria,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (Preamble).

[7] *See Initiation Notice,* 90 FR at 27846.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce has preliminarily calculated an individually estimated weighted-average dumping margin for Promet Steel JSC (Promet), the only individually examined exporter/producer in this investigation, of 52.80 percent. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Promet is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Promet Steel JSC	52.80
All Others	52.80

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margins established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in connection with this preliminary determination within five days of the public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.[8] A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] 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.[10]

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.[11] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. 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).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of the issues to be discussed. 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 the date, time, and location of the hearing two days before the scheduled date.

All briefs and hearing requests must be filed electronically using ACCESS.[13] An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the

[8] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[9] *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*).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See APO and Service Final Rule.*

[13] *See* 19 CFR 351.303.

preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 7, 2026, pursuant to 19 CFR 351.210(e), Promet requested that Commerce postpone the final determination and that the provisional measures be extended to a period not to exceed six months.[14] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

[14] *See* Promet's Letter, ''Request to Extend Final Determination,'' dated January 7, 2026.

Dated: March 9, 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

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof.

The subject merchandise includes rebar that has been further processed in the subject countries or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (*i.e.,* nondeformed or smooth rebar).

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–04946 Filed 3–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–848, A–557–834]

Certain Fatty Acids From Indonesia and Malaysia: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable March 9, 2026.

FOR FURTHER INFORMATION CONTACT: John Conniff at (202) 482–1009 (Indonesia) and Dennis McClure at (202) 482–5973 (Malaysia), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 28, 2026, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain fatty acids (fatty acids) from Indonesia and Maylasia, filed in proper form on behalf of Vantage Specialty Chemicals, Inc. (the petitioner), a domestic producer of fatty acids.[1] The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of fatty acids from Indonesia and Malaysia.[2]

Between January 30 and February 26, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between February 3 and 26, 2026, the petitioner filed timely responses to these requests for additional information.[4]

On February 9, 2026, Commerce extended the initiation deadline by 20 days to poll the domestic industry in accordance with section 732(c)(4)(D) of the Tariff Act of 1930, as amended (the Act), because the Petitions ''{had} not

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated January 28, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''General Issues Supplemental Questions,'' dated January 30, 2026 (First General Issues Supplemental Questionnaire); First Country-Specific AD Supplemental Questionnaires: Malaysia AD Supplemental and Indonesia AD Supplemental, dated February 4, 2026, Second Country-Specific AD Supplemental Questionnaires: Second Indonesia AD Supplemental and Second Malaysia AD Supplemental, dated February 9, 2026; ''Second General Issues Supplemental Questions,'' dated February 12, 2026 (Second General Issues Questionnaire); and ''Third Malaysia AD Supplemental Questionnaire,'' dated February 19, 2026 (Third Malaysia Questionnaire); *see also* Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated February 26, 2026 (February 26, 2026, Scope Memorandum).

[4] *See* Petitioner's Letters, ''Amendments to Antidumping and Countervailing Duty Petitions: Volume I—General Issues and Injury,'' dated February 3, 2026 (First General Issues Supplement); Country-Specific AD Supplemental Responses: Indonesia AD Supplement and Malaysia AD Supplement, dated February 9, 2026; Second Country-Specific AD Supplemental Responses: Indonesia AD Supplement and Maylasia AD Supplement, dated February 17, 2026; ''Amendments to Antidumping and Countervailing Duty Petitions: Volume I—General Issues and Injury,'' dated February 3, 2026 (First General Issues Supplement),'' dated February 18, 2026 (Second General Issues Supplement); and ''Third Amendment to Antidumping Petition: Volume III—Information Related to Malaysia—Dumping,'' dated February 23, 2026 (Third Malaysia AD Supplement).

established that the domestic producers or workers accounting for more than 50 percent of total production support the Petitions. . . .'' [5]

In accordance with section 732(b) of the Act, the petitioner alleges that imports of fatty acids from Indonesia and Malaysia are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the fatty acids industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[6]

Periods of Investigation (POI)

Because the Petitions were filed on January 28, 2026, pursuant to 19 CFR 351.204(b)(1), the POI for the Indonesia and Malaysia LTFV investigations is January 1, 2025, through December 31, 2025.

Scope of the Investigations

The products covered by these investigations are fatty acids from Indonesia and Malaysia. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between January 28 and February 26, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7] Between February 3 and 26, 2026, the petitioner provided clarifications and/or revised the scope.[8] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[9] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[10] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on March 30, 2026, which is the next business day after 20 calendar days from the signature date of this notice.[11] Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on April 9, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of these investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of fatty acids to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe fatty acids, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

[5] *See Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Fatty Acids from Indonesia and Malaysia,* 91 FR 6192 (February 11, 2026) (*Initiation Extension Notice*).

[6] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[7] *See* First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire; and February 26, 2026, Scope Memorandum.

[8] *See* First General Issues Supplement at 2–5 and Exhibits I–35–Supp–1 through I–37–Supp–1; *see also* Second General Issues Supplement at 1–2 and Attachment; and February 26, 2026, Scope Memorandum.

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] The deadline for initial scope comments falls on March 29, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, March 30, 2026). See 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on March 30, 2026, which is the next business day after 20 calendar days from the signature date of this notice.[13] Any rebuttal comments must be filed by 5:00 p.m. ET on April 9, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of these investigations.[16] Based on our analysis of the information submitted on the record, we have determined that fatty acids, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

On February 9, 2026, Commerce extended the initiation deadline by 20 days to poll the industry in accordance with sections 732(c)(4)(D) of the Act, because the ''Petitions {had} not established that the domestic producers or workers accounting for more than 50 percent of total production support the Petitions. . . .'' [18] On February 13, 2025, we issued polling questionnaires to all known U.S. producers identified in the Petitions.[19] We requested that the companies complete the polling questionnaire and certify their responses by the due date specified in the cover letter to the questionnaire.[20]

Our analysis of the data we received in the polling questionnaire responses indicates that the domestic producers and workers who support the Petitions account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[21] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[22]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; and negative impact on financial performance.[24] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of fatty acids from Indonesia and Malaysia. The

[13] The deadline for product characteristics comments falls on March 29, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, March 30, 2026). *See* 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[16] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Antidumping Duty Investigation Initiation Checklists: Certain Fatty Acids from Indonesia and Malaysia,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Fatty Acids from Indonesia and Malaysia) (Attachment II). These checklists are on file electronically via ACCESS.

[17] For further discussion, *see* Attachment II of the Country-Specific AD Initiation Checklists.

[18] *See Initiation Extension Notice.*

[19] *See* Commerce's Letter, ''Polling Questionnaire,'' dated February 13, 2026.

[20] *Id.* For information and analysis of the responses received, *see* Attachment II of the Country-Specific AD Initiation Checklists. The polling questionnaire and questionnaire responses are on file electronically via ACCESS.

[21] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[22] *Id.*

[23] For further discussion regarding negligibility and the injury allegation, *see* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Fatty Acids from Indonesia and Malaysia.

[24] *Id.*

[25] *Id.*

sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For Indonesia and Malaysia, the petitioner based export price (EP) on transaction-specific average unit values (AUVs) (*i.e.,* month- and port-specific AUVs) derived from official import statistics and tied to ship manifest data.[26] For each country, the petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.[27]

Normal Value [28]

For Indonesia and Malaysia, the petitioner calculated NV on home market pricing information it obtained for fatty acids produced in and sold, or offered for sale, in the respective countries during the POI.[29] The petitioner provided information indicating that the prices for fatty acids sold or offered for sale in Indonesia and Malaysia were below the COP.[30] Therefore, for both countries, the petitioner calculated NV based on CV.[31] For further discussion of CV, *see* the section ''Normal Value Based on Constructed Value.''

Normal Value Based on Constructed Value

As noted above for Indonesia and Malaysia, the petitioner provided information indicating the prices for fatty acids sold or offered for sale in Indonesia and Malaysia were below the COP. Therefore, the petitioner calculated NV based on CV.[32]

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, selling, general, and administrative (SG&A) expenses, financial expenses, and profit.[33] For Indonesia and Malaysia, in calculating the cost of manufacturing, the petitioner relied on its own production experience and input consumption rates for fatty acids, valued using publicly available information applicable to the respective countries.[34] In calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the fiscal year 2024 financial statements of producers of comparable merchandise domiciled in each country, respectively.

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of fatty acids from Indonesia and Malaysia are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for fatty acids for each of the countries covered by these initiations are as follows: (1) Indonesia—18.38 to 69.56 percent; and (2) Malaysia—59.56 to 170.49 percent.[35]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of fatty acids from Indonesia and Malaysia are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

Indonesia and Malaysia

In the Petitions, the petitioner identified 23 companies in Indonesia and 16 companies in Malaysia as producers and/or exporters of fatty acids.[36] Following standard practice in LTFV investigations involving market economy countries, in the event Commerce determines that the number of companies is large such that Commerce cannot individually examine each company based on its resources, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the ''Scope of the Investigations,'' in the appendix.

On March 3, 2026, Commerce released CBP data on imports of fatty acids from Indonesia and Malaysia, under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of these investigations.[37] Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Indonesia and Malaysia via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigations, whether there is a reasonable indication that imports of fatty acids from Indonesia and/or Malaysia are materially injuring, or threatening material injury to, a U.S. industry.[38] A negative ITC determination for either country will result in the investigation being terminated with respects to that country.[39] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires;

[26] *See* Country-Specific AD Initiation Checklists.

[27] *Id.*

[28] In accordance with section 773(b)(2) of the Act, for the Indonesia and Malaysia investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[29] *See* Country-Specific AD Initiation Checklists.

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] *See* Petitions at Volume I at 13 Exhibits I–12 and I–13; *see also* First General Issues Supplement at 1–2 and Exhibits I–12–Supp–1 through I–12–Supp–4.

[37] *See* Country-Specific Memoranda, ''Release of U.S. Customs and Border Protection Entry Data,'' dated March 3, 2026.

[38] *See* section 733(a) of the Act.

[39] *Id.*

(ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [40] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[41] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[42] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[43]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[44] Parties must use the certification formats provided in 19 CFR 351.303(g).[45] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[46]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: March 9, 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

Scope of the Investigations

The merchandise subject to these investigations is certain fatty acids, which are organic acids made of a hydrocarbon chain with a carboxylic acid group (*i.e.,* an organic acid that contains a carboxyl group (-C(=O)-OH) attached to an R-group, sometimes also written as R-COOH, R-C(O)OH, or R-CO_2H) at one end with a carbon chain length (*i.e.,* the number of carbon atoms in the fatty acid chain) of C6, C8, C10, C12, C14, C16, or C18, with an iodine value below 105 g/100 g and with a ratio of free fatty acids to triglycerides (also known as the ''degree of split'' or DoS) of at least 97 percent, including single fatty acid (also referred to as ''pure cut''), and blends containing a combination of two or more carbon chain lengths.

Certain fatty acids covered by the scope range in physical form from low viscosity liquids to solids. Certain fatty acids are covered by the scope of these investigations irrespective of whether they have gone through a distillation process and regardless of acid content, reactivity, functionality, freeze stability, heat stability, physical form, viscosity, grade, purity, molecular weight, or packaging.

Certain fatty acids may contain additives, such as catalysts, solvents, antioxidants, fire retardants, colorants, pigments, diluents, thickeners, fillers, softeners, and toughening agents.

[40] *See* 19 CFR 351.301(b).

[41] *See* 19 CFR 351.301(b)(2).

[42] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013 (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[43] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[44] *See* section 782(b) of the Act.

[45] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2023) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://access.trade.gov/Resources/filing/index.html.*

[46] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes certain fatty acids that are commingled or blended with certain fatty acids from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

Certain fatty acids covered by the scope are also commonly called pure, pure cut, fractionated, or distilled fatty acid or mixed, mixed cut, or blended fatty acid, with the terms pure, pure cut, fractionated, and distilled typically referring to specific single-chain fatty acids that have been separated from a mixed natural source such as animal fat or vegetable oil using processes like hydrolysis (the breakdown of fat molecules by water, catalyzed by acid, base, or enzymes (lipases) to yield glycerol and free fatty acids), distillation, and crystallization, and the terms mixed or mixed cut referring to combinations, blends or mixtures of different single-chain fatty acids also derived from a natural source such as animal fat or vegetable oil using processes like hydrolysis, distillation, and crystallization. Common names for pure, pure cut, fractionated, or distilled fatty acids forms include stearic acid and oleic acid. Common names for mixed or mixed cut fatty acids include coconut fatty acid, hardened coconut fatty acid, topped coconut fatty acid, topped hardened coconut fatty acid, palm kernel fatty acid, hardened palm kernel fatty acid, topped palm kernel fatty acid, topped hardened palm kernel fatty acid, palm fatty acid, palm stearin fatty acid, palm fatty acid distillate, and palm olein fatty acid.

Certain fatty acids covered by the scope are normally associated with Chemical Abstracts Service (CAS) registry numbers 57–11–4, 112–80–1, 61790–38–3, 67701–05–7, 67701–06–8, 67707–01–3, 68938–15–8, 101403–98–9, 91771–90–3, 90990–15–1, 68440–15–3, 84238–17–5, 98106–68–4, 98106–66–2, 90990–08–1, and 90990–08–2 but several others may also be used.

Specifically excluded from the scope are certain fatty acids containing 90 percent or more, by weight, of fatty acids with carbon chain lengths of C6, C8, or C10 (or any combination thereof). The scope also does not include mixtures of certain fatty acids with other materials, when the combined certain fatty acids component comprises less than 80 percent of the total weight of the mixture.

The merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2915.70.0110, 2915.70.0120, 2915.70.0150, 2915.90.1010, 2915.90.1050, 2916.15.1000, 2916.15.5100, 3823.11.0000, 3823.12.0000, 3823.19.2000, and 3823.19.4000 and may also enter under 3824.99.4190.

The HTSUS subheadings set forth above are provided for convenience and customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2026–04944 Filed 3–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–146]

Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain freight rail couplers and parts thereof (freight rail couplers) from the People's Republic of China (China). The period of review (POR) is January 1, 2024, through December 31, 2024.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Whitley Herndon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6274.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2025, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on freight rail couplers from China.[1] Commerce received a timely request for review of the CVD order from the Coalition of Freight Coupler Producers (the petitioner) for certain producers/exporters of subject merchandise.[2]

On August 22, 2025, Commerce published the initiation notice in the **Federal Register** for thirteen companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[3] On September 12, 2025, we notified interested parties that information from U.S. Customs and Border Protection (CBP) indicated that there were no POR entries of the subject merchandise.[4] On September 19, 2025, the petitioner submitted comments on the lack of entries in the CBP data, stating that there may be entries of subject merchandise that entered as a product other than an entry for consumption (such as entries of subject merchandise that entered mounted to railcars), or under harmonized tariff schedule subheadings listed in the scope of the CVD order.[5] We did not receive any additional comments in this administrative review.

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 the preliminary results of this review is now June 9, 2026.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a CVD order where it concludes that there were there are no entries of subject merchandise during the POR for which liquidation is suspended.[8] Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD rates calculated for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated CVD rates for the

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 90 FR 27841 (June 30, 2025).

[2] *See* Petitioner's Letter, ''Request for Administrative Review,'' dated July 29, 2025; *see also* Petitioner's Letter, ''Clarification of Companies,'' dated August 13, 2025.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043 (August 22, 2025).

[4] *See* Memorandum, ''Release of Customs Entry Data from U.S. Customs and Border Protection (CBP),'' dated September 12, 2025 (CBP Data Memorandum).

[5] *See* Petitioner's Letter, ''Comments on CBP Release of Data and Clarification of Companies,'' dated September 19, 2025.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See, e.g., Welded Line Pipe From the Republic of Turkey: Rescission of the Antidumping Duty Administrative Review; 2019–2020,* 87 FR 27988 (May 10, 2022); *see also, e.g., Certain Softwood Lumber Products from Canada: Final Results and Final Rescission, in Part, of the Countervailing Duty Administrative Review, 2020,* 87 FR 48455 (August 9, 2022); and *Certain Non-Refillable Steel Cylinders from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2020–2021,* 87 FR 64008 (October 21, 2022).

[9] *See* 19 CFR 351.212(b)(2).

review period.[10] As noted above, there were no suspended entries of subject merchandise for any companies subject to this review during the POR.[11] Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review in its entirety, in accordance with 19 CFR 351.213(d)(3).

Assessment

Commerce will instruct CBP to assess countervailing duties on all appropriate entries. Countervailing duties shall be assessed at rates equal to the cash deposit rate of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification Regarding Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of the APO materials or conversion to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Act, and 19 CFR 351.213(d)(4).

Dated: March 11, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–04951 Filed 3–12–26; 8:45 am]

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[10] *See* 19 CFR 351.212(d)(3).

[11] While the petitioner argues that there may be misclassified entries that could be subject to this review, there are nonetheless no suspended entries in the CBP data covering the POR for the companies under review to be liquidated as a result of this review. *See* CBP Data Memorandum. CBP, not Commerce, has the ability to address the issues the petitioner raises.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–853]

Steel Concrete Reinforcing Bar From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that steel concrete reinforcing bar (rebar) from the Socialist Republic of Vietnam (Vietnam) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2024, through March 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 13, 2026.

FOR FURTHER INFORMATION CONTACT: Kate Fracke, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3299.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on June 30, 2025.[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] 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.[3] On January 8, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now March 9, 2026.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II 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 Investigation

The product covered by this investigation is rebar from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Therefore, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Because Vietnam is a non-market economy, within the meaning of section 771(18) of the Act, Commerce has calculated normal value in accordance with section 773(c) of the Act. Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily has relied upon facts otherwise available, with adverse inferences, for the Vietnam-

[1] *See Steel Concrete Reinforcing Bar from Algeria, Bulgaria, Egypt, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 27846 (June 30, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Steel Concrete Reinforcing Bar from Bulgaria, Egypt, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 696 (January 8, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[7] *See Initiation Notice.*

wide entity. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[8] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[9]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Weighted-average dumping margin (percent)
Hoa Phat Dung Quat Steel Joint Stock Company; Hoa Phat Hai Duong Steel Joint Stock Company; Hoa Phat Hung Yen Steel Limited Liability Company; and Hoa Phat Prestressed Concrete Company Limited[10].	Hoa Phat Dung Quat Steel Joint Stock Company; Hoa Phat Hai Duong Steel Joint Stock Company.	121.97
Vietnam-Wide Entity		130.77 *

* Rate based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Vietnam producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Vietnam-wide entity; and (3) for all third-county exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Vietnam producer/exporter combination (or the Vietnam-wide entity) that supplied that third-country exporter.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. However, in the companion CVD investigation of rebar from Vietnam, Commerce preliminarily found no export subsidies; accordingly, we did not make an export subsidy offset to the estimated weighted-average dumping margins in this preliminary determination.[11] These suspension of liquidating instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We

[8] *See Initiation Notice,* 90 FR at 27850.

[9] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *https://enforcement.trade.gov/policy/bull05-1.pdf.*

[10] Commerce preliminarily determines that Hoa Phat Dung Quat Steel Joint Stock Company, Hoa Phat Hai Duong Steel Joint Stock Company, Hoa Phat Hung Yen Steel Limited Liability Company, and Hoa Phat Prestressed Concrete Company Limited (collectively, Hoa Phat Steel) are a single entity. *See* Preliminary Decision Memorandum.

[11] *See Steel Concrete Reinforcing Bar from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 91 FR 1265 (January 13, 2026), and accompanying Preliminary Decision Memorandum.

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

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 determination in this investigation. 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).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of the issues to be discussed. 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.

All briefs and hearing requests must be filed electronically using ACCESS.[16] An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On March 3, 2026, pursuant to 19 CFR 351.210(e), Hoa Phat Steel requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[17] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: March 9, 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

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof.

The subject merchandise includes rebar that has been further processed in the subject countries or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (*i.e.,* nondeformed or smooth rebar).

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Discussion of the Methodology
VI. Currency Conversion
VII. Adjustment Under Section 777(A)(f) of the Act
VIII. Adjustment to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
IX. Recommendation

[FR Doc. 2026–04948 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See APO and Service Final Rule.*

[16] *See* 19 CFR 351.303.

[17] *See* Hoa Phat Steel's Letter, ''Request to Extend Final Determination,'' dated March 3, 2026.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF580]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Climate and Ecosystem Steering Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Friday, March 27, 2026, at 9 a.m. EST. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/p8VdVDnKS9KnNTkpeJkSRw.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Ph.D., Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Climate and Ecosystem Steering Committee will meet to learn about joint species distribution models and discuss their applications to management. They will also review and discuss an ecosystem component species evaluation framework. The Committee will also discuss selected sections of the 2026 State of the Ecosystem report. They will provide direction on climate and ecosystem on ramps work and receive updates on other issues of general interest to the steering committee. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Ph.D., Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 11, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–04964 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF598]

South Atlantic Fishery Management Council (Council)—Public Meetings

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

ACTION: Notice of the South Atlantic Fishery Management Council's Shrimp Workgroup meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Shrimp Workgroup on March 24, 2026.

DATES: The Shrimp Workgroup meeting will be held via webinar March 24, 2026. from 12 p.m. until 4 p.m. EDT.

ADDRESSES:

Meeting address: The meeting will be held via webinar. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available 2 weeks prior to the meeting at: *https://safmc.net/workgroups/.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Allie Iberle, Fishery Scientist, email: *allie.iberle@safmc.net;* phone (843) 225–8135.

SUPPLEMENTARY INFORMATION: The Council formed the Shrimp workgroup to identify workable solutions to reduce interactions of smalltooth sawfish and giant manta rays with the South Atlantic Federal shrimp trawl fishery. The workgroup will review existing data and policies and discuss what information will be needed to develop recommendations.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aid should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 11, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–04963 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Final Revised Management Plan for the Guana Tolomato Matanzas and Narragansett Bay National Estuarine Research Reserves

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of approval of final management plans.

SUMMARY: Notice is hereby given that the Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approves the revised management plans for the Guana Tolomato Matanzas National Estuarine Research Reserve in Florida and the Narragansett Bay National Estuarine Research Reserve in Rhode Island. In accordance with the Coastal Zone Management Act and its implementing regulations, the Florida Department of Environmental Protection's Office of Resilience and Coastal Protection and the Rhode Island Department of Environmental Management revised their reserve's management plans, which replace the plans previously approved in 2009 and 2010 respectively.

ADDRESSES: The approved management plan for the Guana Tolomato Matanzas Research Reserve can be downloaded or viewed at *https://floridadep.gov/rcp/nerr-gtm/documents/guana-tolomato-matanzas-national-estuarine-research-reserve-management-plan.* The approved management plan for the Narragansett Bay Research Reserve can be downloaded or viewed at *https://nbnerr.org/wp-content/uploads/2025/04/2024-2029-Management-Plan-.pdf.* The documents are also available by sending a written request to the point of contact identified below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Guana Tolomato Matanzas: Matt Chasse, NOAA's Office for Coastal Management, *matt.chasse@noaa.gov,* (240) 628–5417; Narragansett Bay: Chris Kinkade, NOAA's Office for Coastal Management, *chris.kinkade@noaa.gov,* (401) 366–4880.

SUPPLEMENTARY INFORMATION: Pursuant to 15 CFR 921.33(c), a state must revise the management plan for a reserve at least every five years. Major changes to a reserve's management plan may be made only after receiving written approval from NOAA. NOAA approves changes to management plans via notice in the **Federal Register**. On August 2, 2024, NOAA issued a notice in the **Federal Register** announcing a 30-day public comment period for the proposed revision of the Guana Tolomato Matanzas National Estuarine Research Reserve management plan (89 FR 63165). On December 2, 2024, NOAA issued a notice in the **Federal Register**

announcing a 30-day public comment period for the proposed revision of the Narragansett Bay National Estuarine Research Reserve management plan (89 FR 95187). Each plan contains a summary of written and oral comments received and an explanation of how comments were incorporated into the final version of the management plan.

The management plan outlines a reserve's strategic goals and objectives; administrative structure; programs for conducting research and monitoring, education, and training; resource protection, restoration, and manipulation plans; public access and visitor use plans; consideration for future land acquisition; and facility development to support reserve operations.

Revised Management Plan for the Guana Tolomato Matanzas NERR

In particular, the revised management plan for the Guana Tolomato Matanzas National Estuarine Research Reserve focuses on changes to the strategic plan, physical boundaries, and enhanced programmatic alignment across the reserve's sectors. Since the last management plan, the reserve received approval for an expansion of the site's boundary—approved in March 2020—to include the City of St. Augustine's sovereign submerged lands within the Matanzas River and Salt Run, the state's sovereign submerged lands along the Matanzas and Tolomato Rivers that connect the City of St. Augustine's portion to the previous boundary, and the Marshview parcel in the southern portion of the reserve. In addition, the reserve completed several facility-construction projects: the Princess Place Preserve Legacy House and cabins for visiting investigator use, a freshwater wetland boardwalk, a freshwater marsh boardwalk on the Guana River Yellow Trail, and a storage facility (pole barn). The reserve also installed redesigned interpretive displays at the Visitor Center and along several trails within the reserve. This revised management plan will serve as the guiding document for the Guana Tolomato Matanzas National Estuarine Research Reserve for the next five years.

Revised Management Plan for the Narragansett Bay NERR

The revised plan for the Narragansett Bay National Estuarine Research Reserve provides information on new staff positions and new staff hired, describes the reserve's updated position within the Rhode Island Department of Environmental Management, and reflects an expansion of the site's boundary approved in May 2024. Additionally, the updated plan describes strategic goals and objectives and identifies topic areas where additional planning will be conducted to identify and develop new goals and objectives over the next five years. This revised management plan will serve as the guiding document for the Narragansett Bay National Estuarine Research Reserve for the next five years.

NOAA reviewed the environmental impacts of the revised management plans and determined that this action is categorically excluded from further analysis under the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321 *et seq.*).

(Authority: 16 U.S.C. 1451 *et seq.;* 15 CFR 921.33.)

Keelin S. Kuipers,

Acting Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–04914 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF538]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the City of Kodiak St. Herman Harbor Infrastructure Rebuild Project Kodiak, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the City of Kodiak for authorization to take marine mammals incidental to 2 years of construction activities associated with the St. Herman Harbor Infrastructure Rebuild Project (SHHIRP) in Kodiak, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two consecutive 1-year incidental harassment authorizations (IHAs) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on possible one-time, 1-year renewals that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 13, 2026.

ADDRESSES: Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.demarest@noaa.gov.* Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the

taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (collectively referred to as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On February 26, 2025, NMFS received a request from the City of Kodiak for two consecutive IHAs to take marine mammals incidental to pile driving (installation and removal), down-the hole (DTH) drilling and hydraulic rock hammering associated with the SHHIRP in Kodiak, Alaska. The City of Kodiak has divided the project into two phases and is requesting an IHA for each phase. Following NMFS' review of the application, the City of Kodiak submitted a revised version on January 23, 2026. The application was deemed adequate and complete on February 2, 2026. The City of Kodiak's request is for take of 12 species (15 stocks) of marine mammals, by Level B harassment and, for a subset of 4 species (4 stocks), Level A harassment. Take for these numbers of species and stocks of marine mammals are the same for both proposed IHAs. Neither the City of Kodiak nor NMFS expect serious injury or mortality to result from these activities' and, therefore, IHAs are appropriate.

Description of Proposed Activity

Overview

St. Herman Harbor in Kodiak, Alaska, provides essential mooring for both recreational and commercial fishing vessels but much of the harbor's infrastructure is over 40 years old, deteriorating, and difficult to navigate. This has led to a loss of mooring capacity and poses challenges for vessels. To address these issues, the City of Kodiak is proposing the SHHIRP. This project will remove and replace the aging infrastructure and dredge the harbor to restore functionality and improve vessel navigation. The SHHIRP will be completed in two phases over 2 years, from 2026 to 2028. Phase I is currently scheduled to begin November 1, 2026, and continue through October 31, 2027. Phase I construction involves installing a new vessel mooring float and drive-down dock. These additions will provide extra mooring capacity and serve as temporary moorage for vessels displaced during Phase II. Phase II construction would begin after Phase II is complete and is anticipated to take no more than one year to complete. Phase II construction will involve removing and replacing the main harbor infrastructure and will include the removal of 12 existing concrete headwalks, mainwalks, slip floats, and piles. These will be replaced with 14 new floats and associated piles in a more efficient configuration. Phase II will also include dredging approximately 1,900 cubic yards (yd^3) (1,453 cubic meters (m^3)) of sediment and bedrock from the harbor to improve vessel safety. To facilitate removal, hydraulic rock hammering will be used to fracture bedrock at an existing shoal.

Activities that have the potential to cause incidental take by Level A harassment and Level B harassment of marine mammals include vibratory pile driving and removal, impact pile driving, DTH drilling, and hydraulic rock hammering to break up bedrock.

Dates and Duration

The City of Kodiak anticipates the project would occur in two phases over 2 years. The proposed IHAs would be valid for the statutory maximum of 1 year from the date of effectiveness, and will become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance. The specified activities could occur any time each year, during daylight hours from 30 minutes before civil dawn to 30 minutes after civil dusk. Phase I will occur over 42 non-consecutive construction days, and Phase II will occur over 227 non-consecutive days.

Specified Geographic Region

The City of Kodiak would construct the SHHIRP within St. Herman Harbor, situated on the western shore of Near Island, Kodiak, Alaska. As one of Kodiak's 2 primary boat harbors, the facility provides moorage for more than 328 vessels, ranging from small recreation boats to large commercial fishing vessels. The benthic substrate within the harbor consists of sediment and bedrock, including a prominent bedrock shoal that runs parallel to southern shore of Uski Island along the Federal Navigation Channel.

Regionally, St Herman Harbor is located on Near Island off the southeastern coast of Kodiak Island within the Kodiak Archipelago. Situated in the northwestern Gulf of Alaska, the archipelago is separated from the Alaska mainland by the Shelikof Strait. This subarctic marine environment is characterized by high primary productivity, complex insular geography, and post glacial isolation. The harbor serves as a primary regional hub for the Kodiak commercial fishing fleet, which targets Pacific salmon (*Oncorhynchus* spp.), Pacific halibut (*Hippoglossus stenolepis*), various groundfish species (including walleye pollock and Pacific cod), king crab (*Paralithodes camtschaticus*), and Pacific herring (*Clupea pallasii*).

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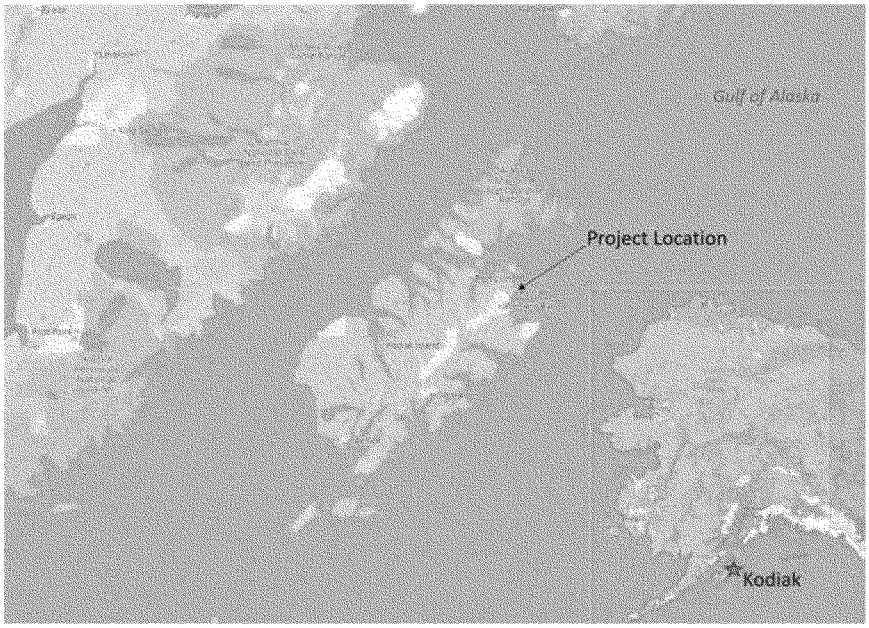


Figure 1 -- St. Herman Harbor Infrastructure Rebuild Project Geographic Location

Figure 2 -- St. Herman Harbor Infrastructure Replacement Project Site Map

Detailed Description of the Specified Activity

For Phase I of the SHHIRP, in-water work will include the installation of the slip float and drive down dock. First, 20 24-inch steel pipe temporary piles would be installed with a vibratory hammer, but 12 of these temporary piles could be installed by impact driving or DTH drilling. All temporary piles would be removed with a vibratory hammer after permanent pile installation. With the temporary piles as guides, 6 24-inch steel pipe piles and 52 30-inch permanent steel pipe piles would be installed with a vibratory hammer and then driven to tip elevation with an impact hammer. After piles reach tip elevation, a DTH drill would be inserted into each permanent pile, drilled into the bedrock, and then the shaft would be filled with concrete (table 1). Phase I would occur over 42 non-consecutive days from November 1, 2026, through October 31, 2027.

For Phase II of the SHHIRP, 12 existing slip floats, consisting of 656 steel pipe piles between 12 and 20 inches in diameter, would be removed. These piles would primarily be extracted by direct pull methods but may be extracted with vibratory methods when direct pull methods are not practicable. For purposes of the IHA, the City of Kodiak and NMFS assume all piles would be removed via vibratory hammer.

New structures for Phase II include 14 new slip floats and the associated support piles. Initially, 80 24-inch steel pipe temporary piles would be installed with a vibratory hammer which would

be used to guide permanent piles into place. The permanent support piles consist of 41 16-inch steel pipe piles, 78 18-inch steel pipe piles, 22 20-inch steel pipe piles, and 120 24-inch steel pipe piles. All permanent and the 48 24-inch steel pipe temporary piles would be installed with vibratory hammering, impact hammering, and DTH drilling methods similar to Phase I (table 2). Multiple pile driving methods during Phase I or Phase II of the SHHIRP could occur on the same day but would not occur simultaneously.

Phase II of the SHHIRP would also include dredging of approximately 1,900 yd^3 (1,453 m^3) of sediment and bedrock. Bedrock will be removed by breaking up rock with a hydraulic hammer (*i.e.,* hoe ram or breaker). Dredging is not expected to cause take of marine mammals because dredging activities would not last for sufficient duration to present the reasonable potential for disruption of behavioral patterns, do not produce sound with characteristics likely to result in marine mammal harassment, or some combination of the above, and are thus not addressed further. However, incidental take could occur from the hydraulic hammering methods proposed to be used for breaking up bedrock because the underwater sound generated could reach levels and durations that may result in behavioral harassment and auditory injury. All dredged material would be loaded on a barge and disposed of in a quarry on Near Island. Phase II would occur over 227 non-consecutive days after Phase I is complete. Due to current funding restraints, the exact timing of Phase II is currently unknown.

TABLE 1—SHHIRP PHASE I PILE INSTALLATION AND REMOVAL SUMMARY

Method	Pile size, type	Piles/day	Time (minutes) or (strikes/pile)	Strike rate/second	Number of piles	Number of days
Temporary Pile Installation						
Vibratory	24-inch, Round Steel	6	20		20	4
Impact	24-inch, Round Steel[a]	6	(300)		12	2
DTH	24-inch, Round Steel[a]	6	120	[b] 10	12	2
Permanent Pile Installation						
Vibratory	24-inch, Round Steel	6	20		6	1
Impact	24-inch, Round Steel	6	(1,800)		6	1
DTH	24-inch, Round Steel	6	120	[b] 10	6	1
Vibratory	30-inch, Round Steel	6	20		52	9
Impact	30-inch, Round Steel	6	(1,800)		52	9
DTH	30-inch, Round Steel	6	150	[b] 10	52	9
Temporary Pile Removal						
Vibratory	24-inch, Round Steel	6	20		20	4

[a] Indicates 12 of the 20, 24-inch steel temporary piles could be installed with impact driving and/or DTH drilling methods but would be removed with vibratory methods.

[b] The City of Kodiak estimates a repetition rate of 10 Hertz (Hz) which falls within the range measured during other projects in Southeast Alaska (Heyvaert and Reyff, 2021; Denes *et. al.,* 2016) While actual repetition rate may be higher, for purposes of this analysis, 10 Hz is a reasonable value to apply.

TABLE 2—SHHIRP PHASE II PILE INSTALLATION, REMOVAL, AND ROCK HAMMERING SUMMARY

Method	Pile size, type	Piles/day	Time (minutes) or (strikes/pile)	Strike rate/ second	Number of piles	Number of days
Pile Removal						
Vibratory	12–20-inch, Round Steel	20	10		656	33
Temporary Pile Installation						
Vibratory	24-inch, Round Steel	6	20		80	13
Impact	24-inch, Round Steel	6	(300)		48	8
DTH	24-inch, Round Steel	6	120	[a] 10	48	8
Permanent Pile Installation						
Vibratory	16-inch, Round Steel	6	20		41	7
Impact	16-inch, Round Steel	6	(1,800)		41	7
DTH	16-inch, Round Steel	6	150	[a] 10	41	7
Vibratory	18-inch, Round Steel	6	20		78	13
Impact	18-inch, Round Steel	6	(1,800)		78	13
DTH	18-inch, Round Steel	6	150	[a] 10	78	13
Vibratory	20-inch, Round Steel	6	20		22	4
Impact	20-inch, Round Steel	6	(1,800)		22	4
DTH	20-inch, Round Steel	6	150	[a] 10	22	4
Vibratory	24-inch, Round Steel	6	20		120	20
Impact	24-inch, Round Steel	6	(1,800)		120	20
DTH	24-inch, Round Steel	6	150	[a] 10	120	20

TABLE 2—SHHIRP PHASE II PILE INSTALLATION, REMOVAL, AND ROCK HAMMERING SUMMARY—Continued

Method	Pile size, type	Piles/day	Time (minutes) or (strikes/pile)	Strike rate/ second	Number of piles	Number of days
Temporary Pile Removal						
Vibratory	24-inch/Round Steel	6	20	.....	80	13
Rock hammering/Dredging						
Hydraulic Hammering.	.....	.....	250 hours	.....	.....	20

[a] The City of Kodiak estimates a repetition rate of 10 Hz which falls within the range measured during other projects in Southeast Alaska (Heyvaert and Reyff, 2021; Denes *et. al.,* 2016) While actual repetition rate may be higher, for purposes of this analysis, 10 Hz is a reasonable value to apply.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 3 lists all species or stocks for which take is expected and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 3 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

TABLE 3—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray Whale	*Eschrichtius robustus*	Eastern N Pacific	-, -, N	26,960 (0.05, 25,849, 2016) ..	801	131
Family Balaenopteridae (rorquals):						
Fin Whale	*Balaenoptera physalus*	Northeast Pacific	E, D, Y	UND (UND, UND, 2013) [5]	UND	0.6
Humpback Whale	*Megaptera novaeangliae*	Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020) [6] ..	127	27.09
Humpback Whale	*Megaptera novaeangliae*	Mexico-North Pacific	T, D, Y	N/A (N/A, N/A, 2006) [7]	UND	0.57
Humpback Whale	*Megaptera novaeangliae*	Western N Pacific	E, D, Y	1,084 (0.088, 1,007, 2006)	3.4 [8]	5.82
Minke Whale	*Balaenoptera acutorostrata*	AK		N/A (N/A, N/A, N/A) [9]	UND	0
Family Delphinidae:						
Killer Whale	*Orcinus orca*	Eastern North Pacific Alaska Resident.	-, -, N	1,920 (N/A, 1,920, 2019) [10]	19	1.3
Killer Whale	*Orcinus orca*	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	-, -, N	587 (N/A, 587, 2012) [10]	5.9	0.8
Pacific White-Sided Dolphin.	*Lagenorhynchus obliquidens*	N Pacific	-, -, N	26,880 (N/A, N/A, 1990)	UND	0
Family Phocoenidae (porpoises):						
Dall's Porpoise	*Phocoenoides dalli*	AK	-, -, N	UND (UND, UND, 2015) [5]	UND	37
Harbor Porpoise	*Phocoena Phocoena*	Gulf of Alaska	-, -, Y	31,046 (0.21, N/A, 1998)	UND	72

TABLE 3—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Northern Fur Seal	*Callorhinus ursinus*	Eastern Pacific	-, D, Y	626,618 (0.2, 530,376, 2019) [11].	11,403	373
Steller Sea Lion	*Eumetopias jubatus*	Western	E, D, Y	49,837 (N/A, 49,837, 2022) [12]	299	267
Family Phocidae (earless seals):						
Harbor Seal	*Phoca vitulina*	South Kodiak	-, -, N	26,448 (N/A, 22,351, 2017)	939	127
Northern Elephant Seal	*Mirounga angustirostris*	CA Breeding	-, -, N	187,386 (N/A, 85,369, 2013)	5,122	13.7

[1] Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies*).

[2] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR, or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. N/A indicates data are unknown. UND (undetermined) PBR indicates data are available to calculate a PBR level, but a determination has been made that calculating a PBR level using those data is inappropriate (see the SAR for details).

[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[5] The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range. Based upon this estimate and N_{min}, the PBR value is likely negatively biased for the entire stock.

[6] New SAR in 2022 following North Pacific humpback whale stock structure changes.

[7] Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown.

[8] PBR in U.S. waters = 0.2, M/SI in U.S. waters = 0.06.

[9] Reliable population estimates are not available for this stock. Please see Friday *et al.* (2013) and Zerbini *et al.* (2006) for additional information on numbers of minke whales in Alaska.

[10] N_{est} is based upon counts of individuals identified from photo-ID catalogs.

[11] Survey years = Sea Lion Rock—2014; St. Paul and St. George Is—2014, 2016, 2018; Bogoslof Is.—2015, 2019.

[12] N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only. The overall N_{min} is 73,211 and overall PBR is 439.

As indicated above, all 12 species (with 15 managed stocks) in table 3 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the proposed action area are included in table 3 of the IHA application. While North Pacific right whales, goose-beaked whales, and sperm whales have been reported in waters off Kodiak Island, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. North Pacific right whales goose-beaked whales, and sperm whales prefer deep, pelagic waters and are all considered to be rare (no sightings in recent years) within the project area. Take of these species has not been requested nor proposed to be authorized and these species are not considered further in this document.

In addition, the northern sea otter may be found in Kodiak, AK. However, northern sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Gray Whale

Gray whales are found most regularly throughout the North Pacific Ocean in shallow coastal waters, occasionally crossing deep waters during migration (NOAA Fisheries, 2023). Two distinct population segments (DPS) of gray whale occur in the north Pacific: the Eastern North Pacific DPS (delisted) and the Western North Pacific DPS (Endangered). The Eastern North Pacific DPS is more likely to occur near Kodiak Archipelago.

Some scientific and opportunistic data exists on gray whale presence near the project area. During aerial surveys in waters surrounding Kodiak Island conducted between 1999 and 2005 for Sea Grant Gulf Apex Predator-Prey Project, gray whales were primarily observed near Ugak Bay, approximately 79 (km) (49 mi) south of the project area (Sea Grant Alaska, 2012). Smaller numbers of gray whales were also observed approximately 8 km (5 mi) to the southeast of the project site, in Chiniak Bay (Sea Grant Alaska, 2012). During a ferry terminal reconstruction and dock improvement project completed in Kodiak Harbor, approximately 1.5 km (1 m) north of the site, monitors observed marine mammals during construction activities on 110 days between November 10, 2015, and June 16, 2016 (ABR, Inc., 2016). No gray whales were observed during that time.

Wild *et al.,* (2023) identified a Gray Whale Migratory Route Biologically Important Area (BIA) that intersects with a small portion of the project area during the months of January, March, April, May, November and December, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an intensity score of 2 (indicating an area of moderate comparative significance) and a data support score of 1 (lower relative confidence in the available supporting data). Wild *et al.,* (2023) also identified the waters to the southeast of Kodiak Island as a BIA for gray whales for feeding during June through August, April and May, and September and October. However, this feeding BIA does not intersect with the project area.

Gray whales are typically solitary or travel in small groups (Frost and Karpovich, 2008) and are considered rare in the project area. While the shallow waters of St. Herman Harbor do not represent preferred habitat for large whales, given confirmed gray whale sightings in Chiniak Bay, and that the project area overlaps with a small portion of the migratory BIA for this species, gray whales could occur within the project area.

Fin Whale

Fin whales from the Northeast Pacific stock (ESA-Endangered) are known to occur within the waters surrounding Kodiak Island. During vessel transect surveys conducted along Western Alaska and the central Aleutian Islands between 2001 and 2003, fin whales were observed throughout a broad range, from the Kenai Peninsula to the Shumagin Islands. Notably, high concentrations were found in the coastal waters surrounding Kodiak Island (Zerbini *et al.,* 2006). This finding is corroborated by aerial surveys conducted from 1999 to 2005, which also indicate that some of the highest regional concentrations of fin whales occur in the Chiniak Trough South of Afognak Island and north of Kodiak Island in the Shelikof Strait (Sea Grant Alaska, 2012). These areas have deeper bathymetry than the project area and provide fin whales with direct access to open waters they typically inhabit.

Wild *et al.* (2023) identified the waters around Kodiak Island (including the proposed project area) as a BIA for fin whales for feeding during the months of June through September, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an intensity score of 1 (indicating an area of lower comparative significance) and a data support score of 2 (moderate relative confidence in the available supporting data).

Fin whales occur year-round near Kodiak Island, with peak sightings in spring and summer (Wynne and Witteveen, 2005). While the shallow-water characteristics of the project area are not consistent with fin whales' preferred habitat, they have recently been documented northwest of the action area in Marmot Bay (Happywhale, 2025). Additionally, fin whales are known to occur in coastal regions within the broader Gulf of Alaska, and a small portion of the feeding BIA overlaps with the project area. Therefore, fin whales have the potential to enter ensonified areas during construction for the SHHIRP.

Humpback Whale

Humpback whales are one of the most common marine mammal species in the Gulf of Alaska. In the project area, the Hawaii stock is the most predominant and accounts for approximately 89 percent of humpbacks occurring in the Gulf of Alaska. The Mexico-North Pacific stock is expected to represent approximately 11 percent, while the Western North Pacific stock represents less than 1 percent of humpbacks observed within the project areas (Wade, 2021).

Wild *et al.* (2023) identified the waters around and to the East of Kodiak Island (including the proposed project area) as a BIA for humpback whales for feeding during the months of May through September, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an intensity score of 2 (indicating an area of moderate comparative significance) and a data support score of 1 (lower relative confidence in the available supporting data).

Humpback whales are common in the project area year-round with peaks during the spring and fall. They often feed in shallower waters closer to the coastline and have been documented in shallow coastal waters near Kodiak Island on some years (Baraff 2006; ABR, Inc. *et al.,* 2016). For example, during construction for the Kodiak Ferry Terminal and Dock Improvements Project from November 10, 2015, and June 16, 2016, one humpback whale was documented in the area in Kodiak, AK (ABR, Inc. *et al.,* 2016). Therefore, humpback whales have the potential to enter ensonified areas during project construction.

Minke Whale

Minke whales are found throughout the northern hemisphere in polar, temperate, and tropical waters. The International Whaling Commission has identified three minke whale stocks in the North Pacific: one near the Sea of Japan, a second in the rest of the western Pacific (west of 180° W), and a third, less concentrated stock throughout the eastern Pacific. NMFS further splits this third stock between Alaska whales and resident whales of California, Oregon, and Washington (Muto *et al.,* 2018). Minke whales are found in all Alaska waters; however, no population estimates are currently available for the Alaska stock.

Minke whale sightings are rare in the Gulf of Alaska, including near Kodiak. During the Gulf of Alaska Line-Transect Survey (GOALS) II, so few individuals were sighted in the central Gulf of Alaska that no abundance estimates could be computed (Rone *et al.,* 2017). Across 110 monitoring days between November 10, 2015, and June 16, 2016, no minke whales were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.,* 2016). However, a few observations of minke whales were recorded in nearshore waters near Kodiak Island during line transect surveys conducted in central Alaska coastal waters (Zerbini *et al.,* 2006). They are often observed in groups of two or three (Guerrero, 2008).

Killer Whale

Killer whales have been observed in all oceans, but the highest densities occur in colder and more productive waters found at high latitudes. Killer whales occur along the entire coast of Alaska (Braham and Dahlheim, 1982), inland waterways of British Columbia and Washington (Bigg *et al.,* 1990), and along the outer coasts of Washington, Oregon, and California (Green *et al.,* 1992; Barlow, 1995, 1997; Forney *et al.,* 1995). Resident killer whales in the eastern North Pacific primarily feed on salmonids, and show distinct preference for Chinook salmon, whereas transient killer whales primarily hunt and feed on marine mammals, including harbor seals, Dall's porpoise, harbor porpoises, and sea lions (Muto *et al.,* 2020). Eight stocks of killer whales are recognized within the Pacific U.S. Exclusive Economic Zone (Muto *et al.,* 2020).

The fish-eating Alaska resident stock of killer whale most commonly occurs in nearshore waters near the project area throughout the year. However, transient killer whales are also known to frequent the Kodiak Harbor area to hunt Steller sea lions during the months of February through May (UAF, 2015). During the Kodiak Ferry Terminal Improvements project, four pods of killer whales were observed in groups ranging from three to seven individuals across 110 days of monitoring between November 10, 2015, and June 16, 2016 (ABR, Inc. *et al.,* 2016). Therefore, it is expected that killer whales may occur in the project area during the proposed activities.

Pacific White-Sided Dolphin

The Pacific white-sided dolphin is found in temperate waters of the North Pacific from the southern Gulf of California to Alaska. Across the North Pacific, it appears to occur between 33° N and 47° N (Young *et al.,* 2023; Waite and Shelden, 2018). In the eastern North Pacific Ocean, the Pacific white-sided dolphin is one of the most common cetacean species, occurring primarily in shelf and slope waters (Green *et al.,* 1993; Barlow 2003, 2010). During winter, this species is most abundant in California slope and offshore areas; as northern waters begin to warm in the spring, it appears to move north to slope and offshore waters off Oregon/Washington (Green *et al.,* 1992, 1993; Forney *et al.,* 1995; Buchanan *et al.,* 2001; Barlow, 2003). White-sided are highly gregarious and typically observed in groups from 10 to 100 individuals but groups can range into the thousands (Clark, 2008b; NMFS, 2022).

In the Gulf of Alaska, specifically within the project area, only the North Pacific stock is expected to occur during construction. In 2015, NOAA Fisheries Southwest Fisheries Science Center (SWFSC) in collaboration with NOAA Fisheries Alaska Fisheries Science Center, undertook a robust whale survey along the U.S. and Canadian Pacific coast (Weller, 2021). During the SWFSC survey several Pacific white-sided dolphins were sighted south of the project area between Chiniak and Sitkalidak Island (Weller, 2021). Across 110 monitoring days between November 10, 2015, and June 16, 2016, no Pacific white-sided dolphins were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.,* 2016). Given their preference for deeper, pelagic waters, Pacific white-sided dolphins have the potential to occur near St. Herman Harbor, which is situated close to the edge of the continental shelf.

Dall's Porpoise

Dall's porpoise is found in temperate to subarctic waters of the North Pacific and adjacent seas (Jefferson *et al.,* 2015). It is widely distributed across the North Pacific over the continental shelf and slope waters, and over deep (greater than 2,500 m) oceanic waters (Friday *et al.,* 2012; Friday *et al.,* 2013). It is probably the most abundant small cetacean in the North Pacific Ocean, and its abundance changes seasonally, likely in relation to water temperature (Becker, 2007).

During three surveys from 2009 through 2015, Dall's porpoises were one of the most frequently observed marine mammal species in the Gulf of Alaska including inshore and continental shelf waters (Rone *et al.,* 2017). Similarly, in a survey conducted in 2012, one group of three Dall's porpoises were documented in 66 meters along the continental slope of Kodiak Island (Suzuki *et al.,* 2016). For the 110 days of monitoring from November 10, 2015, through June 16, 2016, no Dall's porpoises were observed during the Kodiak Ferry Terminal Improvements Project (ABR, Inc. *et al.,* 2016). Since Dall's Porpoises are known to occur near Kodiak Island, they may occur in the project area during the proposed activities for the SHHIRP.

Harbor Porpoise

There are six harbor porpoise stocks in Alaska: the Bering Sea stock occurs throughout the Aleutian Islands and all waters north of Unimak Pass; the Gulf of Alaska stock occurs from Cape Suckling to Unimak Pass; the Northern Southeast Alaska Inland Waters stock includes Cross Sound, Glacier Bay, Icy Strait, Chatham Strait, Frederick Sound, Stephens Passage, Lynn Canal, and adjacent inlets; the Southern Southeast Alaska Inland Waters stock encompasses Sumner Strait, including areas around Wrangell and Zarembo Islands, Clarence Strait, and adjacent inlets and channels within the inland waters of Southeast Alaska north-northeast of Dixon Entrance; and the Yakutat/Southeast Alaska Offshore Waters stock includes offshore habitats in the Gulf of Alaska west of the Southeast Alaska inland waters and the areas around Yakutat Bay (Young *et al.,* 2023). Only harbor porpoise from the Gulf of Alaska stock is expected to be encountered in the project area.

During the 1992 National Marine Mammal Laboratory's Harbor Porpoise Aerial Survey conducted around Kodiak Island, dozens of harbor porpoises were spotted, with one documentation occurring within the action area (Dahlheim *et al.,* 2000). Group sizes reported during the same survey averaged 1.41 individuals (Dahlheim *et al.,* 2000). A total of six harbor porpoise were documented across 110 monitoring days between November 10, 2015, and June 16, 2016, during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.,* 2016). The largest group size was two. Considering that harbor porpoises are known to occur around Kodiak Island and were observed during the Kodiak Ferry Terminal Improvements Project, they may occur in the project area during construction for the SHHIRP.

Northern Elephant Seal

Northern elephant seals breed and give birth in California (U.S.) and Baja California (Mexico), primarily on offshore islands (Stewart *et al.,* 1994), from December to March (NMFS 2015). Males migrate to the Gulf of Alaska and western Aleutian Islands along the continental shelf to feed on benthic prey, while females migrate to pelagic areas in the Gulf of Alaska and the central North Pacific Ocean to feed on pelagic prey (Le Boeuf et *al.,* 2000). Adults return to land between March and August to molt, with males returning later than females. Adults return to their feeding areas again between their spring/summer molting and their winter breeding seasons (Carretta *et al.,* 2015).

Northern elephant seals are uncommon in project area and are rarely seen as far north as Kodiak Island. However, the Sun'aq Tribe of Kodiak indicated that a northern elephant seal was observed near the project area for about 10 days in 2023.

Northern Fur Seal

Northern fur seals occur from southern California north to the Bering Sea and west to the Sea of Okhotsk and Honshu Island, Japan. During the summer breeding season, most of the worldwide population is found on the Pribilof Islands (St. Paul Island and St. George Island) in the southern Bering Sea, with the remaining animals on rookeries in Russia, on Bogoslof Island in the southern Bering Sea, on San Miguel Island off southern California, and on the Farallon Islands off central California (Muto *et al.,* 2022). Northern fur seals feed on a variety of prey including squid, walleye pollock (*Gadus chalcogrammus*), Pacific hearing (*Clupea pallasii*), and capelin (*Mallotus villosus*) (Gomez *et al.,* 2015). Breeding and important haulouts areas are not expected to spatially overlap with the project area.

Northern fur seals inhabit deep pelagic waters for most of their lives. The closest documented occurrence occurred approximately 60 miles west of the project area (Hobbs, 2004). Across 110 monitoring days between November 10, 2015, and June 16, 2016, no northern fur seals were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.,* 2016).

Steller Sea Lion

The Steller sea lion's range extends across the North Pacific Rim from northern Japan to California with areas of abundance in the Gulf of Alaska and Aleutian Islands (Muto *et al.,* 2020). In 1997, based on demographic and genetic dissimilarities, NMFS identified two DPSs of Steller sea lions under the ESA: a western DPS (western stock) and an eastern DPS (eastern stock). The western DPS breeds on rookeries located west of 144° W in Alaska and Russia, whereas the eastern DPS breeds on rookeries in southeast Alaska through California. Steller sea lions in the project area are anticipated to be part of the western DPS (western stock; Hastings *et al.,* 2020).

Steller sea lions do not follow traditional migration patterns but will move from offshore rookeries in the summer to more protected haulouts closer to shore in the winter. They use rookeries and haulouts as resting spots as they follow prey movements and take foraging trips for days, usually within a few miles of their rookery or haulout. They are generalist marine predators and opportunistic feeders based on seasonal abundance and location of

prey. Steller sea lions forage in nearshore as well as offshore areas, following prey resources.

Steller sea lion critical habitat in western Alaska includes a 20 nautical mile buffer around all major haulouts and rookeries as well as associated terrestrial, air and aquatic zones, and three large offshore foraging areas. The project area would overlap with the aquatic zone of Steller sea lion haulouts designated as critical habitat.

During aerial surveys in 2007 and 2008, Steller sea lions were regularly documented on haulouts around Kodiak Island, AK (Sea Grant Alaska, 2012). Similarly, during the Kodiak Island Ferry Terminal Improvements Project, 5,111 observations of individual Steller sea lions occurred across 110 monitoring days between November 10, 2015, and June 16, 2016 (ABR, Inc. *et al.,* 2016). Steller sea lions were most commonly observed hauled out on the Dog Bay Float, and the number of individuals hauled out ranged between 20 to over 100 individuals when counts occurred bi-weekly. Due to the presence of Steller sea lions on the Dog Bay Float and the close proximity of the SHHIRP to this float (200 m for Phase I and 300 m for Phase II), Steller sea lions are expected to occur in the project area on a daily basis throughout project activities.

Sightings of Steller sea lions in St. Herman Harbor are common, and animals have been observed hauled out on the Dog Bay Float all months except June and July. The Sun'aq Tribe of Kodiak conducted single day counts of Steller sea lions hauled out at the Dog Bay Float once per month during March, May, June, and September 2023; January, April, May, and October 2024; and March, May, July, and September 2025 (Van Daele, pers. comm., 2025). The maximum number of Steller sea lions observed in one day was 226 in May 2025, the minimum was 0 in June 2023 and July 2025. Throughout these float counts, individual Steller sea lions with brands or scars were re-sighted multiple times, suggesting that animals that use the float consists of a resident group of approximately 300 animals. Therefore, this resident group of Steller sea lions is expected to occur in the project area daily during construction for the SHHIRP.

Harbor Seal

Harbor seals are common in the coastal and inside waters of the project area. Harbor seals in Alaska are typically non-migratory with local movements attributed to factors such as prey availability, weather, and reproduction (Scheffer and Slipp, 1944; Fisher, 1952; Bigg 1969, 1981; Hastings *et al.,* 2004). Harbor seals haul out of the water periodically to rest, give birth, and nurse their pups. There are 12 stocks of harbor seals in Alaska but only the South Kodiak stock is expected to occur in the project area.

Limited data exists for harbor seal in the project area, but animals have been documented during marine mammal monitoring for other coastal construction projects between the months of November and June (ABR, Inc. et al., 2016; Pacific Seafood, 2025). During Construction for the Kodiak Ferry Terminal Improvements Project, 13 harbor seals were observed over 110 monitoring days between November 10, 2015, and June 16, 2016 (ABR, Inc. *et al.,* 2016). Considering that harbor seals are known to occur around Kodiak Island and were observed during the Kodiak Ferry Terminal Improvements Project, they may occur in the project area during construction for the SHHIRP.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* (2007, 2019). Additionally, animals are able to detect very loud sounds above and below that ''generalized'' hearing range.

For more details concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section and the Proposed Mitigation section draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or

stock through effects on annual rates of recruitment or survival.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (American National Standards Institute (ANSI), 1995). The sound level of an area is defined by the total acoustic energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activities may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction associated with the proposed project would include vibratory and impact pile driving, DTH drilling, vibratory pile removal, and hydraulic rock hammering. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive (defined below). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Impulsive sound sources (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) are brief (typically considered to be less than 1 second), broadband, atonal transients (ANSI, 1986; National Institute for Occupational Safety and Health (NIOSH), 1998; International Organization for Standardization (ISO) 2003; ANSI, 2005; NMFS, 2018) and occur either as isolated events or repeated in some succession. Impulsive sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-impulsive sounds (*e.g.,* aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995; NIOSH, 1998; NMFS, 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward 1997 in Southall *et al.,* 2007).

The SHHIRP projects would include the use of impact, vibratory, and DTH hammers for pile installation and vibratory hammers for pile removal. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment and produce significantly less sound than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

A DTH hammer is essentially a drill bit that drills through the bedrock using a rotating function like a normal drill, in concert with a hammering mechanism operated by a pneumatic (or sometimes hydraulic) component integrated into the DTH hammer to increase speed of progress through the substrate (*i.e.,* it is similar to a ''hammer drill'' hand tool). The sounds produced by DTH systems contain both a continuous, non-impulsive component from the drilling action and an impulsive component from the hammering effect. Therefore, NMFS treats DTH systems as both impulsive (for estimating Level A harassment zones) and non-impulsive (for estimating Level B harassment zones) sound source types simultaneously.

Hydraulic rock hammers (*i.e.,* hoe rams) are impact devices that would be used to break up bedrock prior dredging. Hydraulic rock hammers operate by using rock hammer operates by using a chisel-like hammer to rapidly strike an exposed surface to break it up into smaller pieces that will be removed by a clamshell dredge or bucket excavator, as appropriate. Few data exist regarding the underwater sounds produced by rock hammers. Data reported by Escude (2012), however, suggest that the sounds produced by hoe rams are comparable to impact hammers. Therefore, for the purposes of this analysis, it is assumed that hydraulic rock hammers act as an impulsive source characterized by rapid rise times and high peak levels.

The likely or possible impacts of the City of Kodiak's proposed activities on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature.

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal, DTH drilling, and hydraulic rock hammering is the means by which marine mammals may be harassed from the City of Kodiak's specified activities. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life from none or minor to potentially severe responses depending on received levels, duration of exposure, behavioral context, and various other factors. Broadly, underwater sound from active acoustic sources, such as those in the projects, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,*

2007; Southall *et al.,* 2007; Götz *et al.,* 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of pile driving hammers (impact, vibratory, and DTH) are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007; Tal *et al.,* 2015). The Project activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007, 2019). Exposure to anthropogenic noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). It can also lead to non-observable physiological responses, such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions, such as communication and predator and prey detection.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), signal characteristics, the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004; Southall *et al.,* 2007). In general, sudden, high-intensity sounds can cause hearing loss as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively for noise within an animal's hearing range. We describe below the specific manifestations of acoustic effects that may occur based on the activities proposed by the City of Kodiak.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur in relation to distance from a source and assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. The third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

Below, we provide additional detail regarding potential impacts on marine mammals and their habitat from noise in general, starting with hearing impairment, as well as from the specific activities the City of Kodiak plans to conduct, to the degree it is available.

Auditory Injury (AUD INJ)—NMFS defines auditory injury as ''damage to the inner ear that can result in destruction of tissue . . . which may or may not result in permanent threshold shift (PTS)'' (NMFS, 2024). AUD INJ may or may not result in a permanent threshold shift (PTS). NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level ANSI, 1995; Yost, 2007). A variety of terrestrial and marine mammal studies (*e.g.,* Ward *et al.,* 1958; Ward *et al.,* 1959; Ward, 1960; Miller *et al.,* 1963; Kryter *et al.,* 1966; Finneran *et al.,* 2007; Kastelein *et al.,* 2013) indicate that threshold shifts of up to 40 to 50 dB (measured a few minutes after exposure) may be induced without resulting in PTS. Therefore, an exposure producing an initial threshold shift of 40 dB is considered the minimum upper limit for a reversible threshold shift and any additional exposure could result in some PTS. Thus, NMFS has set the PTS onset as a threshold shift of 40 dB. However, after sound exposure ceases or between successive sound exposures, the potential for recovery from hearing loss exists. Thus, because a threshold shift is measured a few minutes after noise exposure does not mean that those initial shifts are persistent (*i.e.,* no recovery). When initial threshold shifts fully recover back to baseline hearing levels, these are considered TTS. PTS indicates that there is not full recovery back to baseline hearing levels, but it does not mean that there is no recovery. Rather PTS indicates that there is incomplete recovery. Recovery is dependent on the initial threshold shift amount, the frequency where the shift occurred, temporal pattern of exposure (*e.g.,* exposure duration; continuous vs. intermittent or interrupted exposure), and physiological mechanisms associated with the shift (*e.g.,* mechanical vs. metabolic, recovery processes within cochlea). Since recovery is complicated, our current AUD INJ onset criteria do not account for the potential for recovery.

Temporary Threshold Shift (TTS)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (Southall *et al.,* 2007, 2019), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.,* 2000; Finneran *et al,* 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SELcum) in an accelerating fashion: At low exposures with lower SELcum, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SELcum, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient

noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during a time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (*Zalophus californianus*) (Kastak *et al.,* 1999, 2007; Kastelein *et al.,* 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.,* 2019; Sills *et al.,* 2020). These studies examined hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of TS at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2019a, 2019c). Note that in general, harbor seals have a lower TTS onset than other measured pinniped species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.,* 2009; Finneran *et al.,* 2010; Kastelein *et al.,* 2014, 2015). This means that TTS predictions based on the total, SELcum will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describes measurements of hearing sensitivity of multiple odontocete species (*i.e.,* bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.,* 2021). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dBs above that inducing mild TTS (*e.g.,* a 40-dB TS approximates PTS onset (Kryter *et al.,* 1966; Miller, 1974)), while a 6-dB TS approximates TTS onset (Southall *et al.,* 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS SELcum thresholds are 15 to 20 dB higher than TTS SELcum thresholds (Southall *et al.,* 2007, 2019).

Construction at SHHIRP would require a combination impact and vibratory pile driving and removal, DTH drilling, and hydraulic rock hammering. Construction for each phase of the SHHIRP would be independent both spatially and temporally. Only one method of pile installation, pile removal or hydraulic rock hammering would occur at a time, although multiple methods may be used in the same day. Proposed construction activities for each phase are not expected to be constant and pauses in the activities producing sound are likely to occur each day. Given these pauses and that many marine mammals are likely moving through the project areas and not remaining for extended periods of time, the potential for TS declines. For Steller sea lions, animals are expected to remain in project area, particularly around the Dog Bay float. Animals swimming with heads underwater would be exposed to pile driving noise throughout a day on multiple days, increasing risk of TS. However, we also expect these individuals to remain out of the water on the float for extended durations which reduces risk of TS.

Behavioral Harassment—Exposure to noise from pile installation, pile removal, DTH drilling, and rock hammering also have the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007, 2021; Weilgart, 2007; Archer *et al.,* 2010).

Behavioral reactions can vary not only among individuals but also within exposures of an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012; Southall *et al.,* 2021), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. For a review of the studies involving marine mammal behavioral responses to sound, see Southall *et al.,* 2007; Gomez *et al.,* 2016; and Southall *et al.,* 2021 reviews.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Airborne Acoustic Effects—Pinnipeds that occur near the project sites could be exposed to airborne sounds associated with pile installation, pile removal, or DTH drilling that have the potential to cause behavioral harassment, depending on their distance from the activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project sites within the range of noise levels elevated above the airborne acoustic harassment criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when swimming with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Stress Response—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar construction projects around Kodiak Island.

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional

discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking. The SHHIRP project is located in an area with commercial and recreational fishing, recreational boating, ferry operations, and includes routine vessel traffic; therefore, background sound levels are generally already elevated.

Marine Mammal Habitat Effects

Proposed construction for Phase I and II of the SHHIRP could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see Auditory Masking) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During DTH drilling, impact and vibratory pile driving, and hydraulic rock hammering elevated levels of underwater noise would ensonify the project area where both fish and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during construction; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations.

Water Quality—In-water DTH Drilling, pile driving, pile removal, rock hammering, and dredging activities would also cause short-term effects on water quality due to increased turbidity. Temporary and localized increase in turbidity near the seafloor would occur in the immediate area surrounding where piles are installed or removed and where rock hammering or dredging will occur, due to benthic sediment disturbance. In general, turbidity associated with pile installation is localized to about a 25 ft (7.6 m) radius around the pile (Everitt *et al.,* 1980). The suspended solids from disturbed sediment at project sites would settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects from turbidity and sedimentation are expected to be short-term, minor, and localized. Suspended solids in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, suspended sediment associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area likely impacted by the proposed construction activities is relatively small compared to the total available marine mammal habitat as well as the critical habitat and the BIAs around Kodiak, AK. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

In-water Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals and no increases in vessel traffic are expected in either location as a result of the specified activities. The areas likely impacted by the proposed actions are relatively small compared to the total available habitat in the Gulf of Alaska and the water surrounding Kodiak Island. The proposed project areas are highly influenced by anthropogenic activities and provide limited foraging habitat for marine mammals. The total seafloor area affected by piling activities is small compared to the vast foraging areas available to marine mammals surrounding proposed construction sites. At best, the area impacted provide marginal foraging habitat for marine mammals and fishes. Furthermore, pile driving, pile removal and hydraulic rock hammering would not obstruct movements or migration of marine mammals.

Construction activities would produce continuous, non-impulsive (*i.e.,* vibratory pile driving, DTH drilling) and intermittent impulsive (*i.e.,* impact pile driving, DTH drilling, and hydraulic rock hammering) sounds. Fish utilize the soundscape and components of sound in their environment to perform

important functions such as foraging, predator avoidance, mating, and spawning (Zelick *et al.,* 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.,* 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, several of which are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2001; Popper and Hastings, 2009). Many studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Fewtrell and McCauley, 2012; Paxton *et al.,* 2017). In response to pile driving, Pacific sardines (*Sardinops sagax*) and northern anchovies (*Engraulis mordax*) may exhibit an immediate startle response to individual strikes but return to ''normal'' pre-strike behavior following the conclusion of pile driving with no evidence of injury as a result (see NAVFAC, 2014). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Wardle *et al.,* 2001; Popper *et al.,* 2005; Jorgenson and Gyselman, 2009; Peña *et al.,* 2013).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function is likely restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.,* 2012a; Casper *et al.,* 2013) and the greatest potential effect on fish during the proposed project would occur during impact pile driving, if it is required. However, the duration of impact pile driving would be limited to a contingency in the event that vibratory driving does not satisfactorily install the pile depending on observed soil resistance. In-water construction activities would only occur during daylight hours allowing fish to forage and transit the project area at night. Vibratory pile driving may elicit behavioral reactions from fish such as temporary avoidance of the area but is unlikely to cause injuries to fish or have persistent effects on local fish populations. In addition, it should be noted that the area in question is low-quality habitat since it is already developed and experiences anthropogenic noise from routine vessel traffic.

The most likely impact to fishes from pile driving, pile removal, DTH drilling, and hydraulic rock hammering in the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of the area after pile driving stops is unknown but a rapid return to normal recruitment, distribution, and behavior is anticipated. There are times of known seasonal marine mammal foraging when fish are aggregating but the impacted areas are small portions of the total foraging habitats available in the regions. In general, impacts to marine mammal prey species are expected to be minor and temporary. Further, it is anticipated that preparation activities for pile driving and DTH drilling (*i.e.,* positioning of the hammer) and upon initial startup of devices would cause fish to move away from the affected area where injuries may occur. Therefore, relatively small portions of the proposed project areas would be affected for short periods of time, and the potential for effects on fish to occur would be temporary and limited to the duration of sound-generating activities.

Construction activities, in the form of increased turbidity, also have the potential to adversely affect forage fish in the project area. Pacific herring (*Clupea pallasii*) is a primary prey species of Steller sea lions, humpback whales, and many other marine mammal species that occur in the project areas. As discussed earlier, increased turbidity is expected to occur in the immediate vicinity (approximately 25 ft (7.6 m) or less) of construction activities (Everitt *et al.,* 1980). However, suspended solids are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on forage fish are expected to be minor or negligible. In addition, best management practices would be in effect to limit the extent of turbidity to the immediate project areas. Finally, exposure to turbid waters from construction activities is not expected to be different from the current exposure; fish and marine mammals in the regions are routinely exposed to substantial levels of suspended sediment from glacial sources.

In summary, given the short daily duration of sound associated with pile driving, DTH drilling, and hydraulic rock hammering and the relatively small areas being affected by these activities associated with the proposed actions are not likely to have a permanent adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHAs, which will inform NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic sources (*i.e.,* impact, and vibratory pile driving; DTH drilling; vibratory pile removal; and hydraulic rock hammering) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, primarily for Dall's porpoise, harbor porpoise, harbor seal, and Steller sea lion because predicted AUD INJ zones are larger than for other species and those four species are more commonly seen within the area. AUD INJ is unlikely to occur for gray whale, minke whale, fin whale, humpback whale, Pacific white-sided dolphin, killer whale, northern fur seal, and northern elephant seal. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). Criteria for AUD INJ, and hearing group categories are available in NMFS' Updated Technical Guidance (NMFS 2024) and are reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 µPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 µPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

The City of Kodiak's proposed activities includes the use of continuous (vibratory pile driving/removal and DTH drilling) and intermittent (impact pile driving, DTH drilling, and hydraulic rock hammering) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 µPa, respectively, are applicable.

Level A Harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The City of Kodiak's proposed activity includes the use of impulsive (impact pile driving, hydraulic rock hammering, and DTH drilling) and non-impulsive (vibratory pile driving/removal and DTH drilling) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ Onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	*Cell 4:* $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	*Cell 8:* $L_{E,PW,24h}$: 195 dB.

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY—Continued

Hearing group	AUD INJ Onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$*:* 230 dB; $L_{E,OW,24h}$*:* 185 dB	*Cell 10:* $L_{E,OW,24h}$*:* 199 dB.

*Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 µPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript ''flat'' is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss (TL) coefficient.

The sound field in the proposed project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of Phase I and II of the SHHIRP activities (*i.e.,* pile installation, pile removal, DTH drilling and hydraulic rock hammering).

The source levels assumed for pile installation, pile removal, and rock hammering activities are based on reviews of measurements of the same or similar types and dimensions of piles and rock hammering activities from similar coastal construction projects. We note that the City of Kodiak proposed a source level of 155 dB RMS SPL for the vibratory installation of 16- to 18-inch steel piles during Phase II of the SHHIRP Project, citing Denes *et al.* (2016). However, NMFS has determined that use of this proxy source level in this location is not appropriate; the substrate in Kake, AK, where the data in Denes *et al.* (2016) were collected is primarily mud, and source levels recorded at that location are consistently lower than those measured elsewhere in Alaska (Navy 2012, 2013; Minor 2020). Consequently, NMFS applied a more appropriate source level of 163 dB RMS SPL to 16- and 18-in piles. These source levels were derived from recordings in Bangor, Washington, and Gustavus, Alaska, where pile sizes and substrate are similar to the project area.

TABLE 6—ESTIMATED SOURCE LEVELS (AT 10 m), BY PILE SIZE, TYPE AND ACTIVITY, FOR THE SHHIRP

Pile size and type	RMS SPL (dB re 1 µPa)	SEL (dB re 1 µPa2-sec)	Peak SPL (dB re 1 µPa)	Reference
Vibratory pile installation and removal				
12- to 20-inch steel piles (removal).	163	N/A	N/A	Naval Base Kitsap Bangor Test Pile (Navy (2012)) and EHW–2 (Navy (2013)), Gustavus (Minor, 2020).
16- to 24-inch steel piles	163	N/A	N/A	Naval Base Kitsap Bangor Test Pile (Navy (2012)) and EHW–2 (Navy (2013)), Gustavus (Minor, 2020).
30-inch steel piles	166	N/A	N/A	Denes et al. 2016 (Auke Bay, Ketchikan, Kake), Edmonds Ferry Terminal (Laughlin 2011, 2017), Colman Dock—Seattle Ferry Terminal (Laughlin 2012), Kodiak Pier 3 (PND Engineers, 2015).
Impact pile installation				
16- to 18-inch steel piles	185	175	200	Caltrans 2020.
20- to 24-inch steel piles	190	177	203	Caltrans 2015.
30-inch steel piles	190	177	210	Caltrans 2015.
DTH pile drilling				
16–18-inch steel piles	167	146	172	Guan and Miner 2020; Heyvaert and Reyff 2021.
20–24-inch steel piles	167	159	184	Heyvaert and Reyff 2021.
30-inch steel piles	174	164	194	Denes et al. 2019; Reyff and Heyvaert 2019; Reyff 2020; Heyvaert and Reyff 2021.
Hydraulic hammering/rock fracturing				
Hydraulic hammering/rock fracturing.	186	171	197	Escude 2012.

Transmission Loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B \times Log10(R1/R2)$$

Where:

TL = transmission loss in dB,
B = transmission loss coefficient,
R1 = the distance of the modeled SPL from the driven pile, and
R2 = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source depends on various factors, most notably the water bathymetry and the presence or absence of reflective or absorptive conditions, including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each doubling of distance from the source (20*log[range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log[range]). A practical spreading value of 15 is often used in shallow-water coastal conditions, such as those found in St. Herman Harbor. In these environments, sound waves repeatedly reflect off the surface and bottom, reflecting an expected propagation environment between spherical and cylindrical spreading-loss conditions.

Site-specific TL data for St. Herman Harbor is not available; therefore, the default coefficient of 15 is used to calculate distances to the Level A harassment and Level B harassment thresholds. Assuming practicable spreading and other assumptions regarding the source characteristics and operational logistics (*e.g.,* source level, number of strikes per pile, number of piles per day), the City of Kodiak and NMFS calculated distances to the Level A harassment and Level B harassment thresholds and associated ensonified areas. Because an ensonified area associated with Level A harassment is more technically challenging to predict given the accounting for a cumulative energy component that changes over time, to assist applicants in assessing the potential for Level A harassment without the need for complex modeling, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance (see *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools*). This relatively simple tool can be used to calculate a Level A harassment isopleth distance for use in conjunction with marine mammal density or occurrence data to predict the amount of take that may occur incidental to an activity. We note that, because of some of the assumptions in the methods underlying this spreadsheet tool, we anticipate that the resulting isopleths would typically be overestimates, which may lead to an overestimate of potential exposures from Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such pile installation, pile removal, DTH drilling, and hydraulic rock hammering, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported in table 7 through 10 below. Discrepancies between the distances and associated areas to thresholds presented in Table 10 and the City of Kodiak's application for 16- and 18-in piles result from different source levels used by NMFS as described above.

TABLE 1—NMFS USER SPREADSHEET INPUTS FOR PHASE I OF THE SHHIRP

Pile size and material	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes)	Number of strikes per pile (impact) or repetition rate (DTH)	Number of piles per day	Distance of sound pressure level measurement (m)
Vibratory pile driving								
24-inch steel	A.1) Vibratory Pile Driving.	163 dB RMS	2.5	15	20	N/A	6	10
24-inch steel[a]		163 dB RMS	2.5	15	20	N/A	6	10
30-inch steel		166 dB RMS	2.5	15	20	N/A	6	10
Vibratory pile removal								
24-inch steel	A.1) Vibratory Pile Driving.	163 dB RMS	2.5	15	20	N/A	6	10
Impact pile driving								
24-inch steel[a]	E.1) Impact Pile Driving.	177 dB SEL	2	15	15	300	6	10
24-inch steel		177 dB SEL	2	15	45	1,800	6	10
30-inch steel		177 dB SEL	2	15	45	1,800	6	10
DTH pile drilling								
24-inch steel[a]	E.2) DTH Systems.	159 dB SEL	2	15	120	[b] 10	6	10
24-inch steel		159 dB SEL	2	15	150	[b] 10	6	10
30-inch steel		164 dB SEL	2	15	150	[b] 10	6	10

Note: N/A means not applicable.
[a] indicates temporary piles.
[b] The City of Kodiak estimates a repetition rate of 10 Hz which falls within the range measured during other projects in Southeast Alaska (Heyyaert and Reyff, 2021; Denes *et al.,* 2016) While actual repetition rate may be higher, for purposes of this analysis, 10 Hz is a reasonable value to apply.

TABLE 2—NMFS USER SPREADSHEET INPUTS FOR PHASE II OF THE SHHIRP

Pile size and material	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes) or total hours (rock hammering)	Number of strikes per pile (impact) or repetition rate (DTH)	Number of piles per day or total cubic yards (rock hammering)	Distance of sound pressure level measurement (m)
Vibratory pile driving								
16- to 18-inch steel.	A.1) Vibratory Pile Driving.	163 dB RMS	2.5	15	20	N/A	6	10
20-inch steel		163 dB RMS	2.5	15	20	N/A	6	10
24-inch steel [a]		163 dB RMS	2.5	15	20	N/A	6	10
Vibratory pile removal								
12- to 20-inch steel Removal [b].	A.1) Vibratory Pile Driving.	163 dB RMS	2.5	15	10	N/A	20	10
24-inch steel [a]		163 dB RMS	2.5	15	20	N/A	6	10
Impact pile driving								
16-inch steel	E.1) Impact Pile Driving.	175 dB SEL	2	15	45	1,800	6	10
18-inch steel		175 dB SEL	2	15	45	1,800	6	10
20-inch steel		177 dB SEL	2	15	45	1,800	6	10
24-inch steel [a]		177 dB SEL	2	15	45	1,800	6	10
24-inch steel		177 dB SEL	2	15	15	300	6	10
DTH pile drilling								
16-inch steel	E.2) DTH Systems.	146 dB SEL	2	15	150	[c] 10	6	10
18-inch steel		146 dB SEL	2	15	150	[c] 10	6	10
20-inch steel		159 dB SEL	2	15	150	[c] 10	6	10
24-inch steel		159 dB SEL	2	15	150	[c] 10	6	10
24-inch steel [a]		159 dB SEL	2	15	120	[c] 10	6	10
Hydraulic rock hammering								
Rock hammering	E: Stationary source.	171 dB SEL	2	15	250	24,000	1,900	10

Note: N/A means not applicable.
[a] indicates temporary piles.
[b] indicates existing piles.
[c] The City of Kodiak estimates a repetition rate of 10 Hz which falls within the range measured during other projects in Southeast Alaska (Heyvaert and Reyff, 2021; Denes *et al.,* 2016) While actual repetition rate may be higher, for purposes of this analysis, 10 Hz is a reasonable value to apply.

TABLE 9—PROJECTED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS (m) AND ASSOCIATED AREAS (km^2) BY MARINE MAMMAL HEARING GROUPS FOR VIBRATORY INSTALLATION AND REMOVAL, IMPACT INSTALLATION, AND DTH DRILLING OF PILES FOR PHASE I OF THE SHHIRP

Pile size and material	Level A harassment distance (m), (area (km^2))					Level B harassment distance (m), (area (km^2))
	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocids	Otariids	
Vibratory pile driving						
24-inch steel [a]	19.9 (0.014)	7.6 (0.004)	16.3 (0.011)	25.6 (0.018)	8.6 (0.006)	7,356 (6.641)
30-inch steel	31.5 (0.023)	12.1 (0.008)	25.8 (0.018)	40.6 (0.03)	13.7 (0.009)	11,659 (9.263)
Impact pile driving						
24-inch steel [b]	586.1 (0.44)	74.8 (0.06)	907.1 (0.664)	520.7 (0.399)	194.1 (0.191)	1,000 (0.71)
24-inch steel	1,935.4 (1.191)	246.9 (0.239)	2,995.1 (2.128)	1,719.3 (1.052)	640.9 (0.475)	1,000 (0.71)
30-inch steel	1,935.4 (1.191)	246.9 (0.239)	2,995.1 (2.128)	1,719.3 (1.052)	640.9 (0.475)	1,000 (0.71)
DTH pile drilling						
24-inch steel [b]	1,428.3 (0.893)	182.2 (0.177)	2,210.3 (1.393)	1,268.8 (0.819)	473 (0.37)	[c d] 13,594 (9.269)
24-inch steel	1,657.4 (1.016)	211.5 (0.208)	2,564.8 (1.696)	1,472.3 (0.915)	548.8 (0.417)	[c d] 13,594 (9.269)

TABLE 9—PROJECTED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS (m) AND ASSOCIATED AREAS (km²) BY MARINE MAMMAL HEARING GROUPS FOR VIBRATORY INSTALLATION AND REMOVAL, IMPACT INSTALLATION, AND DTH DRILLING OF PILES FOR PHASE I OF THE SHHIRP—Continued

Pile size and material	Level A harassment distance (m), (area (km²))					Level B harassment distance (m), (area (km²))
	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocids	Otariids	
30-inch steel	3,570.7 (2.815)	455.6 (0.359)	5,525.7 (5.241)	3,172.1 (2.33)	1,185.4 (0.783)	[c] [d] 39,811 (9.269)

[a] indicates both temporary and permanent piles.
[b] indicates temporary piles only.
[c] Distances represent the calculated radius of the zone. The actual zone may be truncated by landforms.
[d] Areas of zones accounting for truncation by landforms.

TABLE 10—PROJECTED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS (m) AND ASSOCIATED AREAS (km²) BY MARINE MAMMAL HEARING GROUPS FOR VIBRATORY INSTALLATION AND REMOVAL, IMPACT INSTALLATION, AND DTH DRILLING OF PILES AND HYDRAULIC ROCK HAMMERING FOR PHASE II OF THE SHHIRP

Pile size and material	Level A harassment distance (m), (area (km²))					Level B harassment distance (m), (area (km²))
	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocids	Otariids	
Vibratory pile driving						
12- to 20-inch piles [a]	28 (0.0256)	10.7 (0.01)	22.9 (0.022)	36 (0.031)	12.1 (0.012)	7,356 (6.399)
16- or 18-inch steel piles	19.9 (0.019)	7.6 (0.007)	16.3 (0.016)	25.6 (0.024)	8.6 (0.008)	7,356 (6.399)
20- to 24-inch steel piles [b]	19.9 (0.019)	7.6 (0.007)	16.3 (0.016)	25.6 (0.024)	8.6 (0.008)	7,356 (6.399)
Impact pile driving						
16- to 18-inch steel piles	1,423.8 (0.831)	181.7 (0.117)	2,203.3 (1.224)	1,264.8 (0.778)	471.5 (0.437)	464 (0.428)
24-inch steel piles [c]	586.1 (0.552)	74.8 (0.05)	907.1 (0.679)	520.7 (0.494)	194.1 (0.127)	1,000 (0.703)
20- to 24-inch steel	1,935.4 (1.063)	246.9 (0.174)	2,995.1 (1.856)	1,719.3 (0.953)	640.9 (0.59)	1,000 (0.703)
DTH pile drilling						
16- or 18-inch steel	225.3 (0.154)	28.7 (0.026)	348.6 (0.289)	200.1 (0.131)	74.6 (0.05)	[d] [e] 13,594 (9.159)
24-inch steel piles [c]	1,428.3 (0.832)	182.2 (0.117)	2,210.3 (1.228)	1,268.8 (0.779)	473 (0.439)	[d] [e] 13,594 (9.159)
20- or 24-inch steel	1,657.4 (0.925)	211.5 (0.141)	2,564.8 (0.1555)	1,472.3 (0.848)	548.8 (0.518)	[d] [e] 13,594 (9.159)
Rock hammering						
Rock hammering	609 (0.252)	77.7 (0.034)	942.5 (0.331)	541 (0.227)	201.7 (0.095)	541 (0.227)

[a] indicates removal of existing piles.
[b] indicates both temporary and permanent piles.
[c] indicates installation of temporary piles only.
[d] Distances represent the calculated radius of the zone. The actual zone may be truncated by landforms.
[e] Areas of zones accounting for truncation by landforms.

Level A harassment zones are typically smaller than Level B harassment zones. However, in rare cases such as during impact driving of 24- and 30-inch permanent steel piles for Phase I and during impact driving 16-, 18-, 20-, and 24-inch permanent steel piles, the calculated Level A harassment isopleth is larger than the calculated Level B harassment isopleth for low frequency (LF) cetaceans, very high-frequency (VHF) cetaceans, and phocids (tables 9 and 10). This phenomenon also applies to rock hammering in Phase II for LF and VHF cetaceans. Calculation of Level A harassment isopleths include a duration component, which in the case of impact pile driving and rock hammering, is estimated through the total number of daily strikes and the associated pulse duration. For a stationary sound source such as impact pile driving and rock hammering, the calculated distances assume that an animal is exposed to all of the strikes expected within a 24-hour period and, as described above, is therefore likely an overestimate. Calculation of a Level B harassment isopleth does not include a duration component.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Below we present available information regarding marine mammal occurrence in the vicinity of the project area and includes site-specific survey information and knowledge from local tribes. Data sources consulted included: (1) anecdotal input and data provided by the Sun'aq Tribe of Kodiak's Natural Resources Director (Van Daele, Personal communication, 2025), (2) Protected Species Observer (PSO) monitoring completed in Near Island Channel on 110 days between November 205 and June 2016 during the Kodiak Ferry Terminal and Dock Improvements Project, approximately 1.2 km northeast of St. Herman Harbor (ABR Inc., 2016), and (3) density data from the Navy Marine Species Density Database for the U.S Pacific and Gulf of Alaska (Marine Geospatial Ecology Lab, 2021).

Take, by Level A harassment, is predicted to occur for activities wherein the shutdown zones (described below) are smaller than the calculated Level A harassment zones. Take, by Level A harassment, for VHF cetaceans and phocids for both Phase I and Phase II of the SHHIRP were calculated using the following equations:

Take by Level A harassment = (activity's Level A harassment area [km²]) × estimated density [individuals/km²]) × days of pile installation/removal, DTH drilling, and rock hammering

We note that in their application, the City of Kodiak subtracted the shutdown areas (km²) from Level A harassment areas in their calculations. NMFS does not agree with this approach, as an animal could enter harassment zones before detection, thus could be taken by Level B harassment before shutdowns could be implemented. Therefore, NMFS applied to full Level A harassment zone calculated from the User Spreadsheet to estimate take.

This formula was applied to all impact pile driving and DTH drilling during Phase I. For Phase II, the formula was applied to all impact pile driving, rock hammering, and the DTH drilling of 24-inch temporary and 20- to 24-inch permanent steel piles. For all other activities (*e.g.,* vibratory removal and driving), Level A harassment does not have the potential to occur based on the analysis. The occurrence data sources used in the Level A harassment calculation above included marine mammal density from source 3 (Marine Geospatial Ecology Lab, 2021). The total calculated amount of Level A harassment proposed for authorization during Phase I and Phase II of the SHHIRP for Dall's porpoise, harbor porpoise, and harbor seals are presented in table 11. The methodologies which have been used to quantify Level A harassment for Steller sea lions are provided in the respective species section below as density data was not a good indicator of the potential for harassment given Steller sea lion use of the project area.

We acknowledge that the number of estimated exposures above higher threshold criteria, *e.g.,* sound exposures exceeding Level A harassment criteria, also encompass the potential for less impactful effects, *e.g.,* Level B harassment. An individual exposure exceeding a Level A harassment criterion may not result in actual auditory injury, yet the individual may have experienced Level B harassment. This outcome is accounted for in our authorization of potential higher-level takes and in our analysis. Specifically, due to this approach for calculating Level A harassment and Level B harassment for VHF cetaceans and phocids, the number of authorized takes by Level A harassment may be applied to observations of Level B harassment. However, the total number of takes may not exceed the sum of the takes authorized by Level A and Level B harassment (table 11).

For species where density data were available and accurately represented the potential for Level B harassment (*i.e.,* fin whale, humpback whale, dolphin, VHF cetaceans, and phocids) and where Level B harassment isopleths are larger than the Level A harassment isopleths, the following equation was used to estimate take:

Take by Level B harassment = (activity level B harassment area [km²] − activity level A harassment area [km²]) × estimated density [individuals/km²] × days of pile installation/removal and DTH drilling where days of pile installation/removal and DTH drilling equate to 32 and 163 (days Level B harassment Isopleths are larger than Level A harassment Isopleths) for Phase I and Phase II, respectively

The methodologies which have been used to quantify Level B harassment for the Steller sea lion, killer whale and other infrequently occurring species (minke whale, Pacific white-sided dolphin, northern elephant seal, and northern fun seal) within the project areas, are detailed in their respective species-specific sub-sections below.

Gray Whale—The City of Kodiak estimated that one gray whale could occur within the Level B harassment zone per month (30 days) during each construction phase because they are considered rare construction area. This is based on small numbers of gray whales observed in Chiniak Bay, approximately 8 km from the project area (Sea Grant Alaska, 2012) NMFS concurs with this frequency-based approach. Given there are 42 estimated days of work for Phase I and 227 estimated days of work for Phase II, the City of Kodiak requested, and NMFS proposes to authorize, two takes by Level B harassment for Phase I and eight takes by Level B harassment for Phase II. Estimated takes by Level B harassment were rounded to the next whole number. Takes by Level A harassment of gray whales are not anticipated and therefore not proposed for authorization.

Fin Whale—Considering fin whales presence near the proposed project areas, they could enter Level B harassment zones daily (32 days for Phase I and 163 for Phase II). Based on a density of 0.068 individuals per square kilometer (km²) (Marine Geospatial Ecology Lab, 2021), the City of Kodiak requested 16 takes by Level B harassment for Phase I and 68 takes by Level B harassment for Phase II) based on their calculations. However, NMFS revised the vibratory source levels for 16-inch and 18-inch steel piles to reflect the best available science. This revision expanded the Phase II Level B harassment isopleth, increasing the takes by Level B harassment from 68 to 75 whales. Accordingly, NMFS proposes to authorize 16 takes by Level B harassment for Phase I and 75 for Phase II. Takes by Level A harassment for fin whales are not anticipated and therefore not proposed for authorization.

Humpback Whale—Considering humpback whales' presence near the proposed project areas, they could enter Level B harassment zones daily (32 days for Phase I and 163 for Phase II). Humpback whales are expected to occur at a density of 0.093 individuals per km² (Marine Geospatial Ecology Lab, 2021). However, upon review of the application, NMFS adjusted the Level B harassment take estimates for humpback whales to account for revised vibratory source levels for 16- to 18-inch steel piles, which expanded the Level B harassment isopleth for Phase II. Consequently, the calculated take estimate for Phase II increased from 93 to 103 humpback whale. Therefore, NMFS proposes to authorize 22 and 103 takes by Level B harassment for Phase I and II, respectively.

In the SHHIRP areas, it is estimated that the majority of whales (89 percent) will be from the Hawaii DPS, 11 percent will be from the Mexico-North Pacific

DPS, and 1 percent will be from the endangered Western North Pacific DPS (Wade, 2021; Muto *et al.,* 2022). Therefore, for Phase I, 19 takes are assumed to be from the Hawaii DPS, 2 takes from the Mexico-North Pacific DPS, and 1 take from the Western North Pacific DPS. For Phase II, 91 are assumed to be from the Hawaii DPS, 11 takes from the Mexico-North Pacific DPS, and 1 Western North Pacific DPS. Takes by Level A harassment for humpback whales are not anticipated and therefore not proposed for authorization.

Minke Whale—Minke whales are often sighted individually and are considered rare within the project area. The City of Kodiak estimated that one group of one minke whale could occur within the Level B harassment zone per month (30 days) during each construction phase. NMFS concurs with this frequency-based approach and proposes to authorize two takes by Level B harassment for Phase I (42 days) and eight takes by Level B harassment for Phase II (227 days). Estimated takes by Level B harassment was rounded to the next whole number. Takes by Level A harassment for minke whales are not anticipated and therefore not proposed for authorization.

Killer Whale—Based on previous sightings at the Kodiak Ferry Terminal of groups of three to seven animals (ABR, 2016), the City of Kodiak estimated one group of six animals could occur every 10 days. NMFS concurs with this approach and proposes to authorize 26 takes by Level B harassment for Phase I (42 days) and 137 takes by Level B harassment for Phase II (227 days). In the action area it is estimated that the majority of killer whales (80 percent) will be from the Alaska resident stock and 20 percent will be from the Gulf of Alaska/Aleutian Islands/Bering Sea transient stock (Muto *et al.,* 2022). Therefore, for Phase I, 20 takes are assumed to be from the Alaska resident stock and 6 takes from the Gulf of Alaska/Aleutian Islands/Bering Sea transient stock. For Phase II, 105 takes are assumed to be from the Alaska resident stock and 32 takes from the Gulf of Alaska/Aleutian Islands/Bering Sea transient stock. Takes by Level A harassment for killer whales are not anticipated and therefore not proposed for authorization.

Pacific White-sided Dolphin—Pacific white-sided dolphin group sizes are usually between 10 and 100 animals. This species is rare in shallow, enclosed waters like the construction areas in St. Herman Harbor. However, to account for the potential for Pacific white-sided dolphins to enter construction areas, the City of Kodiak estimated that 1 group of 10 animals could enter Level B harassment zones during Phase I construction, and 2 groups of 10 animals could enter Level B harassment zones during Phase II construction. NMFS concurs with this approach and proposes to authorize take by Level B harassment of 10 Pacific white-sided dolphins for Phase I and 20 for Phase II. Takes by Level A harassment of Pacific white-sided dolphins are not anticipated and therefore not proposed for authorization.

Dall's Porpoise—Dall's porpoises are year-round residents of the waters surrounding Kodiak Island and are frequently observed near the proposed project area. Therefore, Dall's porpoises are anticipated to occur in the project areas during construction activities. In the proposed project areas, Dall's porpoises are expected to occur at a density of 0.218 individuals per km^2 (Marine Geospatial Ecology Lab, 2021). Using the Level B harassment equation above, the City of Kodiak requested 45 and 213 takes by Level B harassment for Phase I and Phase II, respectively. However, upon review of the application, NMFS adjusted the Level B harassment take estimates for Dall's porpoises to account for revised vibratory source levels for 16- to 18-inch steel piles, which expanded the Level B harassment isopleth for Phase II. Consequently, the calculated take estimate for Phase II increased from 213 to 236 Dall's porpoise. Based on this revision, NMFS proposes to authorize 45 takes for Phase I and 236 takes for Phase II by Level B harassment.

Construction activities for both phases include impact pile driving and DTH drilling, with rock hammering occurring exclusively during Phase II. During each of these activities, Level A harassment isopleths are larger than Level B harassment isopleths. The City of Kodiak used the expected density of 0.218 individuals per km^2 with the equation provided in their application and requested 15 takes by Level A harassment for Phase I and 21 for Phase II. However, the equation in their application subtracts the proposed shutdown zone areas from the Level A harassment zone areas. To account for potential undetected entry of animals into shutdown zones, NMFS modified the City of Kodiak's Level A harassment equation (provided above) and did not deduct the shutdown zone area from the Level A harassment area. Therefore, NMFS proposes to authorize 17 takes during Phase I and 28 takes during Phase II for Dall's porpoise by Level A harassment.

Harbor Porpoise—Harbor porpoises are present in Kodiak year-round and are frequently observed near the proposed action areas. Therefore, harbor porpoises are anticipated to occur in the project areas during construction activities. In the proposed project areas, harbor porpoises are expected to occur at a density of 0.0473 individuals per km^2 (Marine Geospatial Ecology Lab, 2021). Using the Level B harassment equation above, the City of Kodiak requested 10 and 47 takes by Level B harassment for Phase I and Phase II, respectively. However, upon review of the application, NMFS adjusted the Level B harassment take estimates for harbor porpoises to account for revised vibratory source levels for 16- to 18-inch steel piles, which expanded the Level B harassment isopleth for Phase II. Consequently, the calculated take estimate for Phase II increased from 47 to 52 harbor porpoises. Based on this revision, NMFS proposes to authorize 10 takes for Phase I and 52 takes for Phase II by Level B harassment.

Using the Level A harassment methodology and density estimates described above, NMFS proposed to authorize 4 and 7 takes by Level A harassment of harbor porpoise during Phase I and Phase II, respectively.

Steller Sea Lions—Steller sea lions are considered common in the project areas and are expected to occur in the project areas daily. The Sun'aq Tribe of Kodiak conducted single day counts of Steller sea lions hauled out at the Dog Bay Float once per month during March, May, June, and September 2023; January, April, May, and October 2024; and March, May, July, and September 2025 (Van Daele, pers. communication, 2025). Across 12 single-day counts conducted by the Sun'aq Tribe of Kodiak, Steller sea lion abundance at the Dog Bay Float averaged 125 individuals, ranging from a minimum of 0 (June 2023 and July 2025) to a maximum of 226 (May 2025). Based on these data and in consideration that the specified activities could occur throughout the year during times when Steller sea lion presence is low, the City of Kodiak estimated that 125 individuals could enter Level B harassment zones daily during Phase I construction and 75 individuals could enter Level B harassment zones daily during Phase II construction. The difference between these daily estimates was proposed by the applicant because of the different distances from construction areas to the Dog Bay Float. However, NMFS assumes animals are expected to pass through Phase I and Phase II harassment zones at the same frequency as they transit to and from the

Dog Bay Float. Therefore, NMFS expects that 125 Stellar sea lions could enter Level B harassment zones during each day (42 days for Phase I and 227 days for Phase II) of construction and proposes to authorize 5,250 takes by Level B harassment for Phase I and 25,875 for Phase II.

Throughout these sea lion counts, observers documented multiple Steller sea lions with identifiable marking (*e.g.,* branded animals) or scars each time. Recurring observations of the same individuals with distinct identifiable markings indicates that the Stellar sea lions that regularly haulout on the Dog Bay Float consists of a semi-closed population of approximately 300 animals (Van Daele, Personal communication, 2025).

NMFS considered this information when determining the amount of Level A harassment that may occur. Based on the calculation methodology provided above, the instances of Level A harassment are likely a gross overestimate of take as the same individuals are likely to remain in the project area, increasing the risk of incurring AUD INJ. While NMFS recognizes some individuals may leave and others may move in, a more appropriate and representative potential for Level A harassment can be derived by the number of individuals occurring in the action area. As described above, there are likely approximately 300 Steller sea lions that use the Dog Bay Float based on sighting data. Assuming all 300 accrue enough sound energy to elicit AUD INJ, the City of Kodiak requests (300 takes, by Level A harassment, for Phase I and 300 takes, by Level A harassment, for Phase II). While some animals may reoccur between Phase I and Phase II, there may be sufficient time between phases where new animals move in. Therefore, we are conservatively proposing to authorize the same amount of AUD INJ (300 takes) in both IHAs.

This approach is further justified in consideration of the type of impact that may occur. As described in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section, AUD INJ is a permanent injury, however, animals may experience partial or incomplete recovery above baseline hearing levels.

Northern Elephant Seal—Northern elephant seals are considered rare within the project area. However, a recent observation of a hauled-out northern elephant seal by the Sun'aq tribe of Kodiak indicates that the species has the potential to be in the project area during construction (Van Daele, Personal communication, 2025). The city of Kodiak estimated that one northern elephant seal could enter the Level B harassment zone every month (30 days) during each phase of the proposed construction activities. NMFS concurs with this frequency-based approach and proposes to authorize two takes by Level B harassment for Phase I (42 days) and eight takes by Level B harassment for Phase II (227 days). Estimated takes by Level B harassment was rounded to the next whole number. Takes by Level A harassment of northern elephant seals are not anticipated and therefore not proposed for authorization.

Northern Fur Seal—Northern fur seals are considered rare within the project area. Although rare, it is possible that northern fur seals would enter project areas during construction activities. The City of Kodiak estimated that one northern fur seal could enter the Level B harassment zone every month (30 days) during each phase of the proposed construction activities. NMFS concurs with this approach and proposes to authorize two takes by Level B harassment for Phase I (42 days) and eight takes by Level B harassment for Phase II (227 days). Estimated takes by Level B harassment were rounded to the next whole number. Takes by Level A harassment of northern fur seals are not anticipated and therefore not proposed for authorization.

Harbor Seal—Harbor seals are present in Kodiak year-round and are frequently observed near the proposed action areas. Therefore, harbor seals are anticipated to occur in the project areas during construction activities. The City of Kodiak used the expected density of 0.1689 individuals per square kilometer area (Marine Geospatial Ecology Lab, 2021). Using the Level B harassment equation above, the City of Kodiak requested 37 and 170 takes by Level B harassment of harbor seals during Phase I and Phase II, respectively. However, upon review of the application, NMFS adjusted the Level B harassment take estimates for harbor seals to account for revised vibratory source levels for 16- to 18-inch steel piles, which expanded the Level B harassment isopleth for Phase II. Consequently, the calculated exposure estimate for Phase II increased from 170 to 187 harbor seals. Therefore, NMFS proposes to authorize 37 takes for Phase I and 187 takes for Phase II by Level B harassment.

Using the Level A harassment methodology and density estimates described above, NMFS proposed to authorize 6 and 13 takes by Level A harassment of harbor seal during Phase I and Phase II, respectively.

TABLE 11—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF EACH STOCK EXPECTED TO BE TAKE FOR PHASE I AND PHASE II OF THE SHHIRP

Species	Stock	Proposed take—phase I		Proposed take—phase II		Take as percentage of stock abundance	
		Level A harassment	Level B harassment	Level A harassment	Level B harassment	Phase I	Phase II
Gray Whale	Eastern North Pacific	0	2	0	8	<1	<1
Fin Whale	Northeast Pacific	0	16	0	75	*	*
Humpback Whale	Hawai'i	0	19	0	91	<1	<1
	Mexico-N Pacific	0	2	0	11	*	*
	Western N Pacific	0	1	0	1	<1	<1
Minke Whale	Alaska	0	2	0	8	*	*
Killer Whale:							
	Eastern North Pacific-Alaska Resident.	0	20	0	105	1	5.5
	Eastern North Pacific-Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	0	6	0	32	1	5.5
Pacific White-sided Dolphins.	North Pacific	0	10	0	20	<1	<1
Dall's Porpoise	Alaska	17	45	28	236	*	*

TABLE 11—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF EACH STOCK EXPECTED TO BE TAKE FOR PHASE I AND PHASE II OF THE SHHIRP—Continued

Species	Stock	Proposed take—phase I		Proposed take—phase II		Take as percentage of stock abundance	
		Level A harassment	Level B harassment	Level A harassment	Level B harassment	Phase I	Phase II
Harbor Porpoise	Gulf of Alaska	4	10	7	52	<1	<1
Steller Sea Lion	Western	300	5,250	300	25,875	11	52.5
Northern Fur Seal	Eastern Pacific	0	2	0	8	<1	<1
Harbor Seal	South Kodiak	6	37	13	187	<1	<1
Northern Elephant Seal	CA Breeding	0	2	0	8	<1	<1

*a reliable abundance estimate is not available for this stock.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

The mitigation requirements described in the following were proposed by City of Kodiak in its adequate and complete application or are the result of subsequent coordination between NMFS and the City of Kodiak. City of Kodiak has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements and has included them in the proposed IHAs. These measures must be adhered to unless in the case of human safety concerns or pile refusal/instability.

Pre- and Post-Activity Monitoring

Prior to the start of daily in-water construction activities, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs would observe for marine mammals at least 30 minutes (pre-clearance monitoring) through 30 minutes post-completion of pile removal/driving, DTH drilling, or hydraulic rock hammering activities. Pre-clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in tables 12 and 13 are clear of marine mammals.

Soft-Start Procedures for Impact Driving

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. The City of Kodiak must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not applicable to other in-water construction activities.

Clearance and Shutdown Zones

For all pile driving and removal activities, DTH drilling, and hydraulic rock hammering, the city of Kodiak proposes to implement clearance and shutdowns. The purpose of a clearance and shutdown is to reduce the probability or scope of proximal acute impacts by taking steps in real time (*i.e.,* delay commencement of or stopping an activity) once a higher-risk scenario is identified Clearance and shutdown zones vary based on the activity type and marine mammal hearing group (tables 12 and 13) but are essentially equal with respect to size. In most cases, these zones are based on the estimated Level A harassment isopleth distances for each hearing group and rounded up. The City of Kodiak would implement clearance and shutdown zones that exceed the calculated Level A harassment zones during the vibratory installation and removal of all piles during both phases of construction. During impact driving, DTH drilling, and rock hammering (the latter of which applies to Phase II exclusively), the City of Kodiak would implement clearance and shutdown zones with a maximum size of 400 m for porpoise and harbor seals due to difficulty in observing these species at greater distances. For Steller sea lions, the city of Kodiak would implement clearance and shutdown zones with a maximum size of 50 m for these activities. Given the persistent occurrence of Steller sea lions in the project area, establishing mitigation zones beyond 50 m would be impracticable and lead to delays in the project which could have negative consequences in that the project would be extended over time. For all other marine mammal species, proposed clearance and shutdown zones would

exceed the calculated Level A harassment zones.

Construction supervisors and crews, PSOs, and relevant City of Kodiak staff must avoid direct physical interaction with marine mammals during construction activities. If marine mammals come within 10 m of such activity, operations must cease, to avoid direct interaction. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the clearance and shutdown zone indicated in tables 12 and 13, or 15 minutes have passed without re-detection of the animal.

Finally, construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within any clearance and shutdown zone. If a marine mammal species not covered under these IHAs enters a clearance and shutdown zone, all in-water activities will cease until the animal leaves the zone or has not been observed for at least 15 minutes. Pile driving will proceed if the unauthorized species is observed leaving the clearance and shutdown zone or if 15 minutes have passed since the last observation.

TABLE 12—PROPOSED CLEARANCE AND SHUTDOWN ZONES (m): PHASE I

Pile size and material	Clearance and shutdown zones (m)					Level B harassment zones (m)
	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocids	Otariids	
Vibratory pile driving						
24-inch steel piles [a]	20	10	20	30	10	7,360
30-inch steel piles	35	15	30	45	15	11,660
Impact pile driving						
24-inch steel piles [b]	590	75	400	400	50	1,000
24-inch steel piles	[c] 1,940	250	[c] 400	[c] 400	50	1,000
30-inch steel	[c] 1,940	250	[c] 400	[c] 400	50	1,000
DTH pile drilling						
24-inch steel [b]	1,430	185	400	400	50	12,000
24-inch steel	1,660	215	400	400	50	12,000
30-inch steel	3,575	460	400	400	50	12,000

[a] Indicates both temporary and permanent piles.
[b] Indicates temporary piles only.
[c] The Level A harassment zone is the largest zone for these hearing groups for these activities and therefore represents the largest monitoring zone.

TABLE 13—PROPOSED SHUTDOWN ZONES (m) AND MONITORING ZONES: PHASE II

Pile size and material	Shutdown zones (m)					Level B harassment zones (m)
	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocids	Otariids	
Vibratory pile driving						
12- to 20-inch piles [a]	30	15	25	40	15	7,360
16- or 18-inch steel piles	20	10	20	30	10	7,360
20- or 24-inch steel piles	20	10	20	30	10	7,360
Impact pile driving						
16- or 18-inch steel piles	[c] 1,425	185	[c] 400	400	[c] 50	465
24-inch steel piles [b]	590	75	400	400	50	1,000
20- or 24-inch steel	[c] 1,940	250	[c] 400	400	50	1,000
DTH pile driving						
16- or 18-inch steel	230	30	350	205	50	12,000
24-inch steel piles [b]	1,430	185	400	400	50	12,000
20- or 24-inch steel	1,660	215	400	400	50	12,000
Hydraulic hammering/rock fracturing						
Rock hammering	[c] 610	80	[c] 400	400	50	545

[a] Indicate existing piles for removal only.
[b] Indicate temporary piles only.
[c] The Level A harassment zone is the largest zone for these hearing groups for these activities and therefore represents the largest monitoring zone.

Protected Species Observers (PSOs)

The number and placement of PSOs during all construction activities (described in the Proposed Monitoring and Reporting section) would be designed to ensure that the entire shutdown zone is visible. The City of Kodiak would employ a minimum of three PSOs and all three PSOs would be on duty during all pile driving, pile removal, and DTH drilling activities for Phase I and Phase II of the SHHIRP.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined for each proposed IHA that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by the City of Kodiak in its adequate and complete application. The City of Kodiak has agreed that all of the mitigation measures are appropriate. NMFS describes these below as proposed requirements and has included them in the proposed IHA's.

All PSOs must be NMFS-approved and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA.

During all in-water work for Phase I and Phase II of the SHHIRP, PSOs would monitor from various stations around the project sites (See figure 16 in the City of Kodiaks Protected Species Monitoring and Mitigation Plan for station locations). PSOs would monitor the Level A harassment and Level B harassment zones to the extent practicable document the marine mammal's presence and behavior. During Phase I in-water construction, a minimum of three PSOs will monitor for marine mammals 30-minutes before, during, and 30 minutes after the specified activities from stations 1, 2, and 3. figure 16 in the City of Kodiak's Protected Species Monitoring and Mitigation Plan. During Phase II, a minimum of three PSOs would monitor for marine mammals during pile driving activities from stations 1, 3, and 4 while a minimum of two PSOs would monitoring during rock hammering and dredging activities from stations 3 and 4.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after the specified activities. Prior to the start of daily activities listed in table 12 and table 13 and again following the conclusion of these activities each day, PSOs shall conduct a systematic census of Steller sea lions within the harbor. PSOs will record the total number of individuals observed hauled out on the float and those present in the water. To the maximum extent possible, PSOs shall document and record the identity of any individually identifiable Steller sea lions (*e.g.,* those with brands, scars, or unique markings). Additionally, observers would record all incidents of marine mammal occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

The City of Kodiak would abide by all monitoring and reporting measures contained within the IHAs, if issued, and their Protected Species Monitoring and Mitigation Plans (see NMFS' website at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities*). NMFS describes these below as requirements and has included them in the proposed IHA.

Reporting

The City of Kodiak would be required to submit a draft report(s) on all construction activities and marine mammal monitoring results to NMFS within 90 days of the completion of monitoring, or 60 days prior to the requested issuance of any subsequent IHAs or similar activity at the same location, whichever comes first. The information required to be collected and reported to NMFS is included in the draft IHA available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In summary, the report would include, but not be limited to, information regarding activities that occurred, marine mammal sighting data, and whether mitigative actions were taken or could not be taken. The City of Kodiak would also be required to submit reports on any observed injured or dead marine mammals. If the death or injury was clearly caused by the specified activity, the City of Kodiak would immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The City of Kodiak would not resume its activities until notified by NMFS.

Specific proposed mitigation, monitoring, and reporting requirements can be found in the draft IHAs found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/*

incidental-take-authorizations-construction-activities.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 3, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect to the species or stock, and the status of the species or stock. The following factors support negligible impact determinations for all affected stocks.

Pile driving, pile removal, DTH drilling, and rock hammering activities associated with both phases of the SHHIRP, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some species, Level A harassment from underwater sounds generated by impact pile driving, DTH drilling, and hydraulic rock hammering. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

For Phase I and Phase II of the SHHIRP, take by Level A harassment is proposed to be authorized for four species (Dall's porpoise, harbor porpoise, harbor seal, and Steller sea lion) to account for the possibility that an animal could a Level A harassment zone prior to detection, and remain within that zone for a duration long enough to incur AUD INJ. Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ, *i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving, DTH drilling, and rock hammering (*i.e.,* the low-frequency region below 2 kilohertz (kHz)), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ. If hearing impairment occurs, it is most likely that the affected animal would lose only a few dB in its hearing sensitivity. Due to the small degree anticipated, any AUD INJ from Level A harassment potentially incurred is not be expected to impair an individual's ability to communicate, forage, or detect predators to a level that would impact reproductive success or survival, much less result in adverse impacts on the species or stock.

Further, in both Phase I and Phase II, the quantity of take by Level A harassment proposed for authorization is very low. For eight species, NMFS anticipates no take by Level A harassment over the duration of the City of Kodiaks planned activities (both phases). For Phase I, NMFS expects 17 takes of Dall's porpoise by Level A harassment and 28 in phase II; 4 takes by Level A harassment for harbor porpoise in Phase I and 7 in Phase II; and 6 takes by Level A harassment for harbor seal in Phase I and 13 in Phase II. The quantity of Level A take proposed for authorization for Steller sea lions is 300 individuals for Phase I and 300 for Phase II due to the close proximity of the Dog Bay Float to the proposed construction areas and persistence of individuals at the float.

As described above, NMFS expects that marine mammals would likely move away from an aversive stimulus, especially at levels that would be expected to result in AUD INJ, given sufficient notice through use of soft start. The City of Kodiak would also be required to shut down pile driving activities if marine mammals approach within hearing group-specific zones (see tables 12 and 13), further minimizing the likelihood and degree of AUD INJ and more severe behavioral responses. Even absent mitigation, no serious injury or mortality from construction activities is anticipated or proposed to be authorized.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring, particularly as the project is located in a busy harbor with high amounts of commercial and recreational vessel traffic. We expect that any avoidance of the project area by marine mammals would be temporary in nature and that any marine mammals that avoid the project area during construction would not be permanently displaced. Steller sea lions may remain on the float for longer duration or swim with their heads out of the water more often. Short-term avoidance of the project area and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

Additionally, and as noted previously, some subset of the

individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

This project is also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Steller sea lions are common in the project area, frequently using the Dog Bay Float, a man-made structure frequently as a haulout. The Dog Bay Float is located in close proximity to the project area and is 200 m from Phase I and 300 m from Phase II. Multi-year monitoring by the Sun'aq Tribe of Kodiak indicates high seasonal variability in use, with counts ranging from zero individuals during summer months (June 2023, July 2025) to a peak of 286 individuals in May 2025. Anecdotal data from these counts indicate that Steller sea lions exhibit strong site fidelity, meaning that the same individuals are likely to remain in the area over time, transiting around the project area to and from the float. Steller sea lions that exhibit strong site fidelity consists of a core group of approximately 300 animals (Van Daele, pers. comm., 2025).

While the total number of takes proposed for authorization represents a notable proportion of the Western DPS of Steller sea lions, the majority of these exposures are expected to occur to this core group of 300 animals. Consequently, the requested take does not represent a broad impact across the entire stock, but rather repeated exposures of the same individuals. Although this core group of Steller sea lions may experience frequent or long-term exposure to elevated underwater sound levels, such intermittent disturbances are not expected to result in chronic stress or physical injury that would reduce the fitness, survival, or reproductive success of any individual. Because the anticipated impacts are localized to a small subset of the population and are not expected to affect the health of those individuals, the proposed authorized take will not reach a level of biological significance that would affect annual rates of recruitment or survival for the Western DPS of Steller sea lions.

While the project is geographically situated within designated critical habitat for the Western DPS of Steller sea lions, the resulting ensonified areas overlap with only a negligible proportion of the overall designated habitat. As previously described, the best available information suggests this specific area is utilized primarily by a core group of approximately 300 individuals (Van Daele, pers. comm., 2025). The proposed activities are expected to result only in short-term, temporary avoidance of the immediate vicinity of the project area during active construction.

Ample high-quality habitat remains available in adjacent areas around Kodiak Island to support individuals that may be temporarily displaced. Because the acoustic stressors are intermittent and the physical footprint of the project is localized, the impacts to the essential features of the critical habitat will be limited both spatially and temporally. Consequently, the proposed action is not expected to diminish the value or functional role of the critical habitat for the Western DPS of Steller sea lions, and the overall effects on the designated critical habitat are expected to be de minimis.

The waters off of Kodiak Island have also been identified as BIAs for fin whale, humpback whale, and gray whale, the ensonified areas from each phase of proposed construction activities would only overlap with a minimal part of these identified areas. Additionally, the shallow waters temporarily affected by the proposed construction activities do not represent typical habitat for these species and occurrence of these species is low in the project area.

Combined with the low expected occurrence, it is unlikely that minor noise effected in a small, localized area of habitat would have any effect on the reproduction and survival of any individuals, much less these stocks' annual rates of recruitment or survival. Due to a combination of these factors and evidence from monitoring reports from other similar activities in the area, we believe the potential effects of the specified activities would only have minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- No take by Level A harassment is proposed to be authorized for 8 of 12 species;
- The ensonified areas, and St. Herman Harbor in general, are very small relative to the overall habitat ranges of all species and stocks, and overlap with known areas of important habitat is minimal;
- The number of takes by Level A harassment is limited and of a low severity;
- The number of anticipated takes by Level B harassment are relatively low for all stocks;
- Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where impact, vibratory pile driving, DTH drilling, and hydraulic rock hammering is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints on their populations;
- Nearby areas of similar habitat value around Kodiak Island are available for marine mammals that may temporarily vacate the project areas during construction activities for both phases of the proposed project;
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations from either phase of the project;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation

measures, NMFS preliminarily finds for each proposed IHA that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For all species other than Steller sea lions, the proposed take for each IHA is below one-third of the overall stock abundance. The number of instances of take of Steller sea lions is greater than one-third of the stock abundance; however, the best available science indicates that a much smaller number of individuals would be taken repeatedly. Construction activities associated with this project will occur in close proximity (200 to 300 meters) to the Dog Bay Float, which is regularly used by Steller sea lions as a haulout. Local, anecdotal data indicates that Steller sea lions exhibit strong site fidelity, meaning that the same individuals are likely to remain in the area over time, transiting around the project area to and from the float. Additionally, the project area represents a small geographic area relative to the stock's overall range in the Gulf of Alaska (Jemison *et al.,* 2018). Therefore, only a small proportion of the total stock is expected to be taken under each IHA by the specified activities with the number of Steller sea lions exposed repeatedly over multiple days.

There are no official abundance estimates available for humpback whales (Mexico-North Pacific stock), fin whales (Northeast Pacific stock), minke whales (Alaska stock), and Dall's porpoises (Alaska stock).

While the most recent abundance estimate for the Mexico-North Pacific stock of humpback whale is likely unreliable due to its age (exceeding 8 years), two older minimum population estimates exist: 2,241 (Martínez-Aguilar, 2011) and 766 (Wade, 2021). Even using the conservative minimum population estimate, the proposed takes by Level B harassment (2 for Phase I and 11 for Phase II) represent less than 2 percent of the estimated abundance. This holds true even if each take involves a unique individual.

For the Northeast Pacific stock of fin whale, Young *et al.* (2024) estimate a minimum size of 2,554 individuals within surveyed areas. Consequently, the takes proposed for authorization by Level B harassment (16 for Phase I and 75 for Phase II) constitute small numbers relative to the stock size (<3 percent).

Although no current abundance estimate for the Alaska stock of minke whale is available, Young *et al.* (2024) recently documented over 2,000 individuals within surveyed areas. Based on this, the proposed takes by Level B harassment (two for Phase I and eight for Phase II) represent a small portion of the stock for each IHA, assuming each take affects a new individual.

Finally, the most recent abundance estimate for the Alaska stock of Dall's porpoise was 83,400 animals. While this data is more than 8 years old, no evidence suggests a drastic decline since that time. Therefore, the takes proposed by Level A harassment and Level B harassment across both Phase I (17 Level A harassment; 45 Level B harassment) and Phase II (28 Level A harassment; 236 Level B harassment) represent a small fraction of the total stock for each IHA.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds for each proposed IHA that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an ''unmitigable adverse impact'' on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Given the nature of the activity and the required mitigation measures, serious injury and mortality are not expected to occur. Any impacts on marine mammals in the project area would be limited to temporary behavioral disturbances and potential AUD–INJ. As described above, the required mitigation and monitoring measures are expected to reduce the frequency and severity of takes of marine mammals.

The closest community to the proposed construction sites is the city of Kodiak, AK. In 2021, the most recent year in which data is available, approximately 1.6 percent of households in the city of Kodiak attempted harvest of marine mammals, with harvest of only harbor seals and sea otters reported (ADF&G, 2021). Through discussions between the City of Kodiak and representatives of the Sun'aq tribe, it was determined that harvest of marine mammals only occurs outside of the St. Herman Harbor (Van Daele, Personal communication, 2025). The proposed activities would occur within the St. Herman Harbor where subsistence hunting does not occur. The SHHIRP would occur outside of traditional subsistence hunting areas and construction is only expected to result in marine mammals temporarily avoiding the project area while construction is underway. The City of Kodiak also frequently engages with Sun'aq tribal representatives and corresponded with these representatives directly for SHHIRP. Through the City of Kodiak's multiple engagements with Sun'aq tribal representatives for the SHIRRP, tribal representatives have never expressed concern that the proposed project would affect the availability of harbor seals or sea otters for subsistence. Based information described above, no relevant subsistence uses of marine mammals are expected to be adversely impacted by these actions. Both phases of the SHHIRP are not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or impact subsistence harvest of marine mammals in the region.

Based on the description of the specified activity, the measures

described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined for each proposed IHA that there will not be an unmitigable adverse impact on subsistence uses from the City of Kodiak's proposed activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with Alaska Regional Office (AKRO).

NMFS Office of Protected Resources (OPR) is proposing to authorize take of humpback whales (Mexico-North Pacific and Western North Pacific), fin whales (Northeast Pacific), and Steller sea lions (Western DPS), which are listed under the ESA. OPR has requested initiation of section 7 consultation with the AKRO for the issuance of these IHAs. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue two consecutive IHAs to the City of Kodiak for the SHHIRP in St. Herman Harbor, Kodiak, Alaska provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. Drafts of the proposed IHAs can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorizations, and any other aspect of this notice. We also request comment on the potential renewal of these proposed IHAs as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for these IHAs or a subsequent renewal IHAs.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 10, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–04885 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF553]

Atlantic Highly Migratory Species; Pelagic Longline Monitoring Areas; Electronic Monitoring Vendor Certification

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

ACTION: Notice; request for applications.

SUMMARY: NMFS is in the process of establishing two monitoring areas off the east coast of the United States within areas that are currently closed to pelagic longline fishing. Once effective, pelagic longline fishermen could fish in the monitoring areas, subject to, among other things, enhanced electronic monitoring (EM). In this notice, NMFS requests applications from EM vendors interested in providing EM services to any pelagic longline vessel that fishes in the newly established pelagic longline monitoring areas. EM vendors that are interested in being certified must submit a completed application to be considered. Once received, NMFS will review the application for completeness and possible approval and certification. Once certified, these EM vendors will be eligible to work directly with vessel owners to meet relevant monitoring area requirements. Additionally, certified vendors are required to submit quarterly reports to NMFS regarding vessel activities in the monitoring areas.

DATES: Application materials are accepted upon publication of this notice and will continue to be accepted until otherwise notified.

ADDRESSES: Please submit application materials via email to *HMS.Monitoring@noaa.gov.*

Required application materials can be found below under **SUPPLEMENTARY INFORMATION** and additional information is available on the Atlantic highly migratory species (HMS) website at *https://www.fisheries.noaa.gov/action/amendment-15-2006-consolidated-hms-fishery-management-plan-spatial-fisheries-management-and* and *https://www.fisheries.noaa.gov/pelagic-longline-monitoring-areas.* Please be advised that non-exempt information within these applications is subject to release if requested under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Steve Durkee or Larry Redd, Jr. at 301–427–8503 or *HMS.Monitoring@noaa.gov.*

SUPPLEMENTARY INFORMATION: Federal Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS 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.*). HMS implementing regulations are at 50 CFR part 635. Relevant to this notice and finalization of implementing regulations for Amendment 15 to the HMS FMP (91 FR 10696, March 4, 2026) the following provisions will be effective April 3, 2026: 50 CFR 635.2 defining the geographic coordinates of the monitoring areas, § 635.9(h) describing the various EM requirements for vendors and pelagic longline vessels related to vessels fishing in the monitoring areas, and § 635.35(d) describing the requirements in the monitoring areas for pelagic longline vessels.

In the final rule implementing Amendment 15 NMFS establishes two east coast monitoring areas inside areas that are currently closed to pelagic longline fishing. These monitoring areas will allow for the collection of commercial data that should inform future analyses on the effectiveness of the areas in meeting conservation and management needs. Specifically, once the final rule is effective, the Charleston Bump and East Florida Coast Monitoring Areas will allow commercial pelagic longline fishing, subject to strict effort controls, increased reporting requirements, and enhanced EM monitoring. To meet enhanced EM requirements, vessel owners who choose to fish in the monitoring areas must arrange for EM video review from NMFS-certified vendors before they fish in the monitoring areas. This requirement is separate from the EM requirements of the Individual Bluefin Tuna Quota program. Vessel owners choosing to fish in the monitoring areas can work with any EM vendor from the NMFS-certified vendor list, subject to a mutually acceptable agreement between the vessel owner and EM vendor.

At this time, NMFS is requesting applications from entities interested in providing EM services to pelagic longline vessels fishing in the newly established pelagic longline monitoring areas. Once received, NMFS will review the application for completeness and possible approval and certification. Once certified by NMFS, EM vendors will be eligible to work directly with vessel owners to meet relevant monitoring area requirements. Additionally, once certified, EM vendors will remain on the certified vendor list unless removal is requested by the vendor or determined to be necessary by NMFS as detailed below.

EM Vendor Requirements

Certified EM vendors must be able to provide or support Atlantic HMS pelagic longline vessel owners and/or operators with the development and implementation of a vessel monitoring plan (VMP) that meets the requirements needed to fish in the monitoring areas and with the installation and maintenance of an EM system consistent with the VMP. Additionally, certified EM vendors must meet data integrity and storage requirements including the ability to receive, assess, and store the video and metadata for a minimum of 2 years after the date the data is received. Lastly, the certified EM vendor must review the video data received, including trips fished wholly or partially in a monitoring area, and submit quarterly reports for which the vendor has existing, signed contracts to NMFS. For the video review, the EM vendor must ensure that all EM data processing staff have been trained in species identification.

Specific to the quarterly reports, EM vendors must receive on a quarterly basis all electronic data, including video and metadata and, if applicable, sensor data, collected by the EM systems on all vessels for which the EM vendor has a contract for EM services. Once all data are received, the EM vendor must review EM video data from 50 percent of all sets deployed on trips that fished in a monitoring area, with at least one set reviewed from each vessel that fished in a monitoring area. At the end of the subsequent quarter, the EM vendor must provide a report to NMFS that includes: a list of vessels that submitted or did not submit EM data for review; the location, date, and time of gear retrieval of all sets submitted for review; identification of the sets reviewed; the species caught and amounts, including disposition information; information on any technical difficulties that were experienced/addressed on the vessel and during the video review process; and any questions video reviewers may have about whether the vessel's fishing practices are compliant with the regulations. The metadata from all submitted trips and sets must accompany these quarterly reports. As appropriate, NMFS may respond to questions about fishing practices or possible regulatory violations to assist video reviewers and EM vendors in understanding the regulations and the EM program. More detailed information about EM vendor responsibilities can be found at § 635.9(h)(3) and in the compliance guide on the website under **ADDRESSES**.

Application Requirements

There is no formal application form to submit to be a certified EM vendor. Instead, interested entities must submit all of the following information to NMFS through the email under **ADDRESSES**. NMFS will consider an application to be complete when all requested information and supporting documentation has been received. The application shall include, but is not limited to:

- Identification of the management, organizational structure, and ownership structure of the applicant's business including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.
- List of all physical and electronic mailing addresses and any relevant phone or fax numbers where the owner(s) can be contacted for correspondence.
- Current physical location for each office.
- Description of the applicant's ability to carry out responsibilities and duties of EM vendors as described fully at § 635.9(h)(3) and summarized above.
- A statement signed under penalty of perjury by an authorized agent of the applicant EM vendor that each owner, board member, officer, and employee of the EM vendor has no conflict of interest. An absence of a conflict of interest requires that, other than providing EM services to vessel owners and/or operators in the fishery, a certified EM vendor and its employees must not: have a direct or indirect interest in a fishery managed under Federal regulations, including, but not limited to, a fishing vessel, fish dealer, and/or fishery advocacy group; or solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or non-performance of the responsibilities and duties of an EM vendor.

• Procedures for hiring and training of competent program staff to carry out EM field services and data services, including procedures to train, and maintain the skills of, EM data processing staff in: use of data processing software; species identification; metadata reporting requirements; data processing procedures; data tracking; and reporting and data upload procedures.

More detailed information about EM vendor responsibilities can be found at § 635.9(h)(2)(i) and in the compliance guide on the website under **ADDRESSES**.

Application Evaluation and Certification

NMFS will review and evaluate each complete application and approve or deny an application within 90 business days of receipt of the complete application by NMFS. Approval as an EM vendor will be based on applicant's ability to perform the responsibilities and duties, as demonstrated in the application information, and an absence of conflict of interest.

If the application is not complete, NMFS will notify the applicant of any missing information. If the applicant fails to supplement the application with the information within 30 days of the date of notification, NMFS will consider the application to be abandoned.

If the application is complete and approved, NMFS will notify the vendor that they are certified and will provide any information pertinent to its participation in the EM program. NMFS will then add the EM vendor's name to the list of certified EM vendor list found on the NMFS website and in any outreach information to the industry.

If NMFS determines that the applicant is unable to perform the responsibilities and duties or has conflicts of interest, NMFS shall deny the application. If the application is denied, NMFS will notify the applicant of the reason for denial. Within 30 days of the applicant's receipt of the denial notification, an applicant may request reconsideration by submitting additional information to rectify any deficiencies specified in the written denial. Applicants that do not submit additional information within the 30-day period must resubmit a new application containing all required information to be reconsidered for the list of certified vendors.

If NMFS determines that an EM vendor should be removed from the list of certified EM vendors, NMFS will notify the EM vendor of the specific reasons for removal. Within 30 days of receiving such notification, an EM vendor may submit written evidence to rebut the reasons for removal from the list and within 30 days of receiving any rebuttal, NMFS shall notify the EM vendor of its decision. If no rebuttal is received by NMFS within the first 30-day period, the EM vendor shall be automatically removed from the list of certified EM vendors. The decision to remove an EM vendor from the list, either after reviewing a rebuttal or if no rebuttal is submitted, shall be the final decision of NMFS and the Department of Commerce. Removal from the list of approved EM vendors does not necessarily prevent an EM vendor from obtaining an approval in the future if a new application demonstrates the reasons for removal are remedied. Additionally, an EM vendor can request to be removed from the list of certified EM vendors. More detailed information about EM vendor responsibilities can be found at § 635.9(h)(2)(ii) and in the compliance guide on the website under **ADDRESSES**.

There is no deadline for submission of an application to become a certified EM vendor. Unless superseded by a future notice, interested parties can submit an application at any time and NMFS shall review and evaluate each complete application.

Dated: March 11, 2026.

David R. Blankinship,

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

[FR Doc. 2026–04976 Filed 3–11–26; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2026–0133]

Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Examination guidance.

SUMMARY: The United States Patent and Trademark Office (USPTO) has recently received feedback that previously-issued guidance may unnecessarily limit flexibility for design applicants in the field of computer-generated interfaces and icons. Upon review, the USPTO has decided to update its guidance for determining whether a design claim including a computer-generated electronic image constitutes statutory subject matter. The USPTO is issuing this updated supplemental guidance to provide design patent applicants with more flexibility in choosing how to present a new, original, and ornamental design for a computer-generated interface or icon when filing a design patent application with the USPTO.

DATES: This supplemental guidance for examination of design patent applications related to computer-generated interfaces and icons is effective on March 13, 2026 and applies to all design patent applications or proceedings under Chapter 30, 31 or 32 filed before, on or after March 13, 2026.

Comment Deadline Date: Comments must be received by May 12, 2026 to ensure consideration.

ADDRESSES: Written comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* To submit comments via the portal, enter docket number PTO–P–2026–0133 on the homepage and select the ''Search'' Button. The site will provide a search results page listing all documents associated with this docket. Commenters can find a reference to this document and select the ''Comment'' button, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in Adobe® portable document format or Microsoft Word® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information in the **FOR FURTHER INFORMATION CONTACT** section of this notice for special instructions.

FOR FURTHER INFORMATION CONTACT: Erin Harriman, Senior Legal Advisor, Office of Patent Legal Administration at (571) 272–7747 or Parikha Solanki, Senior Legal Advisor, Office of Patent Legal Administration, at (571) 272–3248.

SUPPLEMENTARY INFORMATION: With this supplemental guidance, the USPTO (1) removes the requirement in Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 01.2024, November 2024) 1504.01(a) that the drawing depict the article of manufacture (*e.g.,* computer or a portion thereof) in either solid or broken lines for design patent applications drawn to computer-generated interfaces or icons where both the title and claim properly identify an

article of manufacture; (2) clarifies that a design of a computer-generated interface or icon for a computer, computer display, or computer system is more than a mere transient or disembodied picture or three-dimensional image and is patent-eligible subject matter when disclosed and claimed in accordance with the pertinent rules and statutory requirements; (3) clarifies that claim and title language that indicates that an icon or interface is ''for'' a computer, computer system, or computer display panel adequately describes a design for an article of manufacture under 35 U.S.C. 171 and examiners will no longer be instructed to object to such claims and titles under 37 CFR 1.153 or 37 CFR 1.1067; (4) highlights additional types of patent eligible designs based on the USPTO's expanded understanding of design patent protection in light of new design formats resulting from the continued modernization of technology; and (5) provides guidance for examiners and applicants relating to these updates. These highlighted types of eligible designs include computer-generated interfaces or icons, *e.g.,* projections and holograms, for computers, computer displays, and computer systems where the appearance of the interfaces and icons is separate from the claimed computer, computer display, or computer system that generates it.

I. Background

On December 21, 2020, the USPTO published a request for information seeking public input on ''whether its interpretation of the article of manufacture requirement in the United States Code should be revised to protect digital designs that encompass new and emerging technologies.'' *See The Article of Manufacture Requirement,* 85 FR 83063. In response to the request for information, a diverse range of stakeholders, including legal associations, companies, practitioners, academics, and individuals, submitted 19 comments, which set forth a wide variety of views. The 19 comments received in response to request for information can be found at *https://www.regulations.gov/document/PTO-C-2020-0068-0001/comment.* Twelve of the commenters advocated that designs for projections, holograms, and virtual and augmented reality (PHVAR) should be eligible for design patent protection.

On November 17, 2023, the USPTO published supplemental guidance to be used to determine whether a design claim including a computer-generated electronic image constitutes statutory subject matter under 35 U.S.C. 171. *See Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Electronic Images, Including Computer-Generated Icons and Graphical User Interfaces,* 88 FR 80277 (November 17, 2023) and its corrected notice, 89 FR 5506 (January 29, 2024) (collectively, 2023 Supplemental Guidance). The 2023 Supplemental Guidance has been incorporated into section 1504.01(a), subsection (I) of the MPEP. The 2023 Supplemental Guidance did not provide guidance concerning designs involving PHVAR. The USPTO received 7 comments in response to the 2023 Supplemental Guidance, which can be found at *https://www.regulations.gov/docket/PTO-P-2023-0047/comments.* Several commenters suggested that the USPTO should not require that the drawings depict a display panel in solid or broken lines in order to comply with the article of manufacture requirement under 35 U.S.C. 171 when the design is directed to a computer icon or graphical user interface (GUI) on a display panel. Other commenters indicated that it would be helpful for the USPTO to provide additional guidance for designs involving PHVAR because computer-generated interfaces have advanced beyond their display on traditional computer display screens or monitors. Many commenters suggested changes in the drawing requirements, and other commenters provided other solutions for providing additional flexibility to applicants. Additionally, the USPTO has continued to receive feedback from stakeholders that its guidance on 35 U.S.C. 171 needed to be updated as other intellectual property offices have done in response to the continued modernization of technology. Accordingly, the USPTO is updating its policies, as discussed above, with this supplemental guidance.

This guidance does not constitute substantive rulemaking and hence does not have the force and effect of law. It has been developed as a matter of internal USPTO management and is not intended to create any right or benefit, substantive or procedural, enforceable by any party against the USPTO. Rejections will continue to be based upon the substantive law, and those rejections are appealable. Consequently, any failure by USPTO personnel to follow the guidance is neither appealable nor petitionable. If any earlier guidance from the USPTO, including any section of the current MPEP, is inconsistent with the guidance set forth herein regarding whether a design meets the requirements under 35 U.S.C. 171, USPTO personnel, including the Patent Trial and Appeal Board, are to follow this guidance. This guidance will be incorporated into the MPEP in due course.

II. Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons

The following supplemental guidance has been developed to assist USPTO personnel in determining whether design patent applications for a computer, computer display, or computer system with computer-generated interfaces, including GUIs, and icons comply with the article of manufacture requirement of 35 U.S.C. 171.

A. General Principles Governing Compliance With the Article of Manufacture Requirement

Historically, a picture standing alone is not patent eligible under 35 U.S.C. 171. *In re Schnell,* 46 F.2d 203, 209 (CCPA 1931) (''[T]he design must be shown not to be the mere invention of a picture, irrespective of its manner of use . . .''). The factor that distinguishes statutory design subject matter from such a transient or disembodied picture or ornamentation has been the requirement that a claimed design be for, *e.g.,* applied to or embodied in, an article of manufacture. *See Ex parte Strijland,* 26 USPQ 2d 1259, 1263 (Bd. Pat. App. & Int. 1992) (holding that computer-generated icons are patent eligible and afforded protection under 35 U.S.C. 171 so long as the specification demonstrates, including specifically through drawings, the design applied to an article as required by 35 U.S.C. 171 and by 37 CFR 1.152.); *Schnell,* 46 F.2d at 209. The term ''transient,'' as used in this supplemental guidance, means that the design is not a visual characteristic of the article of manufacture. Subsequent to *Strijland,* 37 CFR 1.152(a) was changed to require only the design to be depicted in the drawings. *See Changes to Patent Practice and Procedure,* 62 FR 53132, 53164 (Oct. 10, 1997) (final rule) (''The term 'article' of § 1.152(a) is replaced by the term 'design' as 35 U.S.C. 171 requires that the claim be directed to the 'design for an article' not the article, per se.''). Accordingly, when a computer-generated interface or icon is disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance, the USPTO considers such a computer-generated interface or icon to be patent eligible subject matter under 35 U.S.C. 171 because the design of the

interface or icon is for a computer, computer display, or computer system and is more than a transient or disembodied picture or three-dimensional image.

B. Removal of the Requirement in MPEP 1504.01(a) That the Drawing Depict a Display Panel, or a Portion Thereof, in Either Solid or Broken Lines for Patent Applications Directed to Computer-Generated Interfaces or Icons Where the Title and Claim Properly Identify an Article of Manufacture

Currently, MPEP 1504.01(a) instructs examiners that, when examining design patent applications related to computer-generated images, the claimed design should be rejected under 35 U.S.C. 171 for failing to comply with the article of manufacture requirement if the drawing does not depict a display panel or a portion thereof in either solid or broken lines. According to this supplemental guidance, the depiction of a display screen or a portion thereof is no longer required when both the title and claim properly identify the article of manufacture, *e.g.,* a computer, a computer system, or a computer display panel. If the article of manufacture is properly identified in both the title and claim but not shown in the drawings, the claim will be considered compliant with the article of manufacture requirement of 35 U.S.C. 171 provided that the designs are properly disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance. Alternatively, applicants may continue to depict the display panel or portions thereof in the drawings, such as with a broken line display region surrounding a computer-generated icon or interface.

Applicants will need to remain mindful of all patentability requirements including 35 U.S.C. 102, 103, and 112 when drafting their applications. For example, under this supplemental guidance applicants must still comply with the clarity and enablement requirements and provide a sufficient number of views to constitute a complete disclosure of the appearance of the design (*see* 37 CFR 1.152), to the extent that a skilled artisan would be on reasonable notice as to the metes and bounds of the claimed design.

C. Guidance Related to Computer-Generated Interfaces or Icons the Appearance of Which Are Separate From the Computer, e.g., Projected or Holographic Interfaces or Icons

The USPTO has historically treated designs of two-dimensional (2D) interfaces and icons on a display panel as surface ornamentation under 35 U.S.C. 171 when they are properly claimed. The USPTO continues to treat these 2D interfaces and icons as surface ornamentation consistent with the supplemental guidance provided in the prior subsection.

Designs of computer-generated interfaces and icons now exist beyond designs used on a display panel. The dependence of a design of a computer-generated interface or icon on a central processing unit and computer program for its existence is not itself a reason for holding that the design is not for an article of manufacture. MPEP § 1504.01(a)(I)(A). ''We do not see that the dependence of the existence of a design on something outside itself is a reason for holding it is not a design 'for an article of manufacture.' '' *See In re Hruby,* 373 F.2d 997, 1001, 153 USPQ 61, 66 (CCPA 1967) (design of water fountain held to be patent eligible under 35 U.S.C. 171 as a design for an article of manufacture). The Supreme Court has recognized that the ''article of manufacture'' requirement as used in the statutory provisions regarding design patents is broad. *See Samsung Elects. Co.* v. *Apple Inc.,* 580 U.S. 53, 60 (2016) ('' 'Article of manufacture' has a broad meaning. An 'article' is just 'a particular thing' . . . [a]nd 'manufacture' means 'the conversion of raw materials by the hand, or by machinery, into articles suitable for the use of man' and 'the articles so made' . . . [a]n article of manufacture, then, is simply a thing made by hand or machine.'').

Just as the design for a water fountain was patent eligible in *Hruby,* analogous digital designs—*e.g.,* projections, holograms or other virtual and augmented reality designs of interfaces or icons for computer systems that are not necessarily displayed on a conventional display screen—are also protectable, provided the designs are properly disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance. Such a computer system is an integrated combination of hardware and software and includes various types of computer systems such as personal computers, handheld devices, servers, mainframes, and supercomputers. As mentioned previously, the USPTO has identified additional types of patent eligible designs that may provide design patent protection for computer-generated interfaces and icons, *e.g.,* projections and holograms, when (a) the appearance of the interface or icon is separate from the computer, computer display, or computer system that generates it and (b) the interface or icon is for a computer, computer display, or computer system such that the interface or icon is more than a transient or disembodied picture or three-dimensional image. Providing updated guidance concerning these additional types of patent eligible designs is necessary as technology advances and in order to provide design patent protection for computer-generated interfaces and icons that involve PHVAR.

D. Procedures for Evaluating Whether Design Patent Applications Directed to Computer-Generated Interfaces and Icons Comply With the Article of Manufacture Requirement

USPTO personnel shall adhere to the following procedures when reviewing design patent applications drawn to computer-generated interfaces and icons for compliance with the article of manufacture requirement of 35 U.S.C. 171.

The complete disclosure must be considered when evaluating a design claim directed to a computer-generated interface or icon. More specifically, USPTO personnel must read the disclosure to determine what is claimed as the design and whether the design is for an article of manufacture under 35 U.S.C. 171. USPTO personnel must:

(1) Review the title and claim language to determine whether both the title and claim adequately describe a design for an article of manufacture under 35 U.S.C. 171. USPTO personnel must also consider the following and, where appropriate, make the noted objections and rejections.

(a) Statutory design subject matter differs from a transient or disembodied picture or three-dimensional image in that the design is for, *e.g.,* applied to or embodied in, an article of manufacture. *See Ex parte Strijland,* 26 USPQ 2d 1259, 1263 (Bd. Pat. App. & Int. 1992); *In re Schnell,* 46 F.2d 203, 209 (CCPA 1931). In addition to the guidance provided in MPEP 1504, per this supplemental guidance, a claim that reads, for example, ''icon for display panel,'' ''projected interface for computer,'' or ''interface for computer system'' also meets the requirements of 35 U.S.C. 171 since the term ''for'' indicates that the claim is not for an interface or icon per se but a design for an article of manufacture, *i.e.,* ''a thing made by hand or machine.'' *See Samsung,* 580 U.S. at 60. Accordingly, examiners will no longer be instructed that these examples of claim language and titles do not adequately describe a

design for an article of manufacture under 35 U.S.C. 171. Providing applicants with this additional flexibility in choosing claim and title language is in accord with USPTO's expanded understanding of design patent protection that accounts for advances in technology. Applicants continue to also have the option of claiming the article according to prior guidance, *e.g.,* by reciting ''a display panel with computer icon.''

(b) A computer-generated electronic image that is not a design of an interface or icon for a computer, computer display, or computer system and that is not more than a transient or disembodied picture or three-dimensional image will not satisfy the article of manufacture requirement under this supplemental guidance, and such a claim should be rejected under 35 U.S.C. 171 for failing to comply with the article of manufacture requirement.

(c) An ''icon,'' as used in this supplemental guidance, refers to a computer icon and is a visual symbol or image that represents a computer program, file, application, or function and allows users to quickly access and interact with various items on their computer display. Likewise, an ''interface,'' as used in this supplemental guidance, refers to a computer interface and is the space where interactions between users and computers, computer displays, and computer systems occur and encompasses the visual and interactive elements that users engage with such as pages, screens, buttons, forms, and other visual components. Accordingly, when a design claim and title are to a computer-generated interface or icon for an article of manufacture, *e.g.,* a computer display screen, a computer system, or a computer, the USPTO considers the terms ''icon,'' ''computer icon,'' ''interface,'' ''computer interface,'' ''graphical user interface'' ''projected interface'' ''virtual reality interface,'' or ''augmented reality interface'' in the title and the claim to be indicating that the image is not merely a displayed transient or disembodied picture or three-dimensional image because the interface or icon is for a computer display screen, a computer system, or a computer. Therefore, a claim and title directed to such terms, *e.g.,* ''computer with projected interface,'' adequately describes a design for an article of manufacture under 35 U.S.C. 171. Note that while the underlying article of manufacture for an icon or interface has functional properties, the design of the icon or interface itself is not functional, and thus this subsection is not in tension with, nor does it contradict, the functionality doctrine, which requires that design patent protection extend only to the ''ornamental design'' of an article of manufacture. *See* 35 U.S.C. 171(a); MPEP 1504.01(c), subsection I.

(d) The following are examples of claim language and titles that adequately describe a design for an article of manufacture under 35 U.S.C. 171: ''computer screen with an icon,'' ''display panel with GUI,'' ''display screen or portion thereof with icon,'' ''portion of a computer screen with an icon,'' ''portion of a display panel with an icon,'' ''portion of a monitor displayed with an icon,'' ''icon for display screen,'' ''GUI for display panel,'' ''projected interface for a computer,'' ''virtual reality interface for a computer,'' ''augmented reality interface for a computer'' and ''computer icon.'' This list of examples is not exhaustive.

(e) If it is determined that the claim language and title do not adequately describe an article of manufacture, the claim and title should be objected to pursuant to 37 CFR 1.153(a) or 37 CFR 1.1067(a) for failing to designate a particular article of manufacture, and the objection should be maintained until the title and the claim language are appropriately amended. *See* MPEP § 707.07(e). If the application fails to provide written description support for a computer-generated interface or icon, the applicant will not be able to overcome a rejection under 35 U.S.C. 171.

(2) Review the specification to determine whether a characteristic feature statement is present. If a characteristic feature statement is present, determine whether it describes the claimed subject matter as a computer-generated interface or icon embodied in a display panel, or portion thereof. *See McGrady* v. *Aspenglas Corp.,* 487 F.2d 859, 208 USPQ 242 (S.D.N.Y. 1980) (descriptive statement in design patent application narrows claim scope).

(3) Review the drawing to determine whether a design for an article of manufacture is shown in sufficient views to fully disclose the design. *See Changes to Patent Practice and Procedure,* 62 FR 53132, 53164 (October 10, 1997). Since the claim must be in formal terms to the design ''as shown, or as shown and described,'' the drawing provides the best description of the claim. 37 CFR 1.153 or 1.1025; *see Egyptian Goddess* v. *Swisa, Inc.*, 543 F.3d 665, 679 (Fed. Cir. 2008) (''As the Supreme Court has recognized, a design is better represented by an illustration 'than it could be by any description and a description would probably not be intelligible without the illustration.' '' (quoting *Dobson* v. *Dornan,* 118 U.S. 10, 14 (1886)). Note that the nature of the design (*e.g.,* whether it is 2D or 3D) may impact what is considered to be a sufficient number of views to fully disclose the design. *See In re Maatita,* 900 F.3d 1369 (Fed. Cir. 2018). *See supra* section 1.d. for examples of claim language and titles that do adequately describe a design for an article of manufacture under 35 U.S.C. 171. USPTO personnel must also consider whether the disclosure as a whole does or does not suggest or describe a design for an article of manufacture and, where appropriate, make the noted rejections. If the disclosure as a whole does not suggest or describe a design for an article of manufacture, then indicate that:

(a) The claim is rejected under 35 U.S.C. 171, along with a corresponding explanation of why the current disclosure does not adequately describe a design for an article of manufacture; and

(b) Any subsequent amendments to the written description, including the title, drawings and/or claim attempting to overcome the above-noted 35 U.S.C. 171 rejection will ordinarily be entered. However, any new matter will be required to be canceled from the written description, drawings and/or claim. If new matter is later added that affects the claim, the claim should then be rejected under 35 U.S.C. 112(a).

(4) Indicate all objections to the disclosure for failure to comply with the requirements of the Rules of Practice in Patent Cases. *See, e.g.,* 37 CFR 1.71, 1.81–1.85, and 1.152–1.154. Where possible, suggest amendments that would bring the disclosure into compliance with the requirements of the Rules of Practice in Patent Cases.

(5) Upon reply by applicant:

(a) Enter any appropriate amendments; and

(b) Review all arguments and the entire record, including any amendments, to determine whether the written description, including the title, drawings, and/or claim clearly disclose a computer-generated interface or icon.

(6) After a review of all arguments and the entire record including amendments, if, by a preponderance of evidence, the applicant has adequately established that the design is directed to a computer-generated interface or icon for a computer, computer display, or computer system, withdraw any outstanding rejection under 35 U.S.C. 171 based on failure to comply with the article of manufacture requirement (*see In re Oetiker,* 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)) (''After evidence or argument is submitted by the applicant in response, patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.'').

III. Examples

The following examples illustrate the application of this guidance for the purposes of 35 U.S.C. 171 and do not address all patentability requirements, including 35 U.S.C. 102, 103, and 112. The following examples are provided to assist USPTO personnel in determining whether design patent applications for computer-generated interfaces and icons comply with the article of manufacture requirement of 35 U.S.C. 171 and whether other objections are appropriate. Examples 1–4 and 6–10 comply with 35 U.S.C. 171. Example 5, 11, and 12 do not comply with 35 U.S.C. 171. Note that per this supplemental guidance, section 1504.01(a), subsection I(C) of the MPEP will be updated to indicate that example 4 as shown here complies with 35 U.S.C. 171, 37 CFR 1.152, and 37 CFR 1.153 (or 37 CFR 1.1067(a) for international design applications) because the term ''for'' with an article of manufacture (*e.g.,* computer display screen) indicates that the claim is not for a transient or disembodied image but for a design for an article of manufacture. This change in position is made by the USPTO in an effort to expand the understanding of design protection in light of advancements in technology, such as computer-generated interfaces and icons that have advanced beyond their display on traditional computer display screens or monitors.

Example 1 (Complies with 35 U.S.C. 171)

Title: Computer display screen with icon.

Description: The figure is a front view of a computer display screen with icon, showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a computer display screen with icon as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for each of the following reasons:

- the title, claim, and description recite a ''computer display screen,'' which is an article of manufacture;
- the title, claim, and description recite a ''computer display screen with icon,'' which indicates that the image is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system; and
- the drawing depicts the design embodied in a computer display screen in broken lines.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and the title and claim comply with 37 CFR 1.153(a)

(or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Example 2 (Complies with 35 U.S.C. 171)

Title: Icon for a computer display screen.

Description: The figure is a front view of an icon for a computer display screen, showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

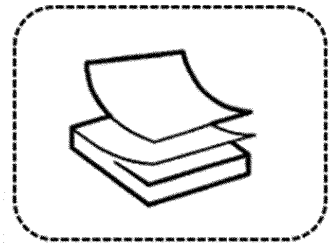
Claim: The ornamental design for an icon for a computer display screen as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''computer display screen,'' which is an article of manufacture, and the term ''for'' with ''computer display screen'' indicates that the claim is not for an icon per se;
- the title, claim, and description recite an ''icon for a computer display screen,'' which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer, computer display, or computer system; and
- the drawing depicts the design embodied in a computer display screen in broken lines.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Example 3 (Complies with 35 U.S.C. 171, but not 37 CFR 1.153(a) or 37 CFR 1.1067(a) as initially drafted)



Title: Paper stack icon.

Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a paper stack icon as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 because, based on a review of the complete disclosure, the description recites a ''computer display screen,'' which is an article of manufacture, and the icon is for a computer, computer display, or computer system, such that it is more than a transient or disembodied picture or three-dimensional image.

However, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

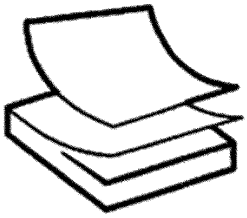
Because the original disclosure provides support for a computer display screen as the article of manufacture, the application could be amended to read as follows:

Title: Paper stack icon for computer display screen.

Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

Example 4 (Complies with 35 U.S.C. 171)



Title: Paper stack icon for a computer display screen.

Description: The figure is a front view of a paper stack icon for a computer display screen showing the new design.

Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

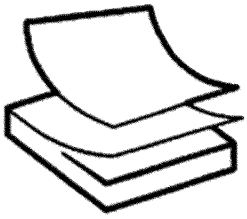
As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''computer display screen'' which is an article of manufacture and
- the term ''for'' with ''computer display screen'' indicates that the claim is not for an icon per se;
- the title, claim, and description recite an ''icon for a computer display screen,'' which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design as embodied in the disclosed article and the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. Applicants should also be mindful that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 5 (Does not comply with 35 U.S.C. 171)



Title: Paper stack icon.

Description: The figure is a front view of a paper stack icon showing the new design.

Claim: The ornamental design for a paper stack icon as shown and described.

As presented, the claimed design in this example does not comply with 35 U.S.C. 171 for the following reasons:

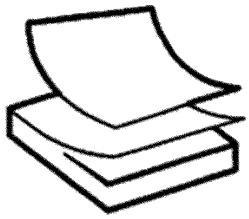
- none of the title, claim, and description recite an article of manufacture; and
- the drawing also does not depict an article of manufacture.

Because no article of manufacture is disclosed in the application, the claim should be rejected under 35 U.S.C. 171, as set forth in subsection I.B above.

In addition, the title and claim should be objected to pursuant to 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) for

failing to designate a particular article of manufacture.

Example 6 (Complies with 35 U.S.C. 171)



Title: Projected paper stack icon for a computer.

Description: The figure is a front view of a projected paper stack icon for a computer showing the new design.

Claim: The ornamental design for a projected paper stack icon for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

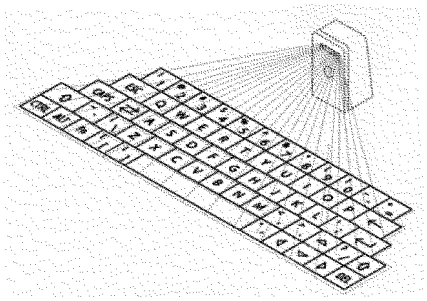
- the title, claim, and description recite a ''computer,'' which is an article of manufacture upon which the design relies for its existence;
- the term ''for'' with ''computer'' indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite an ''icon for a computer,'' which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected icon on a curved or irregular surface. Applicants should also be mindful that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 7 (Complies with 35 U.S.C. 171)



Title: Projected keyboard interface for a computer.

Description: The figure is a perspective view of a projected keyboard interface for a computer showing the new design. The broken lines showing the computer form no part of the claimed design. The projected broken lines form no part of the claimed design.

Claim: The ornamental design for a projected keyboard interface for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''computer,'' which is an article of manufacture upon which the design relies for its existence, and the term ''for'' with ''computer'' indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite a keyboard ''interface for a computer,'' which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system; and
- the drawing depicts the computer (shown in broken lines) that projects the design.

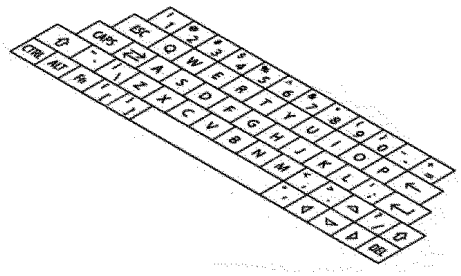
For the purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim

adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 8 (Complies with 35 U.S.C. 171)



Title: Projected interface for a computer system

Description: The figure is a perspective view of a projected interface for a computer system showing the new design.

Claim: The ornamental design for a projected interface for a computer system as shown and described.

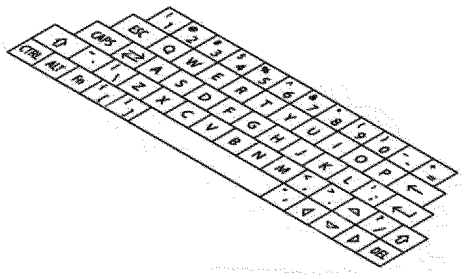
As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''computer system,'' which is an article of manufacture on which the design relies upon for its existence, and the term ''for'' with ''computer system'' indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite an ''interface for a computer system,'' which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 9 (Complies with 35 U.S.C. 171)



Title: Graphical User Interface for a computer.

Description: The figure is a front view of a graphical user interface for a computer showing the new design.

Claim: The ornamental design for a graphical user interface for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''graphical user interface for a computer'' which, by definition, is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim

adequately designate an article of manufacture upon which the design relies for its existence through reference to the ''graphical user interface for a computer''.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the graphical user interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

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Example 10 (Complies with 35 U.S.C. 171)

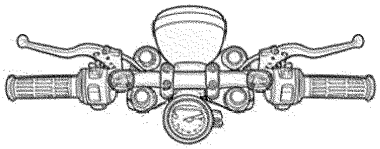

Fig. 1

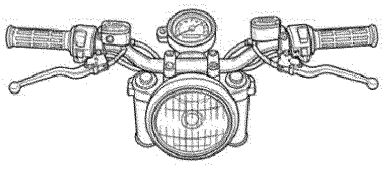

Fig. 2

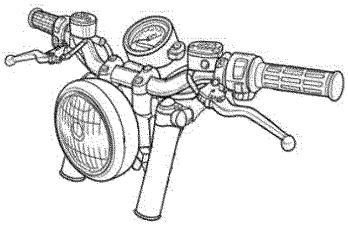

Fig. 3

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Title: Virtual reality motorcycle interface for a computer.

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface for a computer showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof. Figures 1–3 disclose the complete 3-dimensional virtual appearance of the design claimed.

Claim: The ornamental design for a virtual reality motorcycle interface for a computer as shown and described.

For purposes of this example, it is assumed that Figs. 1–3 provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152. But, as explained herein, the applicant must ensure that a sufficient disclosure is present for a design in the application as filed.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a ''a computer'' and a computer is an article of manufacture on which the design relies upon for its existence; the term ''for'' with ''computer'' indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite a ''virtual reality motorcycle interface for a computer,'' which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that Figs. 1–3 provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture through reference to ''a computer''.

Example 11 (Does not comply with 35 U.S.C. 171)

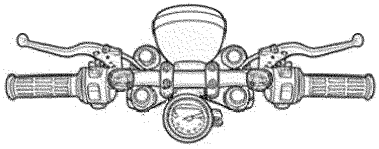

Fig. 1

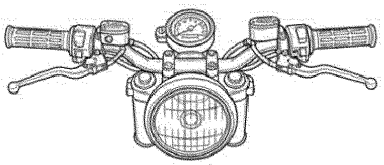

Fig. 2

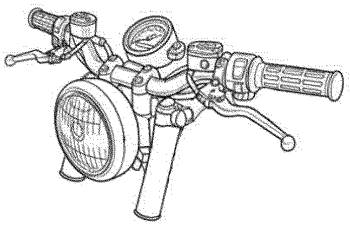

Fig. 3

Title: Virtual Reality Motorcycle Interface.

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof.

Claim: The ornamental design for a virtual reality motorcycle interface as shown and described.

As presented, the claimed design in this example does not comply with 35 U.S.C. 171 for the following reasons:

- none of the title, claim, and description recite an article of manufacture; and
- the drawings also do not depict an article of manufacture.

Therefore, no article of manufacture is disclosed in the application.

In addition, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

Example 12 (Does not comply with 35 U.S.C. 171)

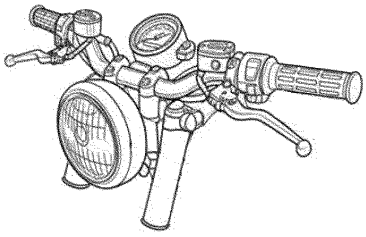

Fig. 1

Title: Digital motorcycle picture.

Description: Fig. 1 is a perspective view a digital motorcycle picture showing the new design.

Claim: The ornamental design for a motorcycle picture as shown and described.

Analysis: The claimed design does not comply with 35 U.S.C. 171 for the following reasons:

- none of the title, claim, and description recite an article of manufacture;
- the drawing, when read in light of the title, claim and description, also does not depict an article of manufacture; and
- the picture appears to be a transient or disembodied image.

Therefore, no article of manufacture is disclosed in the application.

In addition, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

John A. Squires,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2026–04987 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2025–0018]

Request for Comments on the World Intellectual Property Organization Riyadh Design Law Treaty

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) requests input from all interested parties on the World Intellectual Property Organization (WIPO) Riyadh Design Law Treaty (RDLT) adopted by WIPO Member States in Riyadh, Saudi Arabia on November 22, 2024. In particular, the USPTO welcomes written comments on whether the United States should become a party to the RDLT and any impacts from doing so. The provisions of the RDLT pertain generally to formalities associated with applications for the protection of industrial designs, and more specifically to streamlining the global system for protecting designs and helping designers to more easily obtain protection for their designs—both in home markets and abroad.

DATES: Written comments must be received on or before June 11, 2026.

ADDRESSES: For reasons of government efficiency, comments should be submitted through the Federal eRulemaking Portal at *https://www.regulations.gov.* To submit comments via the portal, enter docket number PTO–C–2025–0018 on the homepage and select ''Search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this request for information and select the ''Comment'' button, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included.

Visit the Federal eRulemaking Portal (*www.regulations.gov*) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please submit comments by First-Class Mail or Priority Mail to: Keith M. Mullervy, Patent Attorney, Mail Stop OPIA, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Keith M. Mullervy, Patent Attorney, Office of Policy and International Affairs (OPIA), at 571–272–7079.

SUPPLEMENTARY INFORMATION:

I. Background

WIPO is a specialized United Nations agency based in Geneva, Switzerland, that focuses on the promotion and protection of intellectual property worldwide. The WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) is a forum where WIPO Member States [1] and accredited observers facilitate coordination and provide guidance on the development of international law on trademarks, industrial designs, and geographical indications, including the harmonization of national laws and procedures. Within the U.S. Government, the USPTO, based on authority delegated by the U.S. Department of State, takes the lead in the WIPO SCT among other Federal agencies and coordinates and develops U.S. positions on issues before the WIPO SCT.

At its Fifty-Fifth (30th Extraordinary) Session, held in Geneva on July 14–22, 2022, the WIPO General Assembly decided to convene a diplomatic conference to conclude and adopt a Design Law Treaty. The diplomatic conference occurred on November 11–22, 2024, in Riyadh, Saudi Arabia. On November 22, 2024, WIPO Member States adopted the RDLT. The text of the RDLT is different in several respects from the draft text that served as the starting point for negotiations at the diplomatic conference. The draft text included draft Articles (known as the ''Basic Proposal for the Design Law Treaty (DLT)''), *https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_3.pdf*) and draft Regulations (known as the ''Basic Proposal for the Regulations under the Design Law Treaty (DLT)''), *https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_4.pdf).* On March 27, 2024, following a Special Session and Preparatory Committee meeting of the SCT, the USPTO requested comments on the Basic Proposal for the DLT and the Basic Proposal for the Regulations under the DLT. *See* Notice and Request for Comments, WIPO Diplomatic Conference on the Design Law Treaty, *https://www.federalregister.gov/documents/2024/03/27/2024-06390/wipo-diplomatic-conference-on-the-design-law-treaty*. Comments received by the USPTO helped inform positions taken by the United States at the diplomatic conference.

The provisions of the RDLT pertain generally to formalities associated with applications for the protection of industrial designs, and more specifically to streamlining the global system for protecting designs and helping designers to more easily obtain protection for their designs—both in home markets and abroad. Similar treaties also exist in the area of patents (Patent Law Treaty of 2000) and trademarks (Trademark Law Treaty of 1994 and Singapore Treaty on the Law of Trademarks of 2006).

Article 4 of the RDLT establishes a closed list of elements that a Contracting Party may require in an industrial design application, such as the name and address of an applicant, the name and address of an applicant's representative (if any), a representation of the industrial design, etc. The closed list outlines the maximum permissible set of required elements and Contracting Parties are prohibited from requiring additional elements not contained in this closed list. Based on this maximum list of elements, an applicant who wishes to file an industrial application

[1] WIPO currently has 194 Member States. *https://www.wipo.int/members/en/.*

knows exactly what elements may be required by Contracting Parties.

Article 6 specifies a list of requirements that may be established by a Contracting Party for the purpose of according a filing date of an industrial design application. This provision establishes a minimal list of filing date requirements, only including requirements that are needed for an Office of a Contracting Party to properly determine ''who'' filed ''what.''

Article 7 mandates Contracting Parties provide for a 12-month grace period that provides industrial design applicants an opportunity to evaluate the value of the industrial design without worrying that a disclosure of the industrial design, whether intentional or inadvertent, will prevent registration of the design.

Articles 14, 15, and 16 provide applicants the ability to cure certain procedural errors or missed deadlines. These relief measures are critical to making the global industrial design system more applicant-friendly, providing flexibility, and mitigating the consequences of errors or mistakes in the application process. Without relief measures, missing a deadline in the application process could result in an inadvertent loss of rights, which, in the case of industrial designs, can be irreparable.

Article 31 permits reservations on certain provisions of the RDLT, including certain exceptions to mandatory representation, grace period, deferred publication, restoration of priority right for a delayed subsequent application, and the prohibition of any recording conditions on rights a licensee may have regarding infringement proceedings. These reservations were included to reach consensus in adopting the RDLT and provide flexibility for Contracting Parties to tailor their implementation of their obligations to their national design systems. Generally, Contracting Parties wishing to make one or more declarations under the RDLT will do so through a declaration accompanying the instrument of ratification of, or accession to, the RDLT.

Among its 34 articles and 18 regulations, the RDLT covers several other topics, including, definitions, general principles, industrial design publication, electronic industrial design systems, and requirements for representation before an Office of a Contracting Party.

For additional context, the text of the RDLT can be found on the WIPO website at: *https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26.pdf.*[2]

The RDLT was open for signature for one year after its adoption (*i.e.,* up to November 21, 2025).[3] The act of signing does not make a Member State a party to or bound by the RDLT. Rather, signing qualifies the signatory Member State to proceed to ratification, acceptance, or approval and is a strong indication of intent to join the RDLT by the signatory Member State.[4] To become a party to the RDLT, a Member State must undertake a separate step of ratification or accession.[5] The United States is currently in the process of deciding whether it wishes to join the RDLT, and will evaluate all relevant information, including any responses to this notice and request for comment, as part of that process.

The RDLT will enter into force three months after it is ratified or acceded to by 15 eligible parties.[6] Thereafter, RDLT provisions will apply to any WIPO Member State that joins the RDLT (*i.e.,* becomes a Contracting Party to the RDLT). This means, for example, that the RDLT's provisions will apply to all industrial design applications who file an industrial design application in an office of a Contracting Party, including those applicants who are nationals of, are domiciled in, or have businesses in, countries that have not ratified or acceded to the RDLT.

II. Substantive Guidance on Comments

The USPTO welcomes any relevant written comments on the RDLT, particularly on the specific text of the RDLT.

The USPTO is particularly interested in responses to the questions below. However, commenters need not respond to every question and may provide relevant information even if it is not responsive to a particular question. Comments should be as detailed as possible and provide all necessary information to enable an objective assessment of the views expressed, including specific references to: laws, regulations, and policy statements; executive, presidential, or other orders; administrative, court or other determinations; and available data (and associated methodology) regarding purported and potential impacts of policy decisions. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included.

1. In your view, should the United States become a party to the RDLT? In your response, please identify and explain your reasoning in detail, including legal and policy considerations.

2. In your view, please explain whether the RDLT is consistent with existing U.S. patent law. In your response, please explain your legal reasoning and identify the provision(s) of the RDLT that you view as consistent or inconsistent with U.S. patent law. Where possible, please identify the relevant U.S. law or regulation.

3. If, in your view, the RDLT is inconsistent with existing U.S. patent law, please identify and explain the change(s), if any, to U.S. patent law necessary for compliance with the RDLT. In doing so, please describe any impact(s) of adopting such changes. Where possible, please identify the relevant U.S. law or regulation.

4. In your view, please explain whether the RDLT is consistent with existing U.S. international obligations, including treaties, free trade agreements, and other binding international agreement(s). In your response, please explain your legal reasoning and identify any provision(s) of the RDLT that you view as consistent or inconsistent with specific U.S. international obligations. Where possible, please identify the specific U.S. international obligation.

5. If the United States does not become a party to the RDLT, please identify any RDLT provision(s) you believe should be incorporated into U.S. patent law. In your response, please explain the reason(s) for and any impact(s) of incorporating the identified provision(s) into U.S. patent law.

6. In your view, please identify and explain any impact(s) of implementing the RDLT in the United States on domestic and global innovation, including U.S. science and innovation leadership.

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[2] A corrigendum to the document containing the text of the RDLT can further be found at *https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26_corr.pdf.*

[3] According to WIPO, as of November 14, 2025, 28 WIPO Member States have signed the RDLT: Albania, Bosnia and Herzegovina, Cabo Verde, Central African Republic, Congo, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, El Salvador, Gabon, Gambia, Ghana, Iceland, Indonesia, Lebanon, Morocco, Paraguay, Philippines, Republic of Moldova, Sao Tome and Principe, Saudi Arabia, Sudan, Switzerland, the United Kingdom, Uruguay, Uzbekistan, Zambia, and Zimbabwe.

[4] *See, e.g.,* WIPO Press Release, *WIPO Member States Adopt Riyadh Design Law Treaty,* November 22, 2024 (available at *https://www.wipo.int/pressroom/en/articles/2024/article_0017.html*).

[5] *See* Riyadh Design Law Treaty, Articles 29–30. *https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26.pdf.*

[6] According to WIPO, as of November 14, 2025, no WIPO Member States have ratified or acceded to the RDLT.

7. In your view, please identify and explain any impact(s) of implementing the RDLT in the United States on businesses, consumers, investors, and the economy, including whether the RDLT would make the United States safer, stronger, or more prosperous.

8. To the extent not already addressed in answering questions 6 and 7, in your view, please identify and explain any possible impact(s) of implementing one or more of the following provisions of the RDLT in the United States:

(a) industrial design application content requirements specified in Article 4 of the RDLT and Rules 2 and 3 of the Regulations under the RDLT;

(b) industrial design application filing date requirements specified in Article 6 of the RDLT and Rule 5 of the Regulations under the RDLT;

(c) grace period provisions regarding a disclosure of an industrial design specified in Article 7 of the RDLT; and

(d) relief measures specified in Articles 14, 15, and 16 of the RDLT, and Rules 10, 11, and 12 of the Regulations under the RDLT.

9. In your view, if the United States were to become a party to the RDLT, should the United States declare one or more reservations via the mechanism(s) identified in Article 31? If yes, please identify the one or more RDLT provisions that you believe the United States should declare a reservation for and the rationale for declaring the respective reservation. If no, please identify the rationale for declining to declare any reservations.

John A. Squires,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2026–04901 Filed 3–12–26; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0529]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant to the Secretary of Defense for Public Affairs, Department of Defense, (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 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: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for DoD Production Assistance; DD Form 3205; OMB Control Number 0704–0682.

Type of Request: New.

Number of Respondents: 195.

Responses per Respondent: 1.

Annual Responses: 195.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 146.25.

Needs and Uses: This information collection requirement is necessary to evaluate the eligibility of productions requesting DoD assistance for compliance with DoD policies and for coordination of the units involved to determine whether requested military support is available and appropriate.

Affected Public: Business or other for-profit; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: March 11, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–04920 Filed 3–12–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Cancel the Supplemental Environmental Impact Statement for Improving Homeport Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the U.S. Pacific Fleet

AGENCY: Department of the Navy, Department of Defense.

ACTION: Cancellation of notice of intent.

SUMMARY: The Navy is issuing this notice to advise federal, state, and local government agencies and the public that the Navy is cancelling the Notice of Intent (NOI) for the preparation of a Supplemental Environmental Impact Statement (SEIS) for Improving Homeport Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. The Navy is no longer considering the proposed action.

DATES: The NOI to prepare a SEIS is cancelled as of February 13, 2026.

ADDRESSES: Naval Facilities Engineering Systems Command Atlantic; Attention: Code EV22DS; 6506 Hampton Boulevard, Norfolk, VA 23508–1278.

FOR FURTHER INFORMATION CONTACT: Questions about the cancellation of the NOI can be directed to U.S. Fleet Forces Command, 1562 Mitscher Avenue, Suite 250, Norfolk, VA 23551–2487, Attention: Mr. Theodore Brown, Installations and Environment Public Affairs Officer, 757–836–4427, *theodore.c.brown4.civ@us.navy.mil.*

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act (NEPA) of 1969, the Navy announced its intent to prepare an SEIS to update its analysis in the 1999 Final Environmental Impact Statement for Developing Home Port Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet and its 2008 Final SEIS in the **Federal Register** on June 9, 2023 (88 FR 37870). Since publication of the NOI, the Navy has determined that the proposed action is not necessary to support the NIMITZ-Class CVNs currently homeported at NAS North Island.

Dated: March 11, 2026.

A.R. DeMaio,

Lieutenant Commander, Judge Advocate General's Corps, U. S. Navy, Federal Register Liaison Officer.

[FR Doc. 2026–04930 Filed 3–12–26; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1306]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Student Aid User Experience Design Research Generic Clearance

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 a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 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 Carolyn Rose, (202) 453–5967.

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: Federal Student Aid User Experience Design Research Generic Clearance.

OMB Control Number: 1845–0159.

Type of Review: Reinstatement without change of a previously approved ICR.

Respondents/Affected Public: Individual and Households.

Total Estimated Number of Annual Responses: 262,400.

Total Estimated Number of Annual Burden Hours: 74,975.

Abstract: This is a request for a reinstatement without change of the 1845–0159 Federal Student Aid User Experience Design Research Generic Clearance. Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. To continuously ensure that our programs are effective and meet our customers' needs, the Department of Education's office of Federal Student Aid (FSA) seeks a reinstatement of its OMB Fast Track Process (5-day) generic clearance 1845–0159 to continue collecting qualitative feedback.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–04986 Filed 3–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1274]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

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 a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 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 Carolyn Rose, (202) 453–5967.

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: Student Assistance General Provisions—Subpart K—Cash Management.

OMB Control Number: 1845–0038.

Type of Review: Reinstatement without change of a previously approved ICR.

Respondents/Affected Public: Individual and Households; State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 19,605,555.

Total Estimated Number of Annual Burden Hours: 861,393.

Abstract: This request is for a reinstatement without change of the current information collection 1845–0038. This collection pertains to the recordkeeping requirements contained in the regulations related to the administration of the Subpart K—Cash Management section of the Student Assistance General Provisions. The regulatory language has not changed.

These program regulations are designed to provide benefits to title IV, HEA applicants, and protect the taxpayers' interest. The information collection requirements in these regulations are necessary to provide students with required information about their eligibility to receive funding under the federal student financial aid programs. The collection requirements help prevent fraud and abuse of program funds by allowing students to reduce or reject aid being offered to them as well as being made aware of when funding can be expected to be available.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–04983 Filed 3–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of 229 Boundary: Establish 301 Laboratory Road, Oak Ridge, Tennessee

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Department of Energy (DOE), pursuant to the Atomic Energy Act of 1954, as amended, as implemented by DOE's regulations regarding Trespassing on Department of Energy Property which published in the **Federal Register** (FR) on August 26, 1963, prohibits the unauthorized entry, and the unauthorized introduction of weapons or dangerous materials, into or upon the following described facilities of Office of Environmental Management, of the United States Department of Energy.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Reardon, Real Estate Contracting Officer, U.S. Department of Energy, 550 Main Street, Room 7–010, Cincinnati, Ohio 45202, Email: *matthew.reardon@)emcbc.doe.gov;* Telephone: (573) 744–2143.

SUPPLEMENTARY INFORMATION: The following declarations are made:

The U.S. Department of Energy installation known as 301 Laboratory Road, Oak Ridge TN is located in the Second Civil District of Anderson County, Tennessee, within the corporate limits of the city of Oak Ridge Designated as all of Parcel 412.01, Block 19–CE, as shown on a plat entitled ''Final Plat, Resubdivision of Parcels 412.01, 412.02, 412.03 and 412.04, Blocks 19–CD and 19–CE,'' prepared by Urban Engineering, Inc., Knoxville, Tennessee, dated June 1, 1984, last revised May 23, 1990 and recorded May 23, 1990 in Plat Cabinet 4, envelope 83–A in the Register's Office for Anderson County, Tennessee to which plat reference is here made for a more complete description. The proposed 301 Laboratory Road, Oak Ridge, Tennessee, 229 Security Boundary contains one area which totals 0.744 acres. This security boundary is designated pursuant to Section 229 of the Atomic Energy Act of 1954.

Signing Authority

This document of the Department of Energy was signed on March 10, 2026, by Timothy J. Walsh, Assistant Secretary for Environmental Management, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 11, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–04925 Filed 3–12–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 22, 2026; 8 a.m.–3 p.m. PDT.

ADDRESSES: U.S. Department of Energy, 2435 Stevens Center Place, Conference Room 1005, Richland, Washington 99354. This meeting will be held in-person and virtually. To receive the virtual access information, please contact the Deputy Designated Federal Officer, Meegan Tripp, at the telephone number or email listed below at least two days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Meegan Tripp, Deputy Designated Federal Officer, U.S. Department of Energy, Office of Environmental Management; Phone: (509) 376–2403; or Email: *meegan.tripp@hanford.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Meegan Tripp for the most current agenda).

- Tri-Party Agreement Agencies Updates
- Presentations to the Board
- Board Advice Discussion and Voting

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Meegan Tripp. The EM SSAB, Hanford, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Meegan Tripp at least seven days in advance of the meeting.

Meeting Conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *https://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signing Authority: This document of the Department of Energy was signed on March 11, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the

document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 11, 2026.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–04977 Filed 3–12–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3063–036]

Blackstone Hydro Associates; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No.:* 3063–036.

c. *Date Filed:* February 23, 2026.

d. *Applicant:* Blackstone Hydro Associates.

e. *Name of Project:* Central Falls Hydroelectric Project.

f. *Location:* The project is located on the Blackstone River in Providence County, Rhode Island. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Shaun Dempsey, Director of Operations, Blackstone Hydro Associates, 130 Prospect Street, Cambridge, MA 02139, *sdempsey@theshorelinecorp.com,* (617) 715 3138.

i. *FERC Contact:* Aneela Mousam, (202) 502–8357, *aneela.mousam@ferc.gov*.

j. *Cooperating Agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* April 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–3063–036. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee filed a non-capacity amendment for the Central Falls Hydroelectric Project No. 3063 to update the primary transmission line layout to meet the Rhode Island Energy's current interconnection and safety requirements. As licensed, electricity generated at the powerhouse is transmitted to the regional electric grid via a 55-foot-long, 480-volt transmission line and a 0.48/13.2-kilovolt step-up transformer located approximately 50 feet northwest of the powerhouse. Under the proposed amendment, electricity generated at the powerhouse would be transmitted to the regional electric grid via a 55-foot long, 480-volt transmission line and a 0.48/13.8-kilvolt step-up transformer and neutral ground resistor located approximately 60 feet northwest of the powerhouse. From there, approximately 85 feet of below grade line would connect to a new utility pole, which in turn would connect to the main grid via approximately 175 feet of overhead line. The proposal would require installing seven new wood poles: five to be installed by Rhode Island Energy and two by the licensee. The proposed construction would result in ground disturbance of approximately 500 square feet. The licensee also proposes to remove from the project license the unconstructed 300-foot-long, 480-volt underground transmission line that would have connected a new turbine-generator unit to the existing project transmission line. All proposed work would occur within the existing project boundary.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR

385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: March 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04954 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the commission received the following accounting Request filings:

Docket Numbers: AC26–30–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits final accounting entries for the purchase of two interests in the Palo Verde Nuclear Generating Station Unit 2.

Filed Date: 3/9/26.

Accession Number: 20260309–5301.

Comment Date: 5 p.m. ET 3/30/26.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–174–000.

Applicants: Panther Grove Wind, LLC.

Description: Panther Grove Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/9/26.

Accession Number: 20260309–5265.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: EG26–175–000.

Applicants: Panther Grove 2 LLC.

Description: Panther Grove 2 LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/9/26.

Accession Number: 20260309–5268.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: EG26–176–000.

Applicants: Big Muddy Solar Project, LLC.

Description: Big Muddy Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/10/26.

Accession Number: 20260310–5085.

Comment Date: 5 p.m. ET 3/31/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2405–016.

Applicants: High Prairie Wind Farm II, LLC.

Description: Response to 07/01/2024, Deficiency Letter of High Prairie Wind Farm II, LLC.

Filed Date: 3/5/26.

Accession Number: 20260305–5290.

Comment Date: 5 p.m. ET 3/26/26.

Docket Numbers: ER10–3115–011.

Applicants: Waterside Power, LLC.

Description: Notice of Change in Status of Waterside Power, LLC.

Filed Date: 3/5/26.

Accession Number: 20260305–5291.

Comment Date: 5 p.m. ET 3/26/26.

Docket Numbers: ER15–2149–002.

Applicants: Century Marketer LLC.

Description: Notice of Change in Status of Century Marketer LLC.

Filed Date: 3/6/26.

Accession Number: 20260306–5267.

Comment Date: 5 p.m. ET 3/27/26.

Docket Numbers: ER25–2640–001.

Applicants: Duke Energy Florida, LLC, Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: Duke Energy Carolinas, LLC submits tariff filing per 35: Compliance Filing Regarding Order No. 676–K (2026) to be effective 2/27/2026.

Filed Date: 3/10/26.

Accession Number: 20260310–5156.

Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER25–3070–004.

Applicants: Midcontinent Independent System Operator, Inc., Indianapolis Power & Light Company.

Description: Tariff Amendment: Indianapolis Power & Light Company submits tariff filing per 35.17(b): 2026–03–09_4th Amendment IPL dba AES Transition to Forward Looking Rate to be effective 1/1/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5275.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1075–001.

Applicants: OSW Project, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 3/18/2026.

Filed Date: 3/10/26.

Accession Number: 20260310–5000.

Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1356–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Limited Amendment to Pending GIA, SA No. 7860; Project Identifier No. AF2–068 to be effective 4/14/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5279.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1681–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: GIA, Service Agreement No. 7919; AE2–261/AG1–460 to be effective 2/6/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5254.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1682–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Bordertown BESS Amended Generation Interconnection Agreement to be effective 2/11/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5264.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1683–000.

Applicants: Commonwealth Edison Company.

Description: § 205(d) Rate Filing: Filing of Cost Recovery and Funding Agreement among ComEd-PJM–MISO to be effective 6/1/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5269.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1684–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF–FMPA–FMPP Amended & Restated Reimbursement Agmt RS No. 436 to be effective 7/2/2026.

Filed Date: 3/9/26.

Accession Number: 20260309–5288.

Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1685–000.

Applicants: New York Independent System Operator, Inc., Power Authority of the State of New York.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO–NYPA Joint 205: Standard IA Fort Covington Solar SA2943 (CEII) to be effective 2/24/2026.

Filed Date: 3/10/26.

Accession Number: 20260310–5017.

Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1686–000.

Applicants: Kincaid Generation, L.L.C.

Description: Petition of Kincaid Generation, L.L.C. for Limited Waiver of Procedural Deadlines of the PJM Tariff relating to requests for an exception to the must-offer requirement for the Base Residual Auction for the 2028/2029 Delivery Year.

Filed Date: 3/9/26.
Accession Number: 20260309–5316.
Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: ER26–1688–000.
Applicants: Viridon Wisconsin LLC.
Description: § 205(d) Rate Filing: Formula Rate Baseline to be effective 5/11/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5038.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1689–000.
Applicants: American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI submits Construction Agreement SA No. 7369 to be effective 5/10/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5044.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1690–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions for Improvements to Attachment AQ to be effective 5/10/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5053.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1693–000.
Applicants: New York Independent System Operator, Inc., Power Authority of the State of New York.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO–NYPA Joint 205: Standard IA Two Rivers Solar Farm SA2944 (CEII) to be effective 2/24/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5094.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1694–000.
Applicants: Citigroup Energy Inc.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff to be effective 3/11/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5111.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1695–000.
Applicants: Big Muddy Solar Project, LLC.
Description: § 205(d) Rate Filing: Big Muddy Solar Project, LLC MBR Tariff to be effective 5/10/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5117.
Comment Date: 5 p.m. ET 3/31/26.

Docket Numbers: ER26–1696–000.
Applicants: West River Solar, LLC.
Description: Tariff Amendment: West River Solar, LLC Notice of Cancellation of MBR Tariff to be effective 5/11/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5164.
Comment Date: 5 p.m. ET 3/31/26.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES26–31–000.

Applicants: NextEra Energy Transmission MidAtlantic, Inc.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of NextEra Energy Transmission MidAtlantic, Inc.

Filed Date: 3/6/26.

Accession Number: 20260306–5270.

Comment Date: 5 p.m. ET 3/27/26.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF26–583–000.

Applicants: DuPont Specialty Products USA, LLC.

Description: Form 556 of DuPont Specialty Products USA, LLC.

Filed Date: 2/25/26.

Accession Number: 20260225–5227.

Comment Date: 5 p.m. ET 3/18/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number. Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04933 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–44–000.
Applicants: Hope Gas, Inc.
Description: § 284.123(g) Rate Filing: HGI—2025 WV PSC Base Rate Case to be effective 2/25/2026.
Filed Date: 3/9/26.
Accession Number: 20260309–5247.
Comment Date: 5 p.m. ET 3/30/26
§ 284.123(g) Protest: 5 p.m. ET 5/8/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP26–583–001.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Tariff Amendment: Amendment to NICOR Negotiated Rate Filing—2026 to be effective 4/1/2026.
Filed Date: 3/9/26.
Accession Number: 20260309–5266.
Comment Date: 5 p.m. ET 3/23/26.

Docket Numbers: RP26–591–001.
Applicants: Alliance Pipeline L.P.
Description: Tariff Amendment: RP26–591 Correction Filing to be effective 3/1/2026.
Filed Date: 3/10/26.
Accession Number: 20260310–5075.
Comment Date: 5 p.m. ET 3/23/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04934 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14787–004]

Black Canyon Hydro, LLC; Notice of Revised Schedule for the Seminoe Pumped Storage Project

This notice revises the Federal Energy Regulatory Commission's (Commission) schedule for processing Black Canyon Hydro, LLC's (BCH) license application for the Seminoe Pumped Storage Project. The notice of intent to prepare an environmental impact statement (EIS) issued on March 28, 2025, identified April 13, 2026, as the planned date for issuing the final EIS and July 16, 2026, as the planned date for issuing the final order for the project. On September 26, 2025, Commission staff issued a draft EIS and accompanying EIS notice of availability which set a deadline of January 2, 2026, for filing comments on the draft EIS. On December 15, 2025, BCH filed a proposal to relocate a proposed batch plant, spoil pile, and construction area for the inlet-outlet structure to land owned and managed by the Bureau of Reclamation. The filing also included supplemental study reports, an alternative spoil site analysis technical memorandum, a visual resource management conformance supplemental design technical memorandum, a Preliminary Traffic Management Plan, a Wildlife Seasonal Restrictions Management Plan, and a Bighorn Sheep Management Plan. Additionally, on December 30, 2025, BCH filed an updated Preliminary Weed and Vegetation Management Plan, a Preliminary Draft Aquatic Invasive Species Plan, and updated Habitat Management Plan. In response to BCH's revised proposal and updated plans, multiple stakeholders filed requests for an extension of the draft EIS comment period. Subsequently, the Commission issued a notice on January 23, 2026, that extended the deadline for filing comments on the draft EIS to February 13, 2026, to provide stakeholders with the necessary time to review BCH's revised proposal and updated plans. To account for the additional time needed for Commission staff to evaluate BCH's revised proposal and to review and respond to comments submitted during the extended comment period, the application will be processed according to the following revised schedule.

Issuance of final EIS—June 12, 2026

The project is covered under Title 41 of the Fixing America's Surface Transportation Act (FAST–41). Under FAST–41, agencies are to publish completion dates for all federal environmental reviews and authorizations. This notice identifies the Commission's anticipated schedule for issuance of the final order for the project, which is based on the revised issuance date for the final EIS. We currently anticipate issuing the final order for the project no later than:

Issuance of Final Order—September 17, 2026

If a schedule change becomes necessary, additional notice will be provided so that interested parties and government agencies are kept informed of the project's progress.

(Authority: 18 CFR 2.1)

Dated: March 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04953 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2489–049]

Green Mountain Power Corporation; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2489–049.

c. *Date filed:* October 31, 2022.

d. *Applicant:* Green Mountain Power Corporation.

e. *Name of Project:* Cavendish Hydroelectric Project.

f. *Location:* On the Black River, in the town of Cavendish, in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: John Tedesco, Green Mountain Power Corporation, 2152 Post Road, Rutland, VT 05701; Phone at (802) 655–8753, or email at *John.Tedesco@greenmountainpower.com.*

i. *FERC Contact:* Samantha Pollak at (202) 502–6419, or *samantha.pollak@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* on or before 5:00 p.m. Eastern Time on May 11, 2026; reply comments are due on or before 5:00 p.m. Eastern Time on June 23, 2026.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U.S. Postal Service 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. All filings must clearly identify the project name and docket number on the first page: Cavendish Hydroelectric Project (P–2489–049).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *The Cavendish Project consists of:* (1) a 111-foot-long concrete gravity dam with: (a) a 90-foot-long by 25-foot-high north spillway section topped with a 6-foot-high inflatable flashboard system and (b) a 21-foot-long by 6-foot-high south spillway section topped with 2.5-foot-high steel flashboards; (2) a 17.06-acre impoundment with a gross storage

capacity of 18.4 acre feet at a normal water surface elevation of 884.13 feet National Geodetic Vertical Datum of 1929 (NGVD 29) that extends approximately 3,000 feet upstream; (3) a 90-foot-long dike structure with an earthen crest of approximately 12 feet wide and composed of sheet pile and rock along the impoundment; (4) a 3-foot-wide downstream fish passage chute located on the north side of the spillway; (5) a concrete intake structure equipped with a mechanically operated headgate, and a trash rack with 2-inch clear bar spacing; (6) a 178-foot-long power tunnel that carries flow from the intake to a penstock; (7) a 6-foot-diameter, 1,090-foot-long penstock; (8) a 64-foot-long by 34-foot-wide powerhouse containing three turbine-generator units with a combined capacity of 1.44 megawatts; (9) a 100-foot-long, 12.5-kilovolt generator lead that runs from the powerhouse to a substation, which is the point of interconnection with the electrical grid; and (10) appurtenant facilities.

Green Mountain Power proposes to continue operating the project in a run-of-river mode with a continuous minimum flow release of 10 cubic feet per second into the bypassed reach. The project generates about 4,864 megawatt-hours annually.

m. A copy of the application can be viewed on the Commission's website at (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (P–9028). For assistance, contact FERC Online Support (see item j above).

All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding in accordance with 18 CFR 4.34(b) and 385.2010.

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.

n. 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.*

o. The license applicant must file the following on or before 5:00 p.m. Eastern Time on May 11, 2026: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. Final amendments to the application must be filed with the Commission on or before 5:00 p.m. Eastern Time on April 9, 2026.

(Authority: 18 CFR 2.1)

Dated: March 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04955 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2100–184]

California Department of Water Resources; Notice of Application To Amend Recreation Plan Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of Recreation Plan to provide improvements to recreation facilities at the Oroville Wildlife Area—Themalito Afterbay Outlet.

b. *Project No.:* 2100–184.

c. *Date Filed:* June 12, 2025, and supplemented February 27, 2026.

d. *Applicant:* California Department of Water Resources.

e. *Name of Project:* Feather River Hydroelectric Project.

f. *Location:* The project is located on the Feather River in Butte County, California. The project occupies federal lands managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Jeremiah McNeil, Manager, State Water Project Compliance Office, California Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236–001, (916) 699–8414.

i. *FERC Contact:* Mary Karwoski, (678) 245–3027, *mary.karwoski@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Water Quality Certification:* A water quality certificate under section 401 of the Clean Water Act is required for this proposal from California Central Valley Regional Water Quality Control Board. The applicant a copy of the water quality certification on February 27, 2026.

l. *Deadline for filing comments, motions to intervene, and protests:* April 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P2100–184. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on

each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. *Description of Request:* The applicant proposes to improve existing camping, day-use, and boat ramp facilities by formally delineating up to 25 primitive RV campsites (no water and no electricity), creating a day-use area with up to 10 picnic tables, regrading an existing gravel boat ramp and decicate for non-trailered/car-top launching, constructing a new 2-lane concrete trailered boat ramp, paving a parking area for 50 vehicle with trailer spaces and 30 vehicle only spaces, installing two additional vault toilets, and constructing a trail extension to connect the existing recreation area to the existing Oroville Wildlife Area trail system.

n. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

r. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: March 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04956 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP25–10–000	3–4–2026	FERC Staff.[1]
2. CP25–60–000	3–4–2026	FERC Staff.[2]
3. CP13–499, CP18–5–000	3–4–2026	FERC Staff.[3]
4. EC26–58–000	3–6–2026	FERC Staff.[4]
Exempt:		
1. ER26–1556–000	3–4–2026	Pennsylvania Senator Gene Yaw.

[1] Emailed comments from Robert E. Rutkowski.
[2] Emailed comments from Robert E. Rutkowski.

[3] Emailed comments from Robert E. Rutkowski.
[4] Emailed comments from Robert E. Rutkowski.

Dated: March 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04935 Filed 3–12–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OMS–2026–0037; FRL–13284–01–OMS]

2026 Environmental Financial Advisory Board (EFAB) Federal Advisory Committee Act (FACA) Charter 2-Year Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Charter for the U.S. Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will be renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA). The purpose of the EFAB is to provide advice and recommendations to the EPA Administrator and program and regional offices on ways to lower the costs of, and increase private investments in, environmental and public health protection efforts without investing additional federal taxpayers dollars.

FOR FURTHER INFORMATION CONTACT: Inquiries may be directed to Edward Walsh, Office of Finance and Administration, Mail Code: 3101A, U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564–4594, email address: *walsh.ed@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., app. 2, to provide advice and recommendations to the EPA on innovative approaches to financing environmental programs, projects, and activities.

Public Interest Determination

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget.

The estimated Annual Budget for the Environmental Financial Advisory Board is $287,032.

a. Federal personnel on a full-time equivalent (FTE) basis

The estimated FTE is 1.5.

b. Other Federal internal costs

The estimate for other Federal internal costs is $60,000 (meetings, FRN, contractors etc. . . .)

c. Proposed payments to members

The members will be Representative and will not be paid to serve on the committee.

d. Proposed number of members

The committee will have no more than 11 members.

e. Reimbursable costs

The estimate for reimbursable costs for members' travel expenses is $18,335 and the estimate for reimbursable costs for staff's travel expenses is $7,804.

2. *If applicable, the total dollar value of grants expected to be recommended during the fiscal year.*

N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

The Board consists of representatives of non-federal interests, drawn from state and local governments, business (financial services) and industry, and local and national non-governmental organizations. The Board members represent a variety of experience and perspectives required to address the wide variety of issues pertaining to environmental finance issues. The members also have geographic disbursement to ensure the representation of regional perspectives. The Board may include, as needed, special government employee members who are appointed for their individual expertise.

4. List of all other Federal advisory committees of the agency.

The U.S. Environmental Protection Agency Federal Advisory Committees Science Advisory Committee on Chemicals National Environmental Education Advisory Council National Drinking Water Advisory Council Local Government Advisory Committee Human Studies Review Board Hazardous Waste Electronic Manifest System Advisory Board Great Lakes Advisory Board Chartered Good Neighbor Environmental Board Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel Farm, Ranch, and Rural Communities Advisory Committee EPA Science Advisory Board Chartered EPA Board of Scientific Counselors Environmental Financial Advisory Board Clean Air Scientific Advisory Committee Children's Health Protection Advisory Committee.

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Establishment and support for the EFAB, in conjunction with the EPA Water Finance Center, is part of EPA's commitment to improve the agency's environmental finance knowledge to pursue finance solutions for all programs and levels of government and the private sector. The EFAB brings unique experiences and perspectives on complex, cross-media environmental financing issues that are not available within the agency. These experiences and perspectives cover a wide range of public and private financing approaches necessary to pay for environmental programs, services, and infrastructure at the federal, state, and local levels. The average EFAB member has extensive knowledge in both established and innovative environmental finance approaches, is often a national leader in their field, and typically serves in an executive or leadership role. No other EPA advisory committee is structured or chartered to perform the EFAB's cross-media financing advisory function. The other EPA advisory committees are science or technology-oriented; address a specific environmental problem, rule or standard; or consider policy and education on a general basis. None look

at how-to-pay issues on a real world, public/private basis, and none have the financing backgrounds and perspectives of the EFAB members.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

During the course of the EFAB's existence, the Board has produced 491 recommendations. In FY 2025, the full board held one hybrid virtual and in-person meeting (October 15–16), one virtual meeting (January 8), and one webinar (November 12) that were open to the public. This committee is in the public interest and should be renewed as the EPA has a strategic interest in accelerating environmental technology commercialization to support its mission of protecting human health and the environment. By helping startups and innovators navigate financing pathways, regulatory compliance, certification requirements, and market entry strategies, EPA can leverage private sector investment to scale solutions without requiring additional federal taxpayer dollars.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Committee is essential to the conduct of agency business as it supports the Administrator's priorities cited in the ''Powering of the Great American Comeback.'' Specifically, this committee supports Pillar 3: Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership.''

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Lek Kadeli,

Director, Office Resources & Information (ORI).

[FR Doc. 2026–04941 Filed 3–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–214]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed March 2, 2026 10 a.m. EST

Through March 9, 2026 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20260024, Final, USDA, GA, Dresden-Talbot County 500 kV Transmission Line and Dresden 500 kV and Talbot County 230 kV Substation Modifications, Review Period Ends: 04/13/2026, Contact: Suzanne Kopich 202–961–8514.

EIS No. 20260025, Final, CHSRA, CA, Link Union Station Project Combined Final Environmental Impact Statement and Record of Decision, Contact: Stefan Galvez-Abadia 916–908–1184.

EIS No. 20260026, Draft, USACE, CA, Berths 121–131 Container Terminal Redevelopment Project Joint EIS and EIR, Port of Los Angeles, California, Comment Period Ends: 04/27/2026, Contact: Crystal L.M. Huerta 213–359–9662.

Dated: March 9, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–04958 Filed 3–12–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 30, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Mary Jean Berg Buford, as trustee of Mary Jean Berg Buford Living Trust, and co-trustee of Phillip W. & Mary Jean Berg Buford Living Trust, all of Ordway, Colorado;* to acquire voting shares of Lindoe, Inc., Ordway, Colorado (''Company''), and thereby indirectly acquire voting shares of The Gunnison Bank and Trust Company, Gunnison, Colorado (''Bank'').

Additionally, *Mary Jean Berg Buford Living Trust, Mary Jean Berg Buford as trustee, both of Ordway, Colorado; Phillip W. & Mary Jean Berg Buford Living Trust, Mary Jean Berg Buford and Phillip Buford, individually and as co-trustees; Leif Berg; and Sariah Berg, all of Ordway, Colorado; and Jennifer Berg-Ramsey; Terry Ramsey; and Jennifer Berg-Ramsey Trust, Jennifer Berg-Ramsey, as trustee, all of Ault, Colorado;* to become members of the Berg Family Group, a group acting in concert, to acquire voting shares of Company, and thereby indirectly acquire voting shares of Bank.

2. *Richard Counihan, Mercer Island, Washington, Burke L. Matthews, Salina, Kansas, and James E. Berkley, Stockton, Kansas, as co-trustees of Kent M. Berkley Trust, Bennington, Kansas; Paula Nelson, Tescott, Kansas, Kent M. Berkley, Salina, Kansas, and Jonathan D. Berkley, Stockton, Kansas, as co-trustees of Robert B. Berkley Trust, Salina, Kansas; Jeff A. Berkley Trust II, Lawrence, Kansas, and co-trustees Karen Deckert, Tescott, Kansas, Karla Spurgeon, Salina, Kansas, and Calvin J. Berkley, Salina, Kansas; Karen M. Deckert Trust II, Tescott, Kansas, and co-trustees Jeff A. Berkley, Lawrence,*

Kansas, Karla Spurgeon, and Calvin J. Berkley; Karla J. Spurgeon Trust II, Lawrence, Kansas, and co-trustees Jeff A. Berkley, Karen Deckert, and Calvin J. Berkley; Calvin J. Berkley Trust II, Tescott, Kansas, and co-trustees Jeff A. Berkley, Karen Deckert, and Karla Spurgeon; Marika Spurgeon GP Trust, Lawrence, Kansas, and co-trustees Jeff A. Berkley, Karen Deckert, and Calvin J. Berkley; Brenna Spurgeon GP Trust, Lawrence, Kansas, and co-trustees Jeff A. Berkley, Karen Deckert, and Calvin J. Berkley; Patrick Spurgeon GP Trust, Lawrence, Kansas, and co-trustees Jeff A. Berkley, Karen Deckert, and Calvin J. Berkley; Rebekah Berkley GP Trust, Lawrence, Kansas, and co-trustees Karen Deckert, Karla Spurgeon, and Calvin J. Berkley; Rachel Berkley GP Trust, Lawrence, Kansas, and co-trustees Karen Deckert, Karla Spurgeon, and Calvin J. Berkley; Sam Deckert GP Trust, Tescott, Kansas, and co-trustees Jeff A. Berkley, Karla Spurgeon, and Calvin J. Berkley; Lucas Deckert GP Trust, Tescott, Kansas, and co-trustees Jeff A. Berkley, Karla Spurgeon, and Calvin J. Berkley; Megan Berkley GP Trust, Tescott, Kansas, and co-trustees Jeff A. Buckley, Karen Deckert, and Karla Spurgeon; and Collin Berkley GP Tescott, Kansas, and co-trustees Jeff A. Buckley, Karen Deckert, and Karla Spurgeon; to join the Berkley Family Control Group, a group acting in concert, to retain voting shares of Berco, Inc., and thereby indirectly retain voting shares of The Bennington State Bank, both of Salina, Kansas. The Kent M. Berkley Trust, Robert B. Berkley Trust, and all of the co-trustees mentioned excluding Richard Counihan have previously been permitted by the Federal Reserve System to acquire control of voting shares of Berco, Inc., and thereby indirectly acquire control voting shares of The Bennington State Bank, and are currently members of the Berkley Family Control Group.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–04985 Filed 3–12–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: March 24, 2026 at 10:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 127 942 651#; or via web: *https://www.frtib.gov/*.

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the February 24, 2026, Board Meeting Minutes
2. Monthly Reports
   (a) Participant Report
   (b) Investment Report
   (c) Legislative Report
3. Quarterly Reports
   (d) Vendor Risk Management
   (e) OTS—Annual Office Update

Closed Session

4. Information Covered under 5 U.S.C. 552b (c)(9)(B) and (c)(10).

Authority: 5 U.S.C. 552b (e)(1).

Dated: March 10, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–04892 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0490]

Submission for Office of Management and Budget Review; Generic Program-Specific Performance Progress Report

AGENCY: Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: This notice describes the proposal to extend data collection under the Administration for Children and Families (ACF) Generic Program-Specific Performance Progress Report (PPR) (0970–0490). This overarching generic currently allows ACF program offices to collect performance and progress data from recipients and sub-recipients who receive funding from ACF under a grant or cooperative agreement. This generic mechanism provides the opportunity for ACF program offices to tailor requests for performance and progress data to specific funding recipients. There are no proposed changes to the purpose or use of the overarching generic. Burden estimates have been reduced to reflect current priorities to minimize reporting burden.

DATES: *Comments due April 13, 2026.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-0970-005*. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is primarily a grant-making agency that promotes the economic and social well-being of families, children, individuals and communities with partnerships, funding, guidance, training and technical assistance.

Prior to the use of this umbrella generic for program-specific PPRs, all ACF discretionary grant and cooperative agreement awards used the standard ACF PPR (#0970–0406) for post award reporting. Historically, the standard ACF PPR form required funding recipients to only respond to a common set of—and more recently just one—broad question(s), which can result in qualitative or incomplete information.. This one-size-fits-all approach did not adequately collect the specific data needed for particular grant programs or allow program offices to assess continuous quality improvement. Different grant programs vary in purpose, target population, and activities. Therefore, a need for program offices to customize performance measurements was identified and the generic program-specific PPR was developed.

ACF program offices have benefited from the ability to create and use a program-specific PPR that is more effective and includes specific data elements that reflect a specific program's indicators, demographics, priorities and objectives.

A generic program-specific PPR that can be tailored for program-specific needs allows program offices to collect useful data in a uniform and systematic manner. The reporting format allows program offices to gather uniform program performance data from each grantee, allowing aggregation at the program level to calculate outputs and outcomes, providing a snapshot and allowing for longitudinal analysis.

Data from a tailored program-specific PPR that demonstrates a program's successes and challenges have been useful for accountability purposes, such as required reports to Congress. Moreover, it has been useful for program management and oversight, such as identifying grantees' technical assistance needs and ensuring

compliance with federal and programmatic regulations and policies. To review currently approved PPRs under this generic, see: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202601-0970-003.*

Respondents: ACF funding recipients.

Annual Burden Estimates

The following burden estimates include burden associated with currently approved individual requests included with this extension request and an estimate of burden for potential new requests under this generic.

- Burden associated with currently approved individual requests has been updated to reflect current estimates for number of respondents, time per response, and reporting cadence.
- Burden estimates for potential new requests reflect a decrease in estimated burden associated with future information collections. The average number of responses per year has been reduced to 2 responses and the average time per response estimate has been reduced from 6 to 5 hours.

Potential New Requests

Information collection	Number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Program Specific PPRs	900	2	5	9,000

Ongoing Currently Approved Requests

Generic PPR title	Number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Administration for Native Americans (ANA) American Rescue Plan Emergency Language (ARP EL) Progress Report and Post Project Report	30	2	0.75	45
Community Economic Development—Planning (CED–P) Grant Recipient Performance Progress Report (PPR)	31	4	2	248
Diaper Distribution Demonstration and Research Pilot Quarterly Reporting Requirements	252	4	3.11	3,136
Employer Engagement Program Performance Data	24	2	5	240
Ethnic Community Self-Help (ECSH) Program Data Indicators	27	2	2	108
Family Violence Prevention and Services: Grants to support Culturally Specific Domestic Violence and Sexual Assault (CSDVSA) Programs	35	2	10	700
Family Violence Prevention and Services: Grants to support Specialized Services for Abused Parents and Children (SSAPC)	55	2	10	1,100
Family Violence Prevention and Services: Grants to the National Domestic Violence Hotline	2	2	10	40
Family Violence Prevention and Services: National, Special Issue, and Culturally Specific Resource Centers	19	2	8	304
Head Start Collaboration Office Annual Report	54	1	4	216
Human Trafficking Youth Prevention Education (HTYPE) Demonstration Grant Program Performance Indicators	8	1	6	48
Instructions for the Office of Refugee Resettlement Unaccompanied Children Program Home Study and Post-Release Service Grant Recipient Program Indicators	25	4	0.63	63
Microenterprise Development (MED) Program Indicators	29	2	2	116
Office of Refugee Resettlement Refugee Family Child Care Microenterprise (RFCCMED) Program Performance Data	15	4	2	120
Office of Refugee Resettlement Services to Afghan Survivors of Combat (SASIC) Program Performance Data Point Tool & User Guide	24	1	5	120
Preschool Development Grant Birth through Five (PDG B–5) Renewal Grant Annual Performance Progress Report—2025 Revision	28	1	8	224
Refugee Agricultural Partnership Program (RAPP) Indicators	18	2	2.3	83
Office of Refugee Resettlement Refugee Individual Development Accounts (IDA) Program Indicators	20	2.7	6	324
Refugee Resettlement Refugee Career Pathways (RCP) Program Performance Data	30	2	5	300
Regional Partnership Grant Program Semi Annual ACF Performance Progress Report	23	2	16.5	759
Support for Trauma-Affected Refugees (STAR) Annual Program Data Points (PDP) Tool and User Guide	28	1	3	84
Wilson-Fish TANF Coordination Project Performance Report Part A and B	7	2	6	84
Rural Community Development (RCD) Program Performance Report (PPR)	10	2	2.5	50
Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Tribal Engagement and Capacity Monthly Snapshot (TECS)	68	12	.25	204
	Total respondents	Average # annual responses	Average burden hours per response	Total ongoing annual burden hours
	862	2.6	5	8,716

Authority: 45 CFR 75.342; 45 CFR 75.301, Pub. L. 111–352, section 12.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–04968 Filed 3–12–26; 8:45 am]

BILLING CODE 4184–88–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–2548]

Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Food and Egg Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by April 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0760. The docket number is FDA–2025–N–2548.

FOR FURTHER INFORMATION CONTACT: Patrick Clouser, Office of Operations, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20852, 240–402–5276, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Animal Food and Egg Regulatory Program Standards

OMB Control Number 0910–0760—Extension

This information collection helps implement FDA's Egg Regulatory Program Standards (ERPS) and Animal Food Regulatory Program Standards (AFRPS). The current submission seeks to revise this information collection related to the ERPS. No revisions were made to the AFRPS.

Section 1012 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399c) authorizes FDA to administer training and education programs for employees of State, local, Territorial, and Tribal food safety authorities relating to regulatory programs. Also, under section 205 of the FDA Safety Modernization Act (codified in 21 U.S.C. 2224), FDA, together with the Centers for Disease Control and Prevention is directed to enhance foodborne illness surveillance to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses. As part of this effort, we have initiated programs that include developing and instituting regulatory standards intended to reduce the risk of foodborne illness through coordinated efforts with our strategic partners. Regulatory program standards establish a uniform foundation for the design and management of State, local, Tribal, and Territorial programs that have the responsibility for regulating human and animal food. Partnering with other regulatory officials also helps maximize limited resources in administering FDA regulations pertaining to the manufacturing/processing, packing, or holding of food for consumption in the United States.

The ERPS identifies and includes resource and training material for the following ten standards: regulatory foundation; training program; inspection program; audit program; egg-related illness, outbreak and emergency response; compliance and enforcement program; outreach program; program planning and resources; assessment and improvement; and laboratory services. We recommend using the worksheets and forms contained in the standards, however, alternate forms that are equivalent may be used. The educational worksheets and resource materials include recordkeeping and reporting activities that help FDA verify participation and successful completion of the respective requirements. In the first year of enrollment, information is used to conduct a baseline self-assessment to determine whether the materials meet the elements of each standard. In subsequent years, we use the information to conduct a comprehensive review and evaluate program effectiveness and participation. We modify the program standards based on the ongoing assessments as well as comments and informal feedback obtained from participants. For more information, including access the program standards, we invite you to visit our website at *https://www.fda.gov/federal-state-local-tribal-and-territorial-officials/integrated-food-safety-system-ifss-programs-and-initiatives/regulatory-program-standards.*

In collaboration with the state governments, the FDA recently completed a revision of the egg regulatory standards that incorporated the most current knowledge and lessons learned in the application of the 2021 ERPS by state partners and program assessment by FDA. To improve program effectiveness, understanding and clarity, changes to the ERPS include those to program definitions, all 10 program standards, appendices and assessment worksheets that may be used by the states who have adopted the ERPS. Other changes include streamlining both the standards and appendices to be less prescriptive in nature. This process results in an overall reduction of appendices (most of which provided more program specific guidance or examples and therefore are not expected to change the burden) and a reformatting of the remaining appendices to be more uniform, succinct, and tabular in structure.

The ERPS is a critical component in establishing FDA's IFSS. The ERPS, henceforth also referred to as ''program standards,'' establishes a uniform foundation for regulatory agencies responsible for oversight of eggs and egg products. When fully implemented, the program standards define a set of best practices of a regulatory system. The revised program standards are the result of external collaboration and coordination between FDA, the National Egg Regulatory Officials (NERO) and state governments in which we consider any formal comments received on the 2021 edition of the program standards. A copy of the revised program standards and accompanying worksheets and forms is available in the **Federal Register** docket for this notice.

In the **Federal Register** of August 22, 2025 (90 FR 41083), FDA published a 60-day notice requesting public comment on the proposed collection of information. Two comments were received. Both comments were unrelated to the Paperwork Reduction Act.

Description of Respondents: Respondents are State Departments of Agriculture or Health regulatory officials who enroll in the AFRPS or ERPS (State or Territorial governments). Our respondent estimates are based on expected participation.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of respondents; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours[1]
State, local, Territorial, and/or Tribal Governments; submission of data elements to FDA consistent with ERPS	2	1	2	569	1,138
State, local, Territorial, and/or Tribal Governments; submission of data elements to FDA consistent with AFRPS	25	1	25	569	14,225
Total					15,363

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Type of respondents; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
State, local, Territorial and/or Tribal Governments; submission of data elements to FDA consistent with ERPS	2	10	20	40	800
State, local, Territorial and/or Tribal Governments; submission of data elements to FDA consistent with AFRPS	25	11	275	40	11,000
Total					11,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

To demonstrate conformance with the standards prior to and after enrollment in the grant programs, State and Territorial governments participating in the program standards (respondents) submit comprehensive program assessments and evaluations to their technical advisors at FDA using a dedicated email. The information required for these submissions is outlined in the provided worksheets. Additionally, the program standards require ongoing documentation to verify conformance. We base our estimates on the historical performance of these standards programs and informal consultation with the affected State and Territorial governments. We have consolidated our estimates to account for burden attributable to reporting tasks in the recordkeeping table.

Our estimated burden for the information collection reflects no change, as enrollment and participation in both programs remains steady.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04940 Filed 3–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1262]

Notice of Approval of Product Under Voucher: Rare Pediatric Disease Priority Review Voucher; EYLEA HD (aflibercept)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that the supplemental application (Supplement-10) for EYLEA HD (aflibercept), approved November 19, 2025, meets the criteria for redeeming a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Quyen Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Room 5324, Silver Spring, MD 20993–0002, 301–796–2771, *Quyen.Tran1@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: FDA is announcing the approval of a product redeeming a rare pediatric disease priority review voucher. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will report the issuance of rare pediatric disease priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that the supplemental application (Supplement-10) for EYLEA HD (aflibercept) meets the redemption criteria.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm*. For further information about EYLEA HD (aflibercept), go to the ''Drugs@FDA'' website at *https://www.accessdata.fda.gov/scripts/cder/daf/*.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04888 Filed 3–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–1736]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational New Drug Application Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with investigational new drugs and investigational new drug applications.

DATES: Either electronic or written comments on the collection of information must be submitted by May 12, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 12, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–1736 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational New Drug Application Requirements.''

Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Anne Taylor, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5683, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Investigational New Drug Application Requirements—21 CFR Part 312

OMB Control Number 0910–0014—Extension

This information collection supports implementation of provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355) and of the licensing provisions of the Public Health Service Act (42 U.S.C. 201 *et seq.*) that govern investigational new drugs and investigational new drug applications (INDs). Implementing regulations are found in part 312 (21 CFR part 312), and provide for the issuance of guidance documents (see § 312.145 (21 CFR 312.145)) to assist persons in complying with the applicable requirements. The information collection applies to all clinical investigations subject to section 505 of the FD&C Act and include the following types of INDs:

- An Investigator IND is submitted by a physician who both initiates and investigates, and under whose immediate direction the investigational drug is administered or dispensed. A physician might submit a research IND to propose studying an unapproved drug or an approved product for a new indication or in a new patient population.
- Emergency Use IND allows FDA to authorize use of an experimental drug in an emergency situation that does not allow time for submission of an IND in accordance with § 312.23 or § 312.20 (21 CFR 312.23 or 312.20). It is also used for patients who do not meet the criteria of an existing study protocol or if an approved study protocol does not exist.
- Treatment IND is submitted for experimental drugs showing promise in clinical testing for serious or immediately life-threatening conditions while the final clinical work is conducted and FDA's review takes place.

There are two IND categories: commercial and research (non-commercial).

General IND requirements include submitting an initial application as well as amendments to that application; submitting reports on significant revisions of clinical investigation plans; submitting information to the clinical trials data bank (*https://clinicaltrials.gov*) established by the National Institutes of Health/National Library of Medicine, including expanded information on certain clinical trials and information on the results of these clinical trials; and reporting information on a drug's safety or effectiveness. In addition, sponsors are required to provide to FDA an annual summary of the previous year's clinical experience. The regulations also include recordkeeping requirements regarding the disposition of drugs, records regarding individual case histories, and certain other documentation verifying clinical investigators' fulfillment of responsibilities.

Form FDA 1571 entitled ''Investigational New Drug Application (IND)'' and Form FDA 1572 entitled ''Statement of Investigator,'' were developed to assist respondents with the information collection and provide for uniform reporting of required data elements. The information is required to be submitted electronically. Individuals who are interested in receiving printed forms may send an email request to the FDA Forms Manager at *formsmanager@OC.FDA.GOV.* Fees may apply. Sponsors (including sponsor-investigators) interested in filing or updating a research IND may use a new web-based interface developed for use by mobile device or desktop to help in completing Form FDA 1571. The web-based interface also allows respondents to electronically submit completed Form FDA 1571 and associated files. Form FDA 1571 was recently updated to include the new tracking information for real world evidence and real-world data (RWE/RWD). The new RWE/RWD fields will capture submissions with RWE/RWD based on the requirements set forth in the PDUFA VII commitment letter and the resulting *Advancing Real World Evidence Program,* so that FDA can track and report on its performance related to these commitments. In addition, collection of this data will support the consistent integration of real-world evidence data into the regulatory review and approval process for new drugs and biologics. For more information regarding Forms FDA 1571 and 1572 visit *https://www.fda.gov/news-events/expanded-access/how-complete-form-fda-1571-and-form-fda-1572.*

Human drug, biological product, and device product submissions must be accompanied by Form FDA 3674, as discussed in the guidance document entitled ''Form FDA 3674—Certifications To Accompany Drug, Biological Product, and Device Applications/Submissions'' (updated November 2017), available from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/form-fda-3674-certifications-accompany-drug-biological-product-and-device-applicationssubmissions.* The guidance document provides procedural instruction on completing and submitting required information to FDA. As communicated in the instructions, the certification must accompany the application or submission and be included at the time of submission to FDA.

Regulations in part 312, subpart B, specify content and format requirements for applications, amendments, annual reporting, and withdrawals, including content and format requirements for protocol and information amendments. The regulations also explain phases of an investigation and set forth principles of IND submissions. To date we have developed and issued the following guidance documents to assist respondents:

- ''*Establishment and Operation of Clinical Trial Data Monitoring Committees*'' guidance (March 2006); and
- ''*Special Protocol Assessment*'' guidance (April 2018).

All Agency guidance documents are issued in accordance with our Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time. We maintain a searchable guidance database on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents* that utilizes topic specific search terms.

Regulations in part 312, subpart C, describe administrative actions pertaining to respondents' requests for and responses to clinical holds, terminations, and inactive IND status determinations, as well as various types of meetings (for example, End-of-Phase 2 and Pre-new drug application (NDA) meetings).

Regulations in part 312, subpart D, set forth sponsor and investigator responsibilities, including general responsibilities; transfer of obligations to a contract research organization; recordkeeping and record retention controls; reporting responsibilities; and responsibility for disposition of unused supply of investigational drug. The regulations also provide for investigator controls including review of ongoing investigations; compliance with requirements regarding the protection of human subjects and institutional review board assurance; and disqualification of clinical investigators.

Regulations in part 312, subpart E, sets forth requirements applicable to drugs intended to treat life-threatening and severely debilitating illnesses. The

regulations establish procedures to reflect that physicians and patients accept greater risk or side effects from products that treat life-threatening and severely debilitating illnesses than they would accept from products that treat less serious illnesses. The procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated.

Regulations in part 312, subpart F, include provisions pertaining to import and export requirements; foreign clinical studies not conducted under an IND; the disclosure of data and information in an IND; and the issuance of guidance documents. To date we have developed and issued the following guidance documents to assist respondents:

- ''*Oversight of Clinical Investigations*'' guidance (August 2013);
- ''*Pharmacogenomic Data Submissions*'' guidance (March 2005);
- ''*Adaptive Designs for Clinical Trials of Drugs and Biologics*'' guidance (December 2019); and
- ''*E6(R2) Good Clinical Practice: Integrated Addendum to ICH E6(R1)*'' guidance (March 2018).

All Agency guidance documents are issued in accordance with our Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time. We maintain a searchable guidance database on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents* that utilizes topic specific search terms.

Regulations in part 312, subpart G, provide for drugs for investigational use in laboratory research animals or in vitro tests.

Finally, 21 CFR 300.200 requires the submission of an annual report by sponsors and manufacturers who provide an ''*eligible investigational drug*'' under the Right to Try Act. The regulation also establishes content and format elements and requires that information be submitted to FDA no later than March 31 of each year, including data for the preceding calendar year. Respondents use Form FDA 5023 entitled ''*Right to Try Reporting Requirement: Annual Summary*,'' currently available for download from our website at *https://www.fda.gov/patients/learn-about-expanded-access-and-other-treatment-options/right-try-annual-reporting-summary.* As required by the applicable statute, section 561B of the FD&C Act (21 U.S.C. 360bbb–0a), the information is submitted to an FDA-designated point of contact, and in accordance with instructions to be posted at: *https://www.fda.gov/patients/learn-about-expanded-access-and-other-treatment-options/right-try.*

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart A—General Provisions: §§ 312.1 through 312.10					
§ 312.2(e); requests for FDA advice on the applicability of part 312 to a planned clinical investigation	454	1.528	694	24	16,656
§ 312.8; requests to charge for an investigational drug	14	1.64	23	48	1,104
§ 312.10; waiver requests	5	1	5	24	120
Subtotal Subpart A Center for Biologics Evaluation and Research (CBER)			722		17,880
Subpart B—Investigational New Drug Application (IND): §§ 312.20 through 312.38 (Including Forms FDA 1571, 1572, and 3674)					
§ 312.23(a) through (f); IND content and format	2,075	3.382	7,018	300	2,105,400
§ 312.30(a) through (e); protocol amendments	1,781	4.6692	8,316	284	2,361,744
§ 312.31(b); information amendments	169	2.48	419	100	41,900
§ 312.32(c) and (d); IND safety reports	224	10.59	2,372	32	75,904
§ 312.33(a) through (f); IND annual reports	971	2.2739	2,208	360	794,880
§ 312.38(b) and (c); notifications of withdrawal of an IND	712	3.057	2,177	28	60,956
Subtotal Subpart B CBER			22,510		5,440,784
Subpart C—Administrative Actions: §§ 312.40 through 312.48					
§ 312.42; clinical holds and requests for modification	154	1.65	254	284	72,136
§ 312.44(c) and (d); sponsor responses to FDA when IND is terminated	86	1.22	105	16	1,680
§ 312.45(a) and (b); sponsor requests for or responses to an inactive status determination of an IND by FDA	48	1.48	71	12	852
§ 312.47; meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings	157	1.80	283	160	45,280
Subtotal Subpart C CBER			713		119,948
Subpart D—Responsibilities of Sponsors and Investigators: §§ 312.50 through 312.70					
§ 312.53(c); investigator reports submitted to the sponsor, including Form FDA 1572, curriculum vitae, clinical protocol, and financial disclosure	1,068	5.23	5,586	80	446,880
§ 312.54(a); sponsor submissions to FDA concerning investigations involving an exception from informed consent under § 50.24	4	4.25	17	48	816
§ 312.54(b); sponsor notifications to FDA and others concerning an institutional review board determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a)	1	1	1	48	48
§ 312.55(a); number of investigator brochures submitted by the sponsor to each investigator	473	2.224	1,052	48	50,496
§ 312.55(b); number of sponsor reports to investigators on new observations, especially adverse reactions and safe use	243	4.95	1,203	48	57,744
§ 312.56(b), (c), and (d); review of ongoing investigations and associated notifications; sponsor notifications	915	2.948	2,698	80	215,840
§ 312.58; inspection of records and reports by FDA	7	1	7	8	56
§ 312.64; number of investigator reports to the sponsor, including progress reports, safety reports, final reports, and financial disclosure reports	2,728	3.816	10,411	24	249,864

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]—Continued

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
§ 312.70; disqualification of a clinical investigator by FDA	5	1	5	40	200
Subtotal Subpart D CBER			20,980		1,021,944
Subpart F—Miscellaneous: §§ 312.110 through 312.145					
§ 312.110(b)(4) and (b)(5); number of written certifications and written statements submitted to FDA relating to the export of an investigational drug	18	1	18	75	1,350
§ 312.120(b); number of submissions to FDA of "supporting information" related to the use of foreign clinical studies not conducted under an IND	280	9.82	2,750	32	88,000
§ 312.120(c); number of waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	7	2.29	16	24	384
§ 312.130; number of requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	350	1.342	470	8	3,760
Subtotal Subpart F CBER			3,254		93,494
Total			48,179		6,694,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR BIOLOGICS [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart D—Responsibilities of Sponsors and Investigators: §§ 312.50 through 312.70					
§ 312.52(a); sponsor records for the transfer of obligations to a contract research organization.	94	2.26	212	2	424
§ 312.57; sponsor recordkeeping showing the receipt, shipment, or other disposition of the investigational drug, and any financial interest.	335	2.70	904	100	90,400
§ 312.62(a); investigator recordkeeping of the disposition of drugs	453	1	453	40	18,120
§ 312.62(b); investigator recordkeeping of case histories of individuals	453	1	453	40	18,120
Subtotal Subpart D CBER			2,022		127,064
Subpart G—Drugs for Investigational Use in Laboratory Research Animals or In Vitro Tests					
§ 312.160(a)(3); records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests.	111	1.40	155	0.5 (30 minutes)	78
§ 312.160(c) shipper records of alternative disposition of unused drugs	111	1.40	155	0.5 (30 minutes)	78
Subtotal Subpart G CBER			310		156
Total			2,332		127,220

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart A—General Provisions					
§ 312.2(e); requests for FDA advice on the applicability of part 312 to a planned clinical investigation	419	1	419	24	10,056
§ 312.8; requests to charge for an investigational drug	25	1.28	32	48	1,536
§ 312.10; requests to waive a requirement in part 312	68	1.5	102	24	2,448
Subtotal Subpart A Center for Drug Evaluation and Research (CDER)			553		14,040
Subpart B—Investigational New Drug Application (IND)					
§ 312.23(a) through (f); IND content and format (including Forms FDA 1571 and 3674)	4,886	1.4662	7,164	300	2,149,200
§ 312.30(a) through (e); protocol amendments	11,847	3.2367	38,346	284.25	10,899,850
§ 312.31(b); information amendments	8,094	3.30899	26,783	100	2,678,300
§ 312.32(c) and (d); IND safety reports	892	15.848	14,137	32	452,384
§ 312.33(a) through (f); IND annual reports	3,777	2.9097	10,990	360	3,956,400
§ 312.38(b) and (c); notifications of withdrawal of an IND	1,549	1.834	2,841	28	79,548
§ 312.145; Guidance Documents:					
Establishment and Operation of Clinical Trial Data Monitoring Committees (2006)	37	32.027	1,185	1.515	1,795
Special Protocol Assessment (2018)—Notification for Carcinogenicity Protocols	106	1.78	189	8	1,510
Requests for Special Protocol Assessment Reports	113	1.03	116	15	1,740
Subtotal Subpart B CDER			101,751		20,220,727

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]—Continued

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart C—Administrative Actions: §§ 312.40 through 312.48					
§ 312.42; clinical holds and requests for modifications	181	1.28	232	284	65,888
§ 312.44(c) and (d); sponsor responses to FDA when IND is terminated	1	1	1	16	16
§ 312.45(a) and (b); sponsor requests for or responses to an inactive status determination of an IND by FDA	213	1.72	367	12	4,404
§ 312.47; meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings	174	2.885	502	160	80,320
Subtotal Subpart C CDER			1,102		150,628
Subpart D—Responsibilities of Sponsors and Investigators					
§ 312.54(a); sponsor submissions to FDA concerning investigations involving an exception from informed consent under § 50.24	7	1.14	8	48	384
§ 312.54(b); sponsor notifications to FDA and others concerning an institutional review board determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a)	2	1	2	48	96
§ 312.56; review of ongoing investigations and associated notifications	4,570	5.4689	24,993	80	1,999,440
§ 312.58; inspection of records and reports by FDA	73	1	73	8	584
§ 312.70; disqualification of a clinical investigator by FDA.	5	1	5	40	200
Subtotal Subpart D CDER			25,081		2,000,704
Subpart F—Miscellaneous: §§ 312.110 through 312.145					
§ 312.110(b)(4) and (b)(5); written certifications and written statements submitted to FDA relating to the export of an investigational drug	8	22.375	179	75	13,425
§ 312.120(b); submissions to FDA of ''supporting information'' related to the use of foreign clinical studies not conducted under an IND	1,964	7.352	14,440	32	462,080
§ 312.120(c); waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	68	1.5	102	24	2,448
§ 312.130; requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	3	1	3	8	24
§ 312.145; Guidance Documents:					
Oversight of Clinical Investigations (2013)	88	1.5	132	4	528
Pharmacogenomic Data Submissions (2005)	1	1	1	50	50
Adaptive Designs for Clinical Trials of Drugs and Biologics (2019)	55	4.727	260	50	13,000
E6(R2) Good Clinical Practice: Integrated Addendum to ICH E6(R1) (2018)	1,880	4.916	9,242	15.012	138,744
Subtotal Subpart F CDER			24,359		630,299
§ 300.200; Right to try reporting requirements; submission of annual summary report using Form FDA 5023	10	1	10	2.5	25
Total			152,856		23,016,423

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR HUMAN DRUGS [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart D—Responsibilities of Sponsors and Investigators					
§ 312.52(a); transfer of obligations to a contract research organization	466	3.107	1,448	300	434,400
§ 312.57; records showing the receipt, shipment, or other disposition of the investigational drug and any financial interests.	13,000	1	13,000	100	1,300,000
§ 312.62(a); records on disposition of drugs	13,000	1	13,000	40	520,000
§ 312.62(b); records on case histories of individuals	2,192	6.587	14,439	40	577,560
Subtotal Subpart D CDER			41,887		2,831,960
Subpart G—Drugs for Investigational Use in Laboratory Research Animals or In Vitro Tests					
§ 312.160(a)(3); records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests.	547	1.43	782	0.50 (30 minutes)	391
§ 312.160(c); shipper records of alternative disposition of unused drugs	547	1.43	782	0.50 (30 minutes)	391
Subtotal			1,564		782
Total			43,451		2,832,742

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have retained the annual burden estimates for the majority of these activities. However, our estimated burden for the information

collection reflects an overall increase of 22 hours. We attribute the increase to the correction of an inadvertent error in the reported hours for 21 CFR 300.200, which requires the submission of an annual report on Form FDA 5023 by sponsors and manufacturers who provide an ''*eligible investigational drug*'' under the Right to Try Act.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04938 Filed 3–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–4942]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Mammography Standards Quality Act Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by April 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0309.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Mammography Quality Standards Act Requirements—21 CFR Part 900

OMB Control Number 0910–0309—Extension

The Mammography Quality Standards Act (Pub. L. 102–539) requires the establishment of a Federal certification and inspection program for mammography facilities; standards for accreditation and certification bodies for mammography facilities; and standards for mammography equipment, personnel, and practices, including quality assurance. Implementing regulations are found in part 900 (21 CFR part 900). The regulations are intended to assure safe, reliable, and accurate mammography on a nationwide level. Under the regulations, as a first step in becoming certified, mammography facilities must become accredited by an FDA-approved accreditation body (AB). This requires undergoing a review of their clinical images and providing the AB with information showing that they meet the equipment, personnel, quality assurance, and quality control standards, and have a medical reporting and recordkeeping program, a medical outcomes audit program, and a consumer complaint mechanism. On the basis of this accreditation, facilities are then certified by FDA or an FDA-approved State certification agency and must prominently display their certificate. These actions are taken to ensure safe, accurate, and reliable mammography on a nationwide basis.

FDA meets with its National Mammography Quality Assurance Advisory Committee (NMQAAC) for the purposes of advising FDA's mammography program on advances in mammography technology and procedures and on appropriate quality standards for mammography facilities. NMQAAC is made up of representatives of the mammography community, consumer and industry groups, and government. The meetings are open to the public and time is allotted for public statements on issues of concern in the mammography field. The chairperson may also call upon attendees to contribute to the committee discussions.

FDA also regularly meets or holds teleconferences with its approved accreditation bodies and State certification agencies to discuss issues of mutual concern. We also engage with the Conference of State Radiation Program Directors (CRCPD), a professional organization of State agencies concerned with radiation protection. The CRCPD has established a standing Mammography Committee, which meets with FDA mammography staff at least once a year.

Finally, in recent years, FDA mammography staff have met several times with representatives of manufacturers working on the new applications of digital technology in mammography to resolve problems preventing the making of that technology generally available. FDA mammography staff have also worked with representatives of the manufacturers to develop quality assurance manuals for full field digital mammography units.

In the **Federal Register** of December 9, 2025 (90 FR 57070), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity/21 CFR section/FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
PART 900, MAMMOGRAPHY					
Subpart A, Accreditation					
Notification of intent to become an AB—900.3(b)(1)	0.33	1	0.33	1	1
Application for approval as an AB; full [2]—900.3(b)(3)	0.33	1	0.33	320	106
Application for approval as an AB; limited [3]—900.3(b)(3)	5	1	5	30	150
AB renewal of approval—900.3(c)	1	1	1	15	15
AB application deficiencies—900.3(d)(2)	0.1	1	0.1	30	3
AB resubmission of denied applications—900.3(d)(5)	0.1	1	0.1	30	3
Letter of intent to relinquish accreditation authority—900.3(e)	0.1	1	0.1	1	1
Summary report describing all facility assessments—900.4(f)	338	1	338	7	2,366

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN—Continued

Activity/21 CFR section/FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
AB reporting to FDA; facility [4]—900.4(h)	8,931	1	8,931	1	8,931
AB reporting to FDA; AB [5]—900.4(h)	5	1	5	10	50
AB financial records—900.4(i)(2)	1	1	1	16	16
Former AB new application—900.6(c)(1)	0.1	1	0.1	60	6
Total Subpart A					11,648
Subpart B, Quality and Standards Certification					
Reconsideration of accreditation following appeal—900.15(d)(3)(ii)	1	1	1	2	2
Application for alternative standard—900.18(c)	2	1	2	2	4
Alternative standard amendment—900.18(e)	10	1	10	1	10
Total Subpart B					16
Subpart C, States as Certifiers					
Certification agency application—900.21(b)	0.33	1	0.33	320	106
Certification agency application deficiencies—900.21(c)(2)	0.1	1	0.1	30	3
Certification electronic data transmission—900.22(h)	5	200	1000	0.083 (5 minutes)	83
Changes to standards—900.22(i)	2	1	2	30	60
Certification agency minor deficiencies—900.24(b)	1	1	1	30	30
Appeal of adverse action taken by FDA—900.25(a)	0.2	1	0.2	16	3
Total Subpart C					285
Inspection fee exemption—FDA Form 3422	355	1	355	0.25 (15 minutes)	89
Total					12,038

[1] Numbers have been rounded.
[2] One-time burden.
[3] Refers to accreditation bodies applying to accredit specific full-field digital mammography units.
[4] Refers to the facility component of the burden for this requirement.
[5] Refers to the AB component of the burden for this requirement.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours [1]
Part 900, MAMMOGRAPHY					
Subpart A, Accreditation					
AB transfer of facility records—900.3(f)(1)	0.1	1	0.1	1	1
Consumer complaints system; AB—900.4(g)	5	1	5	1	5
Total Subpart A					6
Subpart B, Quality and Standards Certification					
Documentation of interpreting physician initial requirements—900.12(a)(1)(i)(B)(2).	89	1	89	8	712
Documentation of interpreting physician personnel requirements—900.12(a)(4)	8,931	4	35,724	1	35,724
Permanent medical record—900.12(c)(4)	8,931	1	8,931	1	8,931
Procedures for cleaning equipment—900.12(e)(13)	8,931	52	464,412	0.083 (5 minutes)	38,546
Audit program—900.12(f)	8,931	1	8,931	16	142,896
Consumer complaints system; facility—900.12(h)(2)	8,931	2	17,862	1	17,862
Total Subpart B					244,671
Subpart C, States as Certifiers					
Certification agency conflict of interest—900.22(a)	4	1	4	1	4
Processes for suspension and revocation of certificates—900.22(d)	4	1	4	1	4
Processes for appeals—900.22(e)	4	1	4	1	4
Processes for additional mammography review—900.22(f)	4	1	4	1	4
Processes for patient notifications—900.22(g)	3	1	3	1	3
Evaluation of certification agency—900.23	4	1	4	20	80
Appeals—900.25(b)	4	1	4	1	4
Total Subpart C					103
Total					244,774

[1] Total hours have been rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours [1]
PART 900, MAMMOGRAPHY					
Subpart A, Accreditation					
Notification of facilities that AB relinquishes its accreditation—900.3(f)(2)	0.1	1	0.1	200	20
Clinical images; facility [2]—900.4(c), 900.11(b)(1), and 900.11(b)(2)	2,955	1	2,955	1.44	4,255
Clinical images; AB [3]—900.4(c)	5	1	5	416	2,080
Phantom images; facility [2]—900.4(d), 900.11(b)(1), and 900.11(b)(2)	2,955	1	2,955	0.72 (43 minutes)	2,128
Phantom images; AB [3]—900.4(d)	5	1	5	208	1,040
Annual equipment evaluation and survey; facility [2]—900.4(e), 900.11(b)(1), and 900.11(b)(2).	8,931	1	8,931	1	8,931
Annual equipment evaluation and survey; AB [3]—900.4(e)	5	1	5	1,730	8,650
Total Subpart A					27,104
Subpart B, Quality Standards and Certification					
Provisional mammography facility certificate extension application—900.11(b)(3)	2	1	2	0.5 (30 minutes)	1
Mammography facility certificate reinstatement application—900.11(c)	288	1	288	5	1,440
Provision of personnel records to IPs—900.12(a)(4)	615	1	615	0.08 (5 minutes)	49
Transfer of personnel records by closing facilities—900.12(a)(4)	190	1	190	5	950
New assessment categories and breast density reporting in mammography report (one-time burden)—900.12(c)(1)(iv) to (vi).	8,931	1	8,931	23	205,413
Lay summary of examination—900.12(c)(2)	8,931	5,085	45,414,135	0.083 (5 minutes)	3,769,373
Breast density reporting in lay summary (one-time burden)—900.12(c)(2)	8,931	1	8,931	11	98,241
Lay summary of examination; patient refusal [4]—900.12(c)(2)	89	1	89	0.5 (30 minutes)	45
Transfer/provision of copies of mammograms and records upon patient's request—900.12(c)(4)(ii) and (iii).	8,931	520	4,644,120	0.08 (5 minutes)	371,530
Facility closure; notification and records access—900.12(c)(4)(v)	190	1	190	32	6,080
Report of unresolved serious complaints—900.12(h)(4)	20	1	20	1	20
Information regarding compromised quality; facility [2]—900.12(j)(1)	20	1	20	200	4,000
Information regarding compromised quality; AB [3]—900.12(j)(1)	20	1	20	320	6,400
Patient notification of serious risk—900.12(j)(2)	7	1	7	100	700
Reconsideration of accreditation—900.15(c)	5	1	5	2	10
Total Subpart B					4,464,252
Subpart C, States as Certifiers					
Notification of requirement to correct major deficiencies—900.24(a)	0.4	1	0.4	200	80
Notification of loss of approval; major deficiencies—900.24(a)(2)	0.15	1	0.15	100	15
Notification of probationary status—900.24(b)(1)	0.3	1	0.3	200	60
Notification of loss of approval; minor deficiencies—900.24(b)(3)	0.15	1	0.15	100	15
Total Subpart C					170
Total					4,491,526

[1] Total hours have been rounded.
[2] Refers to the facility component of the burden for this requirement.
[3] Refers to the AB component of the burden for this requirement.
[4] Refers to the situation where a patient specifically does not want to receive the lay summary of her exam.

Our estimated burden for the information collection reflects an overall decrease of 4,225,729 hours and a corresponding decrease of 321,202 responses. We attribute this adjustment due to the number of certified mammography facilities. The estimated number of respondents in the tables are based on the number (8,931) of certified mammography facilities as of October 1, 2024. Title 21 CFR part 900 Mammography, as amended, includes various reporting, recordkeeping, and third-party disclosure activities. In addition, there was a decrease in state certifiers from 5 to 4—Illinois, Iowa, South Carolina, and Texas.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04939 Filed 3–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–4060]

Medical Devices With Indications Associated With Weight Loss—Premarket Considerations; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Medical Devices with Indications Associated with

Weight Loss—Premarket Considerations.'' This guidance document provides recommendations regarding non-clinical testing and clinical study design for medical devices with indications for use associated with weight loss to support premarket submissions. The guidance also includes discussion on how FDA considers the benefit-risk analysis to support such indications.

DATES: The announcement of the guidance is published in the **Federal Register** on March 13, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–4060 for ''Medical Devices with Indications Associated with Weight Loss—Premarket Considerations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Medical Devices with Indications Associated with Weight Loss—Premarket Considerations'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Erica Takai, Center for Devices and Radiological Health, Food and Drug Administration, 301–796–6353.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance document provides recommendations regarding non-clinical testing and clinical study design for medical devices with indications for use associated with weight loss to support premarket submissions. The guidance also includes discussion on how FDA considers the benefit-risk analysis to support such indications. Examples of indications associated with weight loss include indications for weight loss, weight reduction, weight management, or obesity treatment in patients who are overweight or have obesity. The recommendations reflect current review practices of premarket submissions for these devices and are intended to promote consistency and facilitate efficient review of these submissions.

Prior to issuing this guidance, FDA requested public comment on a concept for balancing the benefit of weight loss with the risks of adverse events in a discussion paper (September 2019, Docket No. FDA–2019–N–4060). FDA considered public comments and incorporated the feedback as appropriate in developing the draft guidance, ''Medical Devices with Indications Associated with Weight Loss—Clinical Study and Benefit-Risk Considerations.''

A notice of availability of the draft guidances ''Medical Devices with Indications Associated with Weight Loss—Clinical Study and Benefit-Risk Considerations'' and ''Medical Devices with Indications Associated with Weight Loss—Non-Clinical Recommendations'' appeared in the **Federal Register** of September 15, 2023 (88 FR 63589). FDA combined the two draft guidances into one final guidance document for ease of use, since the scope of the draft guidances included the same device area. FDA also considered comments received and revised the language as appropriate in response to the comments. Edits to the final guidance include clarification on the use of sham controls, discussion of

statistical analysis using modified intent-to-treat populations, inclusion of patient-reported outcomes as a factor to be considered as part of the benefit-risk evaluation, provision of additional reference citations, and addition of references to FDA's Q-Submission Program, which can be used to request feedback on aspects of a proposed clinical study design.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This guidance represents the current thinking of FDA on ''Medical Devices with Indications Associated with Weight Loss—Premarket Considerations''. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

FDA considered the applicability of Executive Order 14192, per Office of Management and Budget (OMB) guidance in M–25–20, and finds this action to be neither an E.O. 14192 regulatory nor an E.O. 14192 deregulatory action.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov* and at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Medical Devices with Indications Associated with Weight Loss—Premarket Considerations'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI00019046 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the OMB under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR Part or Guidance	Topic	OMB Control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
812	Investigational Device Exemption	0910–0078
860, subpart D	De Novo classification process	0910–0844
''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program''.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
50, 56	Protection of Human Subjects and Institutional Review Boards	0910–0130
58	Good Laboratory Practice (GLP) Regulations for Nonclinical Laboratory Studies.	0910–0119

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04918 Filed 3–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than April 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System, OMB No. 0906–0017—Revision

Abstract: This request is for continued approval of the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program Performance Measurement Information System. The MIECHV Program is administered by the Maternal and Child Health Bureau within HRSA in partnership with the Administration for Children and Families, and provides support to all 56 states and jurisdictions, as well as tribes and tribal organizations. Through a needs assessment, states, jurisdictions, tribes, and tribal organizations identify target populations and select the home visiting service delivery model(s) that

best meet their needs. State and jurisdiction MIECHV funding recipients report annual demographic and performance data to HRSA through Form 1—Demographic Performance Measures and Form 2—Benchmark Performance Measures. MIECHV funding recipients also report program information on a quarterly basis through Form 4—Quarterly Data Collection (currently approved under OMB No. 0906–0016). This ICR will now include Forms 1, 2, and 4, so all the components of data collection for the MIECHV Program are in one request. OMB No. 0906–0016 will be discontinued after OMB approval of this ICR.

HRSA is revising the data collection forms for the MIECHV Program to reduce administrative burden where possible and to increase alignment with current clinical and evidence-based guidelines and with performance measures of other maternal and child health programs.

HRSA proposes the following changes:

- Form 1 cross-cutting changes:
  - Remove new and continuing participant categories from Tables 4, 5, 18, 19, and 20.
  - Remove pregnant participant and caregiver categories for Table 9, 10, 11, and 18.
  - Add Section D: Place Based Services to collect, on an annual basis, information previously reported quarterly on Form 4.
  - Renumber tables as appropriate per other changes and minor edits to data labels.
- Form 1, Tables 1 and 2: Combine Tables 1 and 2 into one table that captures new and continuing participants and households together.
- Form 1, Table 4: Decrease the number of response categories for age of adult participants from 10 to 6.
- Form 1, Tables 6 and 7: Update response categories to align with OMB's Statistical Policy Directive 15: Standards for Maintaining, Collecting and Presenting Federal Data on Race and Ethnicity.
- Form 1, Table 8: Remove this table from the data collection form.
- Form 1, Table 11: Streamline reporting for adult participants by housing status by decreasing ''Not Homeless'' data sub-categories from 5 to 1 and ''Homeless'' sub-categories from 3 to 2.
- Form 2, Performance Measure 3: Add a sub-measure to collect data on anxiety screening.
- Form 2, Performance Measure 5: Expand the postpartum visit window to within 12 weeks (84 days) of delivery.
- Form 2, Performance Measure 6: Update the measure definition to explicitly mention e-tobacco.
- Form 2, Performance Measure 7: Update the safe sleep measure to specify a 2-week lookback period for the reporting window.
- Form 2, Performance Measure 17: Add a sub-measure to collect data on completed anxiety referrals.
- Form 4, Table A2: Remove the table from Form 4; the table will be moved to Form 1.
- Form 4, Table A3: Remove this table from data collection.
- Forms 1, 2, and 4: Update Definition of Key Terms to reflect the changes.

A 60-day notice was published in the **Federal Register** on December 22, 2025, vol. 90, No. 243; pp. 59844–45. HRSA received one comment from the Association of State and Tribal Home Visiting Initiatives expressing appreciation that HRSA gave their members the opportunity to provide input throughout the process of making changes and noted the need for ongoing support for the performance measure changes.

Since publication of the 60-day notice, HRSA made minor edits to wording throughout Form 2 to improve consistency of terminology use across measure titles and to use more plain language to describe the measures. These changes do not alter definitions or specifications of the measures and have no impact on burden hours.

Need and Proposed Use of the Information: HRSA uses performance information to demonstrate program accountability and continuously monitor and provide oversight to MIECHV Program awardees. The information is also used to provide quality improvement guidance and technical assistance to awardees and help inform the development of early childhood systems at the national, state, and local level. HRSA is seeking to revise and extend collection of (1) demographic, service utilization, and select clinical indicators for participants enrolled in home visiting services, and location of services (annually via Form 1); (2) a set of standardized performance and outcome indicators that correspond with the statutorily identified benchmark areas (annually via Form 2); and (3) home visiting program capacity and staffing data (quarterly via Form 4).

This information will be used to demonstrate awardees' compliance with legislative and programmatic requirements. It will also be used to monitor and provide continued oversight of awardee performance and to target technical assistance resources for awardees. Revisions to the forms meet a statutory requirement to reduce administrative burden for MIECHV funding recipients (Section 511(h)(6)(A) of the Social Security Act). HRSA reviewed the information collected and streamlined, where possible, to collect optimum amount of data necessary to fulfill awardee performance measurement and demonstration of improvement requirements. Additionally, other revisions have been made to align performance measures with other maternal and child health programs, with current Statistical Policy Directive 15 (Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity), and current clinical and evidence-based guidelines. The revisions reflect feedback from current MIECHV funding recipients, home visiting model developers, and federal partners.

Likely Respondents: MIECHV Program funding recipients that are states, jurisdictions, and, where applicable, nonprofit organizations providing home visiting services within states.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

HRSA updated the estimated burden hours based on data collected in summer 2024 under OMB No. 0906–0094, titled ''Implement MIECHV Program 2022 Legislative Changes: Assessment of Administrative Burden.'' The same group of 56 respondents will complete each form.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Form 1: Demographic, Service Utilization, Select Clinical Indicators, and Program Locations	56	1	56	448	25,088
Form 2: Performance Indicators and Systems Outcome Measures	56	1	56	723	40,488
Form 4: Quarterly Performance Report	56	4	224	35	7,840
Total	56		280		73,416

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–04900 Filed 3–12–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Findings of research misconduct have been made against Chen-Yeh ''George'' Ke, Ph.D. (Respondent), former postdoctoral fellow, Department of Cell, Development and Regenerative Biology, Icahn School of Medicine at Mount Sinai. Dr. Ke engaged in research misconduct under 42 CFR part 93 in research included in one (1) draft manuscript and two (2) National Institutes of Health (NIH) Research Performance Progress Reports, specifically R01 DE022363–07 and R01 DE022363–08 submitted to the National Institute of Dental and Craniofacial Research (NIDCR), NIH. The questioned research was supported by U.S. Public Health Service (PHS) funds, specifically NIDCR, NIH, grant R01 DE022363–06A1. Administrative actions, including supervision for a period of three (3) years, were implemented and are detailed below.

FOR FURTHER INFORMATION CONTACT: Sheila R. Garrity, JD, MPH, MBA, Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 240, Rockville, MD 20852, (240) 453–8200.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Chen-Yeh ''George'' Ke, Ph.D., Icahn School of Medicine at Mount Sinai (ISMMS): Based on evidence and findings of an investigation conducted by ISMMS, ORI's oversight review of ISMMS' investigation, and additional analysis conducted by ORI in its oversight review, ORI found that Chen-Yeh ''George'' Ke, Ph.D. (Respondent), former postdoctoral fellow, Department of Cell, Development and Regenerative Biology, ISMMS, engaged in research misconduct under 42 CFR part 93 in research included in one (1) draft manuscript and two (2) NIH Research Performance Progress Reports (RPPRs), specifically R01 DE022363–07 and R01 DE022363–08 submitted to NIDCR, NIH. The questioned research was supported by PHS funds, specifically NIDCR, NIH, grant R01 DE022363–06A1.

ORI found by a preponderance of the evidence that Respondent intentionally and knowingly falsified and/or fabricated western blot images, intentionally and knowingly falsified and/or fabricated microscopy images of mouse embryonic palatal mesenchymal (MEPM) cells stained with alkaline phosphatase (AP) for cell differentiation studies to falsely represent different experiments, and intentionally and knowingly falsified and/or fabricated calcium cellular imaging of MEPM cells in one PHS-supported unpublished manuscript. Respondent's falsification and/or fabrication of experiment results also were reported in two RPPRs. The affected manuscript and RPPRs are:

• Transient activation of ERK promotes cell differentiation through non-canonical Wnt Signaling. Not submitted for publication (hereafter referred to as ''Manuscript 2022'').

• R01 DE022363–07 (hereafter referred to as ''RPPR 2019'').

• R01 DE022363–08 (hereafter referred to as ''RPPR 2020'').

Specifically, ORI found by a preponderance of the evidence that Respondent engaged in research misconduct by intentionally and knowingly falsifying and/or fabricating:

• western blot data by reusing blot band images after manipulating, splicing together, and falsely relabeling them to represent different experiments in Figure 1B in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The specific manipulations in Manuscript 2022 are as follows:

—The FGF +BIM–1 0 minute (min) timepoint for p-ERK shows evidence that it was cut and pasted.

—The noise pattern in FGF +BIM–1 0 min is identical to the FGF 0 min timepoint in the same panel.

—The 0, 60, and 120 minute FGF lanes have been duplicated to the PDGF treatment in the +PMA 0, 60, and 120 minute treatment lanes after horizontal flipping.

—The 60 min FGF lane has been duplicated in the top row as 15 min FGF +BIM–1 lane.

—The four lanes denoting the 0, 15, 60, and 120 min following FGF +PD0325901 treatment are all one image that has been duplicated and shifted vertically.

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row one, column one of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Vector/Control'' treatment; specifically, the panel is:

—duplicated and flipped on its vertical axis in the Vector/Control panel of Figure 3D

—duplicated to represent the PX459 Vector/Control panel of Figure 5A

—duplicated to represent the Control/YAP–KO panel of Figure 5E

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on

these falsified data. The image panel in row one, column two of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Vector/FGF'' treatment; specifically, this panel is:

—duplicated and flipped on its vertical axis in the Vector/FGF panel of Figure 3D
—duplicated to represent the PX459 Vector/FGF panel of Figure 5A
—reused but rotated 90 degrees clockwise the TAZ–KO/FGF panel of Figure 5C

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions five times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row one, column three of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Vector/FGF+BIM–1'' treatment; specifically, this panel is:

—duplicated and flipped on its vertical axis in the Vector/FGF+BIM–1 panel of Figure 3D
—duplicated to represent the PX459 vector/FGF+BIM–1 panel of Figure 5A
—duplicated and flipped on its horizontal axis to represent the PX459 vector/FGF–8+BIM–1 panel of Figure 5C
—duplicated to represent the PDGF/Vector panel of Figure 5E

• microscopy data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row one, column four of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Vector/PDGF'' treatment; specifically, this panel is:

—duplicated and flipped on its vertical axis in the Vector/PDGF panel of Figure 3D
—duplicated to represent the PX459 vector/PDGF panel of Figure 5A
—duplicated and flipped on its horizontal axis to represent the PX459 vector/PDGF panel of Figure 5C

• microscopy data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in grant progress reports RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row one, column five of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Vector/PDGF+PMA'' treatment; specifically, this panel is:

—duplicated and flipped on its vertical axis in the Vector/PDGF+PMA panel of Figure 3D
—duplicated to represent the PX459 vector/PDGF+PMA panel of Figure 5A
—duplicated, significantly lightened, and flipped on its vertical axis to represent the TAZ–KO/PDGF panel of Figure 5C

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column one of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Ror2–KO/Control'' treatment; specifically, this panel is:

—duplicated and flipped on its horizontal axis in the Ror1–KO/Control panel of Figure 3D
—duplicated to represent the YAP–KO/Control panel of Figure 5A
—duplicated to represent the Control/TAZ–KO panel of Figure 5E

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions four times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column two of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Ror2–KO/FGF'' treatment; specifically, this panel is:

—duplicated and flipped on its horizontal axis in the Ror1–KO/FGF panel of Figure 3D
—duplicated to represent the YAP–KO/FGF panel of Figure 5A
—duplicated to represent the TAZ–KO/Control panel of Figure 5C

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column four of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Ror2–KO/PDGF'' treatment; specifically, this panel is duplicated and flipped on its horizontal axis in the PX459 vector/FGF panel of Figure 5C.

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions seven times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column five of Figure 3C in Manuscript 2022 reports to be the results of MEPM cells under ''Ror2–KO/PDGF+PMA'' treatment; specifically, this panel is:

—duplicated and flipped on its horizontal axis in the Ror1–KO/PDGF+PMA panel of Figure 3D
—duplicated to represent the YAP–KO/PDGF+PMA panel of Figure 5A
—duplicated to represent the PX459 Vector/Control panel of Figure 5C
—duplicated and flipped on its horizontal axis in the PX459 Vector/PDGF+PMA panel of Figure 5C
—duplicated and flipped on both its vertical and its horizontal axes in the Control/YAP/TAZ–d–KO panel of Figure 5E
—duplicated (is it also rotated or flipped) and a tonality curve has been applied to emphasize certain regions of the panel in the PDGF/YAP–KO panel of Figure 5E

• microscopy data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions in Figure 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row one, column one of Figure 5E in Manuscript 2022 reports to be the results of MEPM cells under ''Control/Vector'' treatment; specifically, this panel is duplicated and flipped on its horizontal axis and lightened in the PDGF/TAZ–KO panel of Figure 5E.

• microscopy data for cell differentiation studies by duplicating, manipulating, and relabeling a single

image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions three times in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column three of Figure 3D in Manuscript 2022 reports to be the results of MEPM cells under ''Ror1–KO/FGF+BIM–1'' treatment; specifically, this panel is:

—duplicated and flipped on its vertical axis in the YAP–KO/PDGF panel of Figure 5A

—duplicated and flipped on its vertical and horizontal axis in the TAZ–KO/FGF+BIM–1 panel of Figure 5C

• microscopy data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions in Figures 3 and 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column four of Figure 3D in Manuscript 2022 reports to be the results of MEPM cells under ''Ror1–KO/PDGF'' treatment; specifically, this panel is duplicated, flipped on its horizontal axis, and added or removed cell images in the YAP–KO/FGF+BIM–1 panel of Figure 5A.

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of AP-stained MEPM cells to falsely represent AP staining under different experimental conditions in Figure 5 in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. The image panel in row two, column five of Figure 5C in Manuscript 2022 reports to be the results of MEPM cells under ''TAZ–KO/PDGF+PMA'' treatment; specifically, this panel is duplicated and flipped on its horizontal axis in the PDGF/YAP/TAZ–dKO panel of Figure 5E.

• microscopic image data for cell differentiation studies by duplicating, manipulating, and relabeling a single image of calcium imaging in MEPM cells to falsely represent results under different experimental conditions in Figure S9A in Manuscript 2022 and reporting false statements in RPPR 2019 and RPPR 2020 based on these falsified data. Specifically, the FGF–8+BIM–1 panel and the PDGF panels in Figure S9A are the same image that have been duplicated and flipped on their horizontal axis with their brightness also altered.

On January 6, 2026, based on the information in the administrative record, ORI proposed a three-year period of supervision under 42 CFR § 93.407(a)(7) and a three-year period of prohibition from PHS advisory service under 42 CFR 93.407(a)(9). HHS provided Respondent with the opportunity to contest the proposed administrative actions under 42 CFR part 93 by requesting a hearing before an administrative law judge with the HHS Departmental Appeals Board. Respondent did not contest within the prescribed 30-day notice period. Accordingly, the following administrative actions have been implemented:

• Respondent will have his PHS-supported research activities supervised for a period of three (3) years beginning on February 6, 2026 (the ''Supervision Period''). During the Supervision Period, prior to his participation in any capacity in PHS-supported research activities, he must submit a plan for supervision of his duties to ORI for approval. Respondent may only participate in PHS-supported research activities if a supervision plan is approved by ORI and he complies with the approved plan. The requirements for Respondent's supervision plan are as follows:

—Committee oversight. The supervision plan must designate a committee of at least two senior researchers at the institution employing Respondent who are familiar with his field of research and are not his supervisor or collaborators to oversee his PHS-supported research activities during the Supervision Period.

▪ Review of primary data. The supervision plan must provide for the committee to review primary data generated by or for Respondent through PHS-supported research activities on a quarterly basis.

▪ Advance reviews. The supervision plan must provide for the committee to conduct advance reviews of any reporting of PHS-supported research activities in which Respondent is or was involved, including reporting in manuscripts, abstracts, progress reports, or applications or proposals for PHS funding, to ensure his contributions are supported by the primary data. The advance reviews must include discussion with Respondent.

—Reporting to ORI. The supervision plan must include a requirement for the committee to submit a report to ORI at 6-month intervals. The report must identify any primary data reviewed, the date of review, and the results of the review. The report also must summarize any advance reviews conducted by the committee. Additionally, the report must verify that Respondent is complying with accepted research practices.

• During the Supervision Period, Respondent must ensure that any institution employing him submits, in conjunction with each application for PHS funds, or each report, manuscript, or abstract involving PHS-supported research activities in which Respondent was involved, a certification to ORI and the funding agency that the data provided by Respondent are based on actual experiments and legitimately derived, and that the data, procedures, and methodology are accurately reported.

• If Respondent does not have a supervision plan approved by ORI during the Supervision Period, Respondent must submit a written statement to ORI at the conclusion of the Supervision Period certifying that he has not participated in PHS-supported research activities during the Supervision Period.

• Respondent is prohibited from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years, beginning on February 6, 2026.

Dated: March 11, 2026.

Sheila R. Garrity,

Director, Office of Research Integrity, Office of the Assistant Secretary for Health.

[FR Doc. 2026–04984 Filed 3–12–26; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection: 30-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide an opportunity for public comment on proposed data collection projects, the National Institutes of Health, National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by April 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: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Melissa Park, PRA Liaison, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Room 2E196, Bethesda, MD 20892 or call non-toll-free number (240) 276–5717 or email your request, including your address to: *melissa.park@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on January 12, 2026 (Vol. 91, No. 7 FR 1192) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI), 0925–0642, Expiration Date 03/31/2026, EXTENSION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This activity collects qualitative customer and stakeholder feedback efficiently and timely, per the Administration's commitment to improving service delivery. This generic provides information about the National Cancer Institute's customer or stakeholder perceptions, experiences, and expectations; provides an early warning of service issues; or focuses on areas where communication, training, or operations changes might improve product or service delivery. It also allows feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance provides valuable information but will not yield data that can be generalized to the overall population.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 9,337 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Surveys	Individuals	27,100	1	12/60	5,420
In-Depth Interviews (IDIs) or Small Discussion Groups.	Individuals	500	1	90/60	750
Focus Groups	Individuals	1,000	1	90/60	1,500
Website or Software Usability Tests	Individuals	5,000	1	20/60	1,667
Total			33,600		9,337

Dated: March 11, 2026.

Melissa M. Park,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2026–04979 Filed 3–12–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, contact the SAMHSA Reports Clearance Officer at *samhsapra@samhsa.hhs.gov.*

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2026–2029 National Survey on Drug Use and Health: Methodological Field Tests (Office of Management and Budget No. 0930–0290)—Extension

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to provide estimates of substance use and mental illness at the national, state, and substate levels. NSDUH data also help to identify the extent of substance use and mental illness among different subgroups, estimate trends over time, and determine the need for treatment services. The results are used by SAMHSA, the Office of National Drug Control Policy, federal government

agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

Methodological tests will continue to examine the feasibility, quality, and efficiency of new procedures or revisions to existing survey protocol. Specifically, the tests will measure the reliability and validity of certain questionnaire sections and items through multiple measurements on a set of respondents; assess new methods for gaining cooperation and participation of respondents with the goal of increasing response and decreasing potential bias in the survey estimates; and assess the impact of new sampling techniques and technologies on respondent behavior and reporting. Research will involve focus groups, cognitive testing, and field tests. Prior to each methodological test, a separate clearance memo (under this generic clearance) will be presented to Office of Management and Budget for review.

These methodological tests will continue to examine ways to increase data quality, lower operating costs, and gain a better understanding of sources and effects of non-sampling error on NSDUH estimates. Particular attention will be given to minimizing the impact of design changes so survey data can be comparable over time. If findings suggest changes that might lead to improvements to the study, current procedures or data collection instruments may be revised.

The number of respondents to be included in each field test will vary, depending on the nature of the subject being tested and the target population. However, the total estimated response burden is 14,801 hours. The exact number of subjects and burden hours for each test are unknown at this time but will be clearly outlined in each individual submission. These estimated burden hours are distributed over 3 years as follows:

ESTIMATED TOTAL BURDEN FOR NSDUH METHODOLOGICAL FIELD TESTS

Activity	Number of respondents	Responses per respondent	Total number of responses	Average burden per response (hrs.)	Total burden (hrs.)
a. Focus Groups	378	1	378	2.0	756
b. Respondent screening for a	473	1	473	0.083	39
c. Cognitive testing	420	1	420	1.0	420
d. Respondent screening for c	800	1	800	0.083	66
e. Field Tests	12,000	1	12,000	1.0	12,000
f. Household screening for e	16,200	1	16,200	0.083	1,345
g. Screening Verification for e	804	1	804	0.067	54
h. Interview Verification for e	1,800	1	1,800	0.067	121
Total	32,875	.....	32,875	.....	14,801

Send comments to SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E45, Rockville, MD 20852 *OR* email him a copy at *samhsapra@samhsa.hhs.gov.* Written comments should be received by May 12, 2026.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2026–04982 Filed 3–12–26; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–NWRS–2025–1496; FVRS34510900000–XXX–FF09R50000; OMB Control Number 1018–0174]

Agency Information Collection Activities; U.S. Fish and Wildlife Service Preliminary Land Acquisition Process

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew a currently approved information collection without change.

DATES: Interested persons are invited to submit comments on or before May 12, 2026.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference Office of Management and Budget (OMB) Control No. 1018–0174 in the subject line of your comment):

- *Internet (preferred): https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–NWRS–2025–1496.
- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. 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. You may also view the ICR at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320, all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper

performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information collected by the Service (in support of the land acquisition program) is required under applicable statutes, Department of Justice regulations, Department of the Interior and Service policies, and best business practices. In addition, the land acquisition program facilitates Secretarial Orders 3356 and 3366 by tracking land acquisitions that have potential to support public hunting, fishing, and other forms of outdoor recreation, and access related thereto. Authorities for the collection of realty-related information include:

- U.S. Department of Justice; Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016);
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*);
- National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd *et seq.*);
- Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a *et seq.*);
- Migratory Bird Conservation Act, as amended (16 U.S.C. 715–715r);
- Land and Water Conservation Fund Act of 1965 (54 U.S.C. 200301 *et seq.*);
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*);
- Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901); and
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a).

The Service tracks information collected from landowners as part of the preliminary land acquisition process. Information collected by the Service as part of the preliminary land acquisition process may include the following:

- *Initial Requests*—Initial request to consider property, to include such items as:
  - Identifying information for the legal property owner(s), such as:
    - —Name of primary property owner, along with spouse and/or co-owner(s) whose names appear on the current deed to the property under review;
    - —Marital status;
    - —Other names used; and
    - —Contact information, to include telephone numbers, personal email addresses, and mailing/home addresses.
  - Financial information, to include Social Security Numbers (necessary for final payment transaction).
  - Property description, to include such information as:
    - —Property name,
    - —Location,
    - —Legal description, and
    - —Introductory information.
- *Permission to Inspect and Appraise* (FWS Form 3–2471)—Collects information about the property owner and location, and grants permission to enter and inspect the property for real estate acquisition purposes. Inspection may include, but is not limited to:
  - Appraisal valuations;
  - Boundary survey;
  - Hazardous materials examination (contaminant survey); and
  - Physical examination of any structures on the property.

We do not use FWS Form 3–2471 in projects that are under Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), Cooperative Agreements, certain donation partnerships, and other special cases.

- *Waiver of Appraisal Requirement* (FWS Form 3–2461)—Per 49 CFR 24.102(c)(2), a willing-seller landowner may release the Service from the obligation of obtaining an appraisal for (1) land donations and (2) certain land acquisitions where the anticipated value is low and the valuation problem is uncomplicated.

Unless delivered in person, both the Permission to Inspect and Appraise form (FWS Form 3–2471) and the Waiver of Appraisal Requirement form (FWS Form 3–2461) will contain a cover letter referred to as the access permission letter. The access permission letter does not request any information, but is used to explain the form or waiver process.

Information is collected and protected in accordance with the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure system of records (Real Property Records, FWS–11; 71 FR 68635 (November 27, 2006); modification published 88 FR 16277 (March 16, 2023)). We gather Social Security numbers and banking information to assist with electronic payments and preparation of the required Internal Revenue Service 1099 Forms.

The public may request a copy of any form contained in this collection by sending a request to the Service Information Collection Clearance Officer (see **ADDRESSES**, above).

Title of Collection: U.S. Fish and Wildlife Service Preliminary Land Acquisition Process.

OMB Control Number: 1018–0174.

Form Numbers: 3–2461 and 3–2471.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals/households, private sector, and State/local/Tribal governments participating in realty transactions with the Service.

Respondent's Obligation: Required to obtain or retain a benefit.

Total Estimated Number of Annual Respondents: 562.

Total Estimated Number of Annual Responses: 562.

Estimated Completion Time per Response: Varies from 15 minutes to 2 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 362.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026–04916 Filed 3–12–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2026–0067; FXES11140400000–267–FF04EA4000]

Receipt of One Incidental Take Permit Application for Participation in the General Conservation Plan for the Alabama Beach Mouse; Categorical Exclusion; Baldwin County, AL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce receipt of one application from Ethan Bishop (applicant) for an incidental take permit (ITP), pursuant to the Endangered Species Act, under the Service's approved General Conservation Plan (GCP) and final environmental impact statement (FEIS) for the Alabama beach mouse. The applicant requests the ITP to take the federally listed Alabama beach mouse (ABM) incidental to the construction of a single-family home in Baldwin County, Alabama. We request public comment on the application, which includes the applicant's proposed habitat conservation plans (HCP), and on the Service's preliminary determination that the proposed permitting action qualifies under the terms of the ABM GCP. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before April 13, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Comment submission: All submissions must include the docket number [FWS–R4–ES–2026–0067] this document. You must submit comments using one of the following methods:

- *Online: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2026–0067.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2026–0067; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Erin Lentz, by U.S. mail (see **ADDRESSES**), by telephone at 1–251–298–3853, or via email at *erin_lentz@fws.gov.* Individuals in the United States who are deaf, blind, 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: We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from Ethan Bishop under the approved General Conservation Plan (GCP) for the Alabama beach mouse (ABM; *Peromyscus polionotus ammobates*) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed incidental to the construction, maintenance and operation of a single-family home in Baldwin County, Alabama.

A GCP is a mechanism that meets the definition of a conservation plan in section 10(a)(1)(B) of the ESA and enables the construction of a programmatic permitting and conservation process to address a defined suite of proposed activities over a defined planning area. We certify that each application to enroll in the GCP is statutorily complete and includes the necessary information. We have no evidence that the applicant is disqualified pursuant to 50 CFR 13.21.

We request public comment on the application, which includes the applicant's habitat conservation plan (HCP), and on the Service's preliminary determination that the requested ITP qualifies under the ABM GCP and final environmental impact statement (FEIS) published on March 28, 2012 (FWS–R4–ES–2012–N063).

Proposed Project

Ethan Bishop requests a 50-year ITP to take ABM via the conversion of 0.09 acre (ac) of occupied nesting, foraging, and sheltering ABM habitat incidental to the construction of a single-family home on a 0.52-ac parcel located off Palmetto Drive in Gulf Shores, Alabama. The applicant proposes to mitigate for the take of ABM through an in-lieu fee of $8,535.30 to the Alabama Coastal Heritage Trust's ABM conservation fund.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project, including the construction of the residential development and associated infrastructure (*e.g.,* electric, water, and sewer lines), would have a minor effect on ABM and the human environment. Reasonably foreseeable effects encompass effects of implementation of the action including effects of the action in addition to other past, present, and reasonably foreseeable future effects. Therefore, we have the made a preliminary determination that, if issued, the requested ESA section 10(a)(1)(B) permit action would meet the requirements of the GCP and FEIS.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER23666323 to Ethan Bishop.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes

personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and the Department of the Interior's implementing regulations (43 CFR part 46).

Jeffrey Powell,

Acting Field Supervisor, Alabama Ecological Service Field Office, U.S. Fish and Wildlife Service.

[FR Doc. 2026–04975 Filed 3–12–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–2025–0303; OMB Control Number 1028–0098; GX25MR00UTCWD00]

Agency Information Collection Activities; Nonindigenous Aquatic Species Sighting Report Form and Alert Registration Form

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the U.S. Geological Survey (USGS) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 12, 2026.

ADDRESSES: You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. USGS–2025–0303.
- *U.S. Mail:* USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Matthew Neilson by email at *mneilson@usgs.gov,* or by telephone at +1 352–517–4091. 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: In accordance with the PRA of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: America is impacted by many harmful non-native species of plants, animals, and microorganisms. More than 6,500 nonindigenous species are now established in the United States, posing risks to native species, valued ecosystems, and human and wildlife health. These invaders extract a huge cost for management and mitigation of harmful impacts, with annual estimated costs ranging from $21–$120 billion and reported aggregate expenditures from 1960–2020 reaching between $1.22–4.52 trillion (Pimentel et al. 2005; Fantle-Lepczyk et al. 2022). The current annual environmental, economic, and health-related costs of invasive species exceed those of all other natural disasters combined.

Through its Invasive Species Program (*http://www.usgs.gov/ecosystems/invasive_species/*), the USGS plays an important role in federal efforts to combat invasive species in natural and semi-natural areas through early detection and assessment of newly established invaders; monitoring of invading populations; and improving understanding of the ecology of invaders and factors in the resistance of habitats to invasion. The USGS provides the tools, technology, and information supporting efforts to prevent, contain, control, and manage invasive species nationwide. To meet user needs, the USGS also develops methods for compiling and synthesizing accurate and reliable data and information on invasive species for inclusion in a distributed and integrated web-based information system.

As part of the USGS Invasive Species Program, the Nonindigenous Aquatic Species (NAS) database (*http://nas.er.usgs.gov/*) functions as a repository and clearinghouse for occurrence information on nonindigenous aquatic species from across the United States. It contains locality information on approximately 1,380 species of vertebrates, invertebrates, and vascular plants introduced since 1850. Taxa include foreign species as well as those native to North America that have been transported outside of their natural range. The NAS website provides immediate access to new occurrence records through a real-time interface with the NAS database. Visitors to the website can use a set of predefined queries to obtain lists of species according to state or hydrologic basin of interest. Fact sheets, distribution maps, and information on new occurrences are continually posted and updated. Dynamically generated species distribution maps show the spatial accuracy of the locations reported, population status, and links to more information about each report. The NAS

database will collect information on new species occurrences from the public using a sighting report form, including the species observed, location and date of observation, optional contact information (for any subsequent follow up discussion on observation), and optional images or other media files that provide supporting evidence of the organism.

The NAS website also allows users to sign up for email alert notifications of new species observations of interest matching several taxonomic or geographic filters through an alert registration form. The information collected includes a name, email address, a user-specific password, and notification preferences.

Fantle-Lepczyk, Jean E., Phillip J. Haubrock, Andrew M. Kramer, Ross N. Cuthbert, Anna J. Turbelin, Robert Crystal-Ornelas, Christophe Diagne, and Franck Courchamp. ''Economic Costs of Biological Invasions in the United States.'' Science of The Total Environment 806 (February 2022): 151318. *https://doi.org/10.1016/j.scitotenv.2021.151318.*

Pimentel, David, Rodolfo Zuniga, and Doug Morrison. ''Update on the Environmental and Economic Costs Associated with Alien-Invasive Species in the United States.'' Ecological Economics 52, no. 3 (February 2005): 273–88. *https://doi.org/10.1016/j.ecolecon.2004.10.002.*

Title of Collection: Nonindigenous Aquatic Species Sighting Reporting Form and Alert Registration Form.

OMB Control Number: 1028–0098.

Form Number: None.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: Federal, State, and local government employees, university personnel, and private individuals.

Total Estimated Number of Annual Respondents: We estimate approximately 350 respondents per year for the sighting report form (some respondents will submit multiple reports per year), and 50 respondents (*i.e.,* new registrations) per year for the alert registration form.

Total Estimated Number of Annual Responses: We estimate 600 responses per year for the sighting report form, and 50 responses (*i.e.,* new registrations) per year for the alert registration form.

Estimated Completion Time per Response: We estimate 3 minutes for the sighting report form, and 1 minute for the alert registration form.

Total Estimated Number of Annual Burden Hours: We estimate 30 hours for the sighting report form, and 1 hour for the alert registration form; a total of 31 hours for the two forms.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Lynn Copeland,

Center Director.

[FR Doc. 2026–04926 Filed 3–12–26; 8:45 am]

BILLING CODE 4388–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–PCE–COR–NTS–NPS 0040651; OMB Control Number 1024–0283; PPWOPCADT0, PPMPSPD1T.Y00000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Application for Designation as National Recreation Trail or National Water Trail

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 12, 2026.

ADDRESSES: Written comments and suggestions on the information collection requirements should be submitted by the date specified above in **DATES** to *http://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 13461 Sunrise Valley Drive, (MS–263) Reston, VA 20191 (mail); or *phadrea_ponds@ios.doi.gov* (email). Please include ''1024–0283'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Lindsay Brisko, Architect/Project Manager, National Trails System & National Wild and Scenic Rivers System, 12795 W Alameda Parkway, Lakewood, CO 80228; or *lindsay_brisko@nps.gov* (email). 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. You may also view the information collection request (ICR) at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501*et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS is authorized by section 4 of the National Trails System Act (16 U.S.C. 1243) and Secretarial Order No. 3319 to administer the National Recreation Trail (NRT) program, which establishes National Water Trails (NWT) as a class of National Recreation Trails and directs that such trails collectively be considered in a National Water Trails System.

The NPS uses forms 10–1002: *Application for Designation as National Water Trail* and 10–1003: *Application for Designation as National Recreation Trail* to collect information NPS requires when submitting suitable trails or trail systems and water trails to the Secretary of the Interior for designation. The applications are evaluated for adherence to NRT requirements and criteria. NPS evaluation of an application is based on (1) the sufficiency of information provided on the application form and in supporting documentation, such as photographs, maps, and written landowner consents that accompany the form, and (2) successfully meeting the NRT requirements and criteria. Successful applications are forwarded to the Secretary of the Interior for approval.

Title of Collection: Application for Designation as National Recreation Trail or National Water Trail.

OMB Control Number: 1024–0283.

Form Number: NPS 10–1002: *Application for Designation as National Water Trail* and NPS 10–1003: *Application for Designation as National Recreation Trail.*

Type of Review: Extension of a currently approved collection.

Description of Respondents: Private individuals; businesses; educational institutions; nonprofit organizations; state, tribal, and local governments; and Federal agency land units.

Total Estimated Number of Annual Respondents: 22.

Estimated Completion Time per Response: Varies by activity, 30 minutes to 11 hours.

Total Estimated Number of Annual Burden Hours: 156 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non hour Burden Cost: None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2026–04965 Filed 3–12–26; 8:45 am]

BILLING CODE 4312–52–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 Over-the-Counter Topical Lidocaine Patches, DN 3894;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of J.A.R. Laboratories LLC on March 10, 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 over-the-counter topical lidocaine patches. The complaint names as respondents: Veridian Healthcare LLC of Gurnee, IL; Perrigo Company plc, of Ireland; Perrigo Company plc of Allergan, MI; Perrigo Direct, Inc. of Peachtree City, GA; Opella Healthcare Group SAS of France; Opella North America of Morristown, NJ; Chattem, Inc. of Chattanooga, TN; Hisamitsu Pharmaceutical Co., Inc. of Japan; Hisamitsu U.S., Inc. of Florham, NJ; Hisamitsu America, Inc. of Florham, NJ; Reckitt Benckiser Group PL of United Kingdom; Reckitt Benckiser LLC of Parsippany, NJ; and RB Health LLC of Parsippany, NJ. 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. 3894'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). 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: March 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04928 Filed 3–12–26; 8:45 am]

BILLING CODE 7020–02–P

[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.*

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 Electric Aircraft, Power Systems for Electric Aircraft, and Components Thereof, DN 3895;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Archer Aviation Inc. on March 10, 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 electric aircraft, power systems for electric aircraft, and components thereof. The complaint names as respondents: Joby Aero, Inc. of Santa Cruz, CA; and Joby Aviation, Inc. of Santa Cruz, CA. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

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. 3895'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). 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: March 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04929 Filed 3–12–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1410]

Certain Disposable Vaporizer Devices; Notice of Final Commission Determination of No Violation; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to reverse the violation findings of the final initial determination (''FID'') issued by the presiding administrative law judge (''ALJ'') in this investigation and find that asserted claims 4 and 12, and claim 1 on which they depend, of U.S. Patent No. 11,925,202 (''the 202 patent'') are invalid as obvious under 35 U.S.C. 103 (''section 103''), and thus there is no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''). The Commission has also determined to take no position on whether the complainants satisfied the economic prong of the domestic industry requirement. The Commission otherwise adopts the findings of the FID to the extent they do not conflict with the attached opinion, with some modifications to supplement its finding that claims 4 and 12 are not anticipated under 35 U.S.C. 102 (''section 102''). This investigation is hereby terminated with a finding of no violation.

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, as supplemented, filed by R.J. Reynolds Vapor Company; R.J. Reynolds Tobacco Company; RAI Strategic Holdings, Inc.; and RAI Services Company of Winston-Salem, North Carolina (collectively, ''Reynolds'' or ''Complainant'') accusing the respondents of violating section 337 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 the 202 patent. 89 FR 59158–60 (Jul. 22, 2024). The complaint further alleges that a domestic industry exists in the United States.

The Commission's notice of investigation names thirty-five (35) named respondents, of which eighteen (18) respondents participated in the investigation, fifteen (15) respondents were found in default, and two (2) respondents were terminated on the basis of consent orders and consent order stipulations. The eighteen (18) respondents that participated in this investigation are: Breeze Smoke, LLC of Southfield, Michigan; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Dongguan, China; Guangdong Qisitech Co., Ltd. of Dongguan City, China; Guangdong 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 Fridley,

[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.*

Minnesota; Shenzhen Yanyang Technology Co., Ltd. of Huizhou, 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 City, 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 El Monte, California (collectively, ''Respondents''). FID at 6–9. The Office of Unfair Import Investigations (''OUII'') is also as a party. 89 FR at 59160.

The fifteen (15) respondents found in default are: 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).

The two (2) respondents that were terminated from this investigation are: Kimsun Technology (HuiZhou) Co., Ltd. of Shenzhen, China and Bidi Vapor, LLC of Orlando, Florida. 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).

On March 14, 2025, the presiding ALJ issued a *Markman* order construing the disputed claim terms. Order No. 34 (Mar. 14, 2025). The ALJ held an evidentiary hearing from April 7–11, 2025, with an additional day of testimony on domestic industry on June 11, 2025. 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 purposes of domestic industry.

On August 29, 2025, the ALJ issued the present FID, finding 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 under 35 U.S.C. 102 or section 103, respectively. FID at 189–90. The FID found that Respondents also infringed claims 1, 11, and 15, but those claims are invalid as anticipated. *Id.* The FID also found 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 ALJ issued a Recommended Determination on Remedy, Bonding, and Public Interest (''RD''), recommending that the Commission issue a general exclusion order (''GEO'') in the event a violation is found, or, in the alternative, a limited exclusion order covering infringing articles imported by or on behalf of each respondent found to have violated section 337 and each defaulting respondent. RD at 3, 26, 30. The ALJ also recommended 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. The ALJ further recommended 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 September 15, 2025, Respondents filed a petition for review of the FID, including its construction of the claim term ''smoking article'' and its findings that claims 4 and 12 are infringed, literally or by equivalence, as well as its findings that claims 4 and 12 are neither anticipated nor 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 and have thus waived any objections they may have had to the FID's findings that claims 1, 9, 11, and 15 of the '202 patent are invalid as anticipated, per Commission Rule 210.43(b)(4), 19 CFR 210.43(b)(4).

On January 9, 2026, the Commission determined to review the FID in part, including its findings that: (i) claims 4 and 12 are not invalid as anticipated under section 102; (ii) claims 4 and 12 are not invalid as obvious under section 103; and (iii) Reynolds satisfied the domestic industry requirement. 91 FR 1555–57 (Jan. 14, 2026). The Commission did not review, and has thus adopted, the FID's findings on claim construction, infringement, and invalidity of claims 1, 9, 11, and 15 (except to the extent that claims 4 and 12 depend on claim 1). *See id.* at 1556.

On January 23, 2026, Reynolds, Respondents, and OUII filed their initial submissions in response to the Commission's January 9, 2026, notice. On January 30, 2026, Reynolds, Respondents, and OUII submitted their respective replies in each other's submissions.

The Commission has also received submissions from two third parties. On December 1, 2025, non-parties NJOY, LLC, Altria Group Distribution Company, and Altria Client Service LLC (collectively, ''NJOY'') submitted a response to the Commission's second request for public interest submissions. On January 23, 2026, NJOY submitted a second submission in response to the Commission's notice of partial review and request for public submissions. On the same date, the Commission received a submission from Vapor Technology Association, a U.S. trade association representing manufacturers, distributors, retailers, wholesalers, suppliers, and other vapor technology businesses in the United States.

Upon review of the FID, the parties' submissions, and the evidence of record, the Commission has determined to reverse the FID and find that claims 4 and 12, and claim 1 on which they depend, are invalid as obvious under 35 U.S.C. 103, as set forth in the attached opinion. The Commission has also determined to take no position on whether Reynolds satisfied the economic prong of the domestic

industry requirement. The Commission otherwise adopts the remaining findings of the FID, with some modifications to supplement its finding that Respondents failed to prove by clear and convincing evidence that either claim 4 or claim 12 is invalid as anticipated under section 102. Accordingly, this investigation is terminated with a finding of no violation of section 337.

The Commission vote for this determination took place on March 10, 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: March 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–04908 Filed 3–12–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1677]

Importer of Controlled Substances Application: Purisys, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Purisys, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 13, 2026. Such persons may also file a written request for a hearing on the application on or before April 13, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 4, 2026, Purisys, LLC, 1550 Olympic Drive, Athens, Georgia 30601–1602, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Nabilone	7379	II
Phenylacetone	8501	II
Ecgonine	9180	II
Levorphanol	9220	II
Methadone	9250	II
Thebaine	9333	II
Opium, Raw	9600	II
Opium, Powdered	9639	II
Opium, Granulated	9640	II
Noroxymorphone	9668	II
Poppy Straw, Concentrate.	9670	II
Tapentadol	9780	II

The company plans to import Opium, Raw (9600), Opium, Powered (9639), and Opium, Granulated (9640) to manufacture an Active Pharmaceutical Ingredient (API) only for distribution to its customers. The company plans to import Phenylacetone (8501), and Poppy Straw Concentrate (9670), to bulk manufacture other controlled substances for distribution to its customers. The company plans to import impurities of buprenorphine that have been determined by DEA to be captured under Thebaine (9333). In reference to Marihuana Extract (7350), Marihuana (7360), and Tetrahydrocannabinols (7370), the company plans to import as synthetic. The company plans to import an isomer of Methadone (9250) which is not currently available domestically to manufacture a non-controlled substance. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04970 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1678]

Bulk Manufacturer of Controlled Substances Application: Pisgah Laboratories Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Pisgah Laboratories Inc has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 12, 2026. Such persons may also file a written request for a hearing on the application on or before May 12, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this

is notice that on February 9, 2026, Pisgah Laboratories Inc, 3222 Old Hendersonville Highway, Pisgah Forest, North Carolina 28768, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
4-Bromo-2,5-dimethoxy-phenethylamine	7392	I
Psilocybin	7437	I
Methylone (3,4-Methylenedioxy-N-methylcathinone).	7540	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Cocaine	9041	II
Diphenoxylate	9170	II
Meperidine	9230	II
Methadone	9250	II
Tapentadol	9780	II

The company plans to bulk manufacture the above-listed controlled substances in bulk for internal research purposes and distribution to its customers. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04971 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1676]

Bulk Manufacturer of Controlled Substances Application: Stepan Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Stepan Company has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 12, 2026. Such persons may also file a written request for a hearing on the application on or before May 12, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 2, 2026, Stepan Company, 100 West Hunter Avenue, Maywood, New Jersey 07607–1021, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cocaine	9041	II
Ecgonine	9180	II

The company plans to bulk manufacture the listed controlled substances for use as internal intermediates or for sale to its customers. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04969 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1679]

Importer of Controlled Substances Application: Lonza Tampa, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Lonza Tampa, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 13, 2026. Such persons may also file a written request for a hearing on the application on or before April 13, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 17, 2026, Lonza Tampa, LLC, 4901 West Grace Street, Tampa, Florida 33607–3805, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I

The company plans to import drug code 7437 (Psilocybin) as bulk active pharmaceutical ingredient and as finished dosage units for clinical trials, research, and analytical purposes. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-

approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04972 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1681]

Bulk Manufacturer of Controlled Substances Application: Patheon API Services Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Patheon API Services Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 12, 2026. Such persons may also file a written request for a hearing on the application on or before May 12, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 19, 2026, Patheon API Services Inc, 101 Technology Place, Florence, South Carolina 29501, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
Amphetamine	1100	II
Methadone	9250	II

The company plans to bulk manufacture the listed controlled substances for distribution to its customers. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04973 Filed 3–12–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

On March 6, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Middle District of Pennsylvania in the lawsuit entitled *United States of America and the The Commonwealth of Pennsylvania* v. *Rutgers Organics LLC,* Civil Action No. 4:26–cv–00560–MWB.

The lawsuit was initiated by a complaint filed by the United States and the Commonwealth of Pennsylvania (the ''Trustees'') in their capacity as the legally designated trustees for natural resources in Pennsylvania. The complaint alleged, inter alia, that the Defendant was liable for damages for injury to, destruction of, or loss of natural resources resulting from the release of hazardous substances at and from the Centre County Kepone Site (the ''Site'') in College Township, Centre County, Pennsylvania, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Pennsylvania Hazardous Site Cleanup Act.

The Consent Decree resolves the claims of the Trustees against the Defendant for a total payment of $795,263. Of this amount, $618,060 will be paid into the United States' Natural Resource Damages Assessment and Restoration Fund managed by the U.S. Department of the Interior, which will reimburse the Department's natural resource damages assessment activities and fund projects aimed at restoring the injured natural resources at the Site. The remaining $177,203 will be paid to the Commonwealth of Pennsylvania to reimburse the Commonwealth's natural resource damages assessment costs. In addition, under Commonwealth oversight the Defendant will construct a parking lot and a trail to facilitate public fishing access in Spring Creek at a location near the Site, and it will ensure the recordation of a conservation easement on property adjoining Spring Creek to facilitate water quality restoration efforts. In return for these payments and restoration activities, the United States and the Commonwealth will confer on the Defendant covenants not to sue for natural resource damages known or reasonably ascertainable as of the date of lodging of the Consent Decree.

In accordance with CERCLA, the Trustees have also written a draft Restoration Plan that described proposed alternatives for restoring the natural resources and natural resource services injured by the release of hazardous substances from the Site. The restoration alternatives evaluated in the Restoration Plan are (1) No Action/ Natural Recovery; (2) Conservation Easement and Angler Access at NRDAR Property; (3) Future Repair and Maintenance of Existing In-Stream Structures along NRDAR Property; (4) Additional Land Conservation In Spring Creek Watershed; and (5) Additional Restoration Projects within Spring Creek Watershed.

The publication of this notice opens a period for public comment on the proposed Consent Decree and the draft Restoration Plan.

Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and the The Commonwealth of Pennsylvania* v. *Rutgers Organics LLC,* D.J. Ref. No. 90–11–3–1436/4. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Comments on the draft Restoration Plan may be submitted to the Trustees either by email or by mail:

To submit comments:	*Send them to:*
By email	*Carrie_blakeslee@fws.gov.*
By mail	USFWS, 110 Radnor Road, Suite 101, State College, PA 16801, Attn: Draft Restoration Plan Centre County Kepone NRDAR.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. If emailing, please include ''Draft Restoration Plan Centre County Kepone NRDAR'' in the subject line. During the public comment period, a copy of the draft Restoration Plan will be available electronically at: *https://www.cerc.usgs.gov/orda_docs/DocHandler.ashx?task=get&ID=13160.*

Jason A. Dunn,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026–04906 Filed 3–12–26; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0064]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection Title—Annual Surveys of Probation and Parole

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Justice Statistics (BJS), Department of Justice (DOJ) 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.

DATES: Comments are encouraged and will be accepted for 60 days until May 12, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Kaeble, Bureau of Justice Statistics, 999 N Capitol St. NE, 8th Floor, Washington, DC 20531, *bjspra.comments@ojp.usdoj.gov;* telephone: 202–307–0765.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—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.

Abstract: The Annual Surveys of Probation and Parole collect data through the Annual Survey of Parole (CJ–7) sent to 52 agencies, the Annual Survey of Probation (CJ–8) sent to 229 central reporting agencies and those supervising at least one person on felony probation, and the Annual Survey of Probation-Misdemeanor Supervision (CJ–8M) sent to about 548 agencies supervising people on misdemeanor probation only. The Annual Parole Survey and Annual Probation surveys have been used since 1977 to collect annual yearend counts and yearly movements of community corrections populations; characteristics of the community supervision population, such as gender, racial composition, ethnicity, conviction status, offense, and supervision status.

The Bureau of Justice Statistics uses this information in published reports and for practitioners, researchers, students, the media, and others interested in criminal justice statistics.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, without changes, of a previously approved collection for which approval has expired.

2. *The Title of the Form/Collection:* Annual Probation Survey and Annual Parole Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The Annual Surveys of Probation and Parole (ASPP) contain three forms: CJ–7: Annual Parole Survey CJ–8: Annual Probation Survey and CJ–8M: Annual Probation Survey (Misdemeanant Supervision Only). The applicable component within the Department of Justice is the Bureau of Justice Statistics (BJS), in the Office of Justice Programs. The Bureau of Justice Statistics (BJS) requests clearance to conduct the Annual Surveys of Probation and Parole (ASPP) for a three-year period.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public Respondents will include state departments of corrections or state probation and parole authorities, and city and county courts and probation offices for which a central reporting authority does not exist. For the CJ–7 form, the affected public consists of 52 respondents including 50 central reporters, the District of Columbia, and one additional state reporter responsible for keeping records of adult on parole supervision. For the CJ–8 form, the affected public includes 229 reporters including central state respondents, the District of Columbia, and local authorities responsible for keeping records on individuals on probation supervision. For the CJ–8M form, the affected public includes 548 reporters who are all local authorities responsible for keeping records on individuals on probation supervision for a misdemeanant. These reporters indicated they do not supervise any individual on probation for a felony offense and will answer a short survey on population totals.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS estimates approximately 829 community correctional agencies will complete the ASPP forms CJ–7, CJ–8, or CJ–8M. The estimated time for each respondent is 140 minutes for the CJ–7, 165 minutes for the CJ–8 and 30 minutes for the CJ–8M total including contact verification, survey completion, and data quality follow-up. The burden estimate is based on the paradata BJS

collected from the 2024 administration of the ASPP.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The burden hours will be approximately 1,025 hours total for all agencies per year and 3,075 hours total for all agencies over the course of three years.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $559,000.

Activity	Number of respondents	Freq (per annually)	Total annual responses	Time to gather data (mins)	Time per survey (mins)	Time for follow-up (mins)	Total time (mins)	Total annual burden (hrs)
CJ–7	52	1	52	30	95	15	7,280	121
CJ–8	229	1	229	30	120	15	37,785	630
CJ–8M	548	1	548	15	10	5	16,440	274
Unduplicated Totals	829							1,025

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: March 11, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–04910 Filed 3–12–26; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Fidelity Bonding Issuance

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 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: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: The Department's Federal Bonding Program (FBP) provides fidelity bonds that protect employers hiring at-risk job applicants from theft, forgery, or embezzlement by the employee. Although the bonds have primarily served offenders, any at-risk job applicant is eligible for bonding services, including: recovering substance abusers (alcohol or drugs), welfare recipients and other persons having poor financial credit, economically disadvantaged youth and adults who lack a work history, individuals dishonorably discharged from the military, and others. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 20, 2025 (90 FR 26328).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Fidelity Bonding Issuance.

OMB Control Number: 1205–0541.

Affected Public: State, Local and Tribal Government.

Total Estimated Number of Respondents: 1500.

Total Estimated Number of Responses: 4500.

Total Estimated Annual Time Burden: 405 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–04891 Filed 3–12–26; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Tuesday, March 17, 2026.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Board Appeal. Closed pursuant to Exemption (8).

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2026–04905 Filed 3–11–26; 11:15 am]

BILLING CODE 7535–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 3:00 p.m., Tuesday, March 17, 2026.

PLACE: via ZOOM.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Special Board of Directors meeting.

The General Counsel of the Corporation has certified that in her opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) permit closure of the following portion(s) of this meeting:

- Executive (Closed) Session

Agenda

I. Call to Order
II. Action Item: Resolution to Elect a Temporary Board Chair
III. Sunshine Act Approval of Executive (Closed) Session
IV. Executive Session: FY26 Final Budget
V. Action Item: Approval of Final Budget

PORTIONS OPEN TO THE PUBLIC: Everything except the Executive (Closed) Session.

PORTIONS CLOSED TO THE PUBLIC: Executive (Closed) Session.

CONTACT PERSON FOR MORE INFORMATION: Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2026–04902 Filed 3–11–26; 11:15 am]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 16, 23, and 30 and April 6, 13, and 20, 2026. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_Accommodations.Resource@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of March 16, 2026

There are no meetings scheduled for the week of March 16, 2026.

Week of March 23, 2026—Tentative

There are no meetings scheduled for the week of March 23, 2026.

Week of March 30, 2026—Tentative

There are no meetings scheduled for the week of March 30, 2026.

Week of April 6, 2026—Tentative

There are no meetings scheduled for the week of April 6, 2026.

Week of April 13, 2026—Tentative

There are no meetings scheduled for the week of April 13, 2026.

Week of April 20, 2026—Tentative

Tuesday, April 21, 2026

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Ally Mara: 301–415–2509)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: March 11, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–04980 Filed 3–11–26; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0038]

Information Collection: NRC Form 646, Formal Discrimination Complaint and NRC Form 655, EEO Counselor's Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 646, ''Formal Discrimination Complaint'' and NRC Form 655, ''EEO Counselor's Report.''

DATES: Submit comments by April 13, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Heather Dempsey, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0038 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0038.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML25182A355 and ML25182A376. The supporting statements are available in ADAMS under Accession Nos. ML26015A056 and ML26015A054.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Heather Dempsey, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

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 Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 646, ''Formal Discrimination Complaint'' and NRC Form 655, ''EEO Counselor's Report.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on September 3, 2025, 90 FR 42624.

1. *The title of the information collection:* NRC Form 646, ''Formal Discrimination Complaint'' and NRC Form 655, ''EEO Counselor's Report.''

2. *OMB approval number:* 3150–0255 and 3150–256.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 646 and NRC Form 655.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* NRC Form 646: Employees, former employees, or applicants for employment with the NRC, who believe that they have been subjected to discrimination based on race, color, national origin, religion, sex, age, disability, or reprisal. NRC Form 655: Aggrieved persons who believe they have been discriminated against in employment on the basis of race, color, religion, sex, national origin, age, disability, or genetic information.

7. *The estimated number of annual responses:* NRC Form 646: 30; NRC Form 655: 30.

8. *The estimated number of annual respondents:* NRC Form 646: 30; NRC Form 655: 30.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* NRC Form 646: 30; NRC Form 655: 30.

10. *Abstract:* As set forth under 29 CFR 1614, the Equal Employment Opportunity (EEO) complaint process prescribes that when an aggrieved individual believes that they have been discriminated against on the basis of their race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information (including family medical history), marital status, parental status, political affiliation, military service, and reprisal and seeks EEO counseling, the assigned EEO Counselor will conduct the pre-complaint (Informal) with the intentions of resolving the complaint within the Agency. At the conclusion of the pre-complaint (Informal) process, and if resolution was unsuccessful, the EEO Counselor during the final interview with the aggrieved person must discuss what occurred during the counseling process and provide the aggrieved with information to move the matter forward. Pursuant to 29 CFR 1614.105(c), if the aggrieved individual decides to file a Formal complaint (*i.e.,* NRC Form 646, ''Formal Discrimination Complaint''), the EEO Counselor must submit a written report (*i.e.,* NRC Form 655, ''EEO Counselor's Report'') within fifteen (15) calendar days to the Office of Small Business and Civil Right Director or designated official that will contain relevant information about the aggrieved individual, jurisdiction, claims, bases, Responding Management Officials, witnesses, requested remedies, and the EEO Counselor's checklist. The NRC Form 655, ''EEO Counselor's Report,'' is completed by an EEO counselor during this consultation, which must be conducted within 45 days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action. Once the form is completed, an authorized NRC representative will place the completed NRC Form 646 in a secure folder created specifically for the aggrieved individual within an automated tracking system.

Dated: March 10, 2026.

For the Nuclear Regulatory Commission.

Heather Dempsey,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–04909 Filed 3–12–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–1220; MC2026–170 and K2026–170]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 18, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* K2025–1220; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 59, Which Includes an Extension of That Agreement; *Filing Acceptance Date:* March 10, 2026; *Filing Authority:* 39 CFR 3041.505 and 3041.515; *Public Representative:* Katalin Clendenin; *Comments Due:* March 18, 2026.

2. *Docket No(s).:* MC2026–170 and K2026–170; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 108 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 10, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* March 18, 2026.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Alternate Federal Register Liaison.

[FR Doc. 2026–04937 Filed 3–12–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: Monday March 9, 2026, at 11:00 a.m. EST.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW.

STATUS: Closed.

MATTERS CONSIDERED: On March 9, 2026, the members of the Board of Governors of the United States Postal Service voted unanimously to hold and to close to public observation a special meeting in Washington, DC The Board determined that no earlier public notice was practicable. The Board considered the below matters.

1. Administrative Matters.

2. Strategic Matters.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act, 5 U.S.C. 552b.

CONTACT PERSON FOR MORE INFORMATION: Lucy C. Trout, Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Lucy C. Trout,

Secretary.

[FR Doc. 2026–04974 Filed 3–11–26; 4:15 pm]

BILLING CODE 7710–12–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0007]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 13e–3 (Schedule 13E–3)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below. The Commission also is requesting approval from OMB to designate this existing collection of information (OMB Control No. 3235–0007) as a ''common form'' for purposes of PRA submissions [1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091).

Rule 13e–3 (17 CFR 240.13e–3) and Schedule 13E–3 (17 CFR 240.13e–100) prescribe the filing, disclosure, and dissemination requirements in connection with certain going private transactions by an issuer or an affiliate. The information required by Rule 13e–3 and Schedule 13E–3 is intended to ensure investors are appropriately informed in connection with certain going private transactions. The information required by Rule 13e–3 and Schedule 13E–3 is mandatory, and Schedule 13E–3 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Schedule 13E–3 is filed once per year by approximately 41 issuers annually and that it takes issuers approximately 138.70 hours per response. We estimate that 25% of the 138.70 hours per response is carried internally by the issuer for a total annual reporting burden of 1,422 hours (138.70 hours per response × 25% × 41 responses). We estimate that 75% of the 138.70 hours per response is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $2,559,015 (138.70 hours per response × 75% × $600 per hour × 41 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-034* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by April 13, 2026.

Dated: March 11, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–04960 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* ROCIS PRA Module User Guide v. 8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents). . . . The host agency will indicate in the **Federal Register** notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the **Federal Register** notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (*e.g.,* burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104956; File No. SR–CboeBZX–2026–003]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rule 14.11(j) Regarding Information Circular for UTP Derivative Security

March 10, 2026.

On January 7, 2026, Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 14.11(j) to eliminate the requirement that the Exchange distribute an information circular prior to the commencement of trading in each UTP Derivative Security. The proposed rule change was published for comment in the **Federal Register** on January 27, 2026.[3]

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is March 13, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates April 27, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2026–003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04893 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104655 (Jan. 22, 2026), 91 FR 3569. The Commission has received no comment letters on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0045]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 19b–4 and Form 19b–4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for an extension of the proposed collection of information Section 19(b) of the Act (15 U.S.C. 78s(b)) requires each self-regulatory organization (''SRO'') to file with the Commission copies of any proposed rule, or any proposed change in, addition to, or deletion from the rules of such SRO. Rule 19b–4 implements the requirements of Section 19(b) by requiring the SROs to file their proposed rule changes on Form 19b–4 and by clarifying which actions taken by SROs are subject to the filing requirement set forth in Section 19(b). Rule 19b–4(n) requires a designated clearing agency to provide the Commission advance notice (''Advance Notice'') of any proposed change to its rules, procedures, or operations that could materially affect the nature or level of risks presented by such clearing agency. Rule 19b–4(o) requires a registered clearing agency to submit for a Commission determination any security-based swap, or any group, category, type, or class of security-based swaps it plans to accept for clearing (''Security-Based Swap Submission''), and provide notice to its members of such submissions.

The collection of information is designed to provide the Commission with the information necessary to determine, as required by the Act, whether the proposed rule change is consistent with the Act and the rules thereunder. The information is used to determine if the proposed rule change should be approved, disapproved, suspended, or if proceedings should be instituted to determine whether to approve or disapprove the proposed rule change.

The respondents to the collection of information are SROs (as defined by Section 3(a)(26) of the Act),[1] including national securities exchanges, national securities associations, registered clearing agencies, notice registered securities future product exchanges, and the Municipal Securities Rulemaking Board.

In calendar year 2024, each respondent filed an average of approximately 41 proposed rule changes. Each filing takes approximately 41 hours to complete on average. Thus, the total annual reporting burden for filing proposed rule changes with the Commission is 75,645 hours (41 proposals per year × 45 SROs × 41 hours per filing) for the estimated future number of 45 SROs.[2] In addition to filing their proposed rule changes with the Commission, the respondents also are required to post each of their proposals on their respective websites, a process that takes approximately four hours to complete per proposal. Thus, the total annual reporting burden on respondents to post the proposals on their websites is 7,380 hours (41 proposals per year × 45 SROs × 4 hours per filing) for the estimated future number of 45 SROs. Further, the respondents are required to update their rulebooks, which they maintain on their websites, to reflect the changes that they make in each proposal they file. The total annual reporting burden for updating online rulebooks is 4,496 hours ((1,719 filings per year − 590 withdrawn filings[3] − 5 disapproved filings[4]) × 4 hours). Finally, a respondent is required to notify the Commission if it does not post a proposed rule change on its website on the same day that it filed the proposal with the Commission. The Commission estimates that SROs will fail to post proposed rule changes on their websites on the same day as the filing 17 times a year (across all SROs), and that each SRO will spend approximately one hour preparing and submitting such notice to the Commission, resulting in a total annual burden of 17 hours (17 notices × 1 hour per notice). There are no estimated external costs in connection with informing the Commission of the date on which it posted a proposed rule change on its website (if the posting did not occur on the same day that the SRO filed the proposal with the Commission).

Designated clearing agencies have additional information collection burdens. As noted above, pursuant to Rule 19b–4(n), a designated clearing agency must file with the Commission an Advance Notice of any proposed change to its rules, procedures, or operations that could materially affect the nature or level of risks presented by such designated clearing agency. The Commission estimates, based on historical rulemaking data that each designated clearing agency submitting Advance Notices will each submit two Advance Notices per year, with each submission taking 90 hours to complete. The total annual reporting burden for filing Advance Notices is therefore 720 hours (4 designated clearing agencies × 2 Advance Notices per year × 90 hours per response). The above information collection has an estimated external cost burden. The Commission estimates that each designated clearing agency will require 40 hours of outside legal work to prepare, review, and electronically file each Advance Notice with the Commission. Assuming an hourly cost of $462 for an outside attorney, the total annual cost for the four clearing agencies to meet these requirements will be $147,840 (four designated clearing agencies × two Advance Notice filings per year × 40 hours per response × $462 per hour for an outside attorney).

Designated clearing agencies are required to post all Advance Notices to their websites, each of which takes approximately four hours to complete. For eight Advance Notices, the total annual reporting burden for posting them to respondents' websites is 32 hours (4 designated clearing agencies × 2 Advance Notices per year × 4 hours per website posting). Respondents are required to update the postings of those Advance Notices that become effective, each of which takes approximately four hours to complete. The total annual reporting burden for updating Advance Notices on the respondents' websites is 32 hours (4 designated clearing agencies × 2 Advance Notices per year × 4 hours per website posting). There are no estimated external costs in connection with (i) the posting of Advance Notices on their websites, or (ii) the posting of notices of changes to rules, procedures or operations referred to in Advance Notices.

Pursuant to Rule 19b–4(n)(5), the respondents are also required to provide copies of all materials submitted to the Commission relating to an Advance Notice to the Board of Governors of the Federal Reserve System (''Board'') contemporaneously with such submission to the Commission, which is estimated to take two hours. The total annual reporting burden for designated clearing agencies to meet this requirement is 16 hours (4 designated clearing agencies × 2 Advance Notices per year × 2 hours per response). There are no estimated external costs in connection with the requirement to provide to the Board copies of all materials submitted to the Commission relating to an Advance Notice contemporaneously with such submission to the Commission.

[1] 15 U.S.C. 78c(a)(26).

[2] Currently, there are 42 SROs, though not all of those SROs filed a proposed rule change in 2024. The Commission expects three additional respondents to register during the three-year period for which this Paperwork Reduction Act extension is applicable (one as a registered clearing agency and two as national securities exchanges), bringing the total number of respondents to 45.

[3] For 43 SROs, 274 withdrawn filings equal approximately 6.37 filings per SRO. For 45 SROs, the figure would increase to 293 withdrawn filings.

[4] For 43 SROs, 20 disapproved filings equal approximately 0.47 filings per SRO. For 45 SROs, the figure would increase to 22 disapproved filings.

The Commission estimates that two security-based swap clearing agencies will each submit 13 Security-Based Swap Submissions per year, with each submission taking 140 hours to complete resulting in a total annual reporting burden of 3,640 hours (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 140 hours per response). Respondent clearing agencies are required to post all Security-Based Swap Submissions to their websites, each of which takes approximately four hours to complete. For 13 Security-Based Swap Submissions, the total annual reporting burden for posting them to the two respondents' websites is 104 hours (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 4 hours per website posting). The above information collection has an estimated external cost burden. The Commission estimates that each clearing agency will require 60 hours of outside legal work to prepare, review, and submit a Security-Based Swap Submission. Assuming an hourly cost of $462 for an outside attorney, the total annual cost in the aggregate for the two clearing agencies to meet these requirements will be $720,720 (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 60 hours per response × $462 per hour for an outside attorney).

In addition, two clearing agencies that have not previously posted Security-Based Swap Submissions on their websites may need to update their existing websites to post such filings online. The Commission estimates that each of these two clearing agencies would spend approximately 15 hours updating their existing websites, resulting in a total one-time burden of 30 hours (2 respondent clearing agencies × 15 hours per website update) or 10 hours annualized over three years. There are no estimated external costs in connection with creating or updating their existing websites in order to provide the capability to post Security-Based Swap Submissions, Advance Notices, or proposed rule changes on their websites.

Respondent SROs will also have to provide training to staff members using the Electronic Form 19b–4 Filing System (''EFFS'') to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes electronically. The Commission estimates that two anticipated national securities exchanges will spend approximately 60 hours training all staff members who will use EFFS to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes electronically, or 20 hours annualized over three years. The Commission also estimates that these newly-registered and anticipated SROs will have a one-time burden of 260 hours to draft and implement internal policies and procedures for using EFFS to make these submissions, or 87 hours annualized over three years. The Commission estimates that each of the 45 respondents will spend 10 hours each year training new compliance staff members and updating the training of existing compliance staff members to use EFFS, for a total annual burden of 450 hours (45 respondent SROs × 10 hours). There are no estimated external costs in connection with (i) drafting and implementing internal policies and procedures relating to using EFFS to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes with the Commission, or (ii) training personnel about the procedures for submitting Security-Based Swap Submissions and/or Advance Notices in electronic format through EFFS.

In connection with Security-Based Swap Submissions, counterparties may apply for a stay from a mandatory clearing requirement under Rule 3Ca–1. The Commission estimates that each clearing agency will submit four applications for stays from a clearing requirement per year and it will take approximately 18 hours to retrieve, review, and submit each application. Thus, the total annual reporting burden for the Rule 3Ca–1 stay of clearing requirement would be 144 hours (2 respondent clearing agencies × 4 stay of clearing applications per year × 18 hours to retrieve, review, and submit the stay of clearing information). The above information collection has estimated external cost burdens. The Commission estimates that a clearing agency will require seven hours of outside legal work to retrieve, review, and submit the information associated with the stay of the clearing requirement. The Commission also estimates that each clearing agency will be required to provide information requested by the Commission in the course of its reviews of five requests for a stay of the clearing requirement. Assuming an hourly cost of $462 for an outside attorney, the total estimated annual cost in the aggregate for the two clearing agencies to meet these requirements will be $25,872 (2 respondent clearing agencies × 4 stay of clearing applications per year × 7 hours per response × $462 per hour for an outside attorney) (this was previously noticed as $32,340, as the number of stay applications had not been adjusted from the previous estimate of 5 to the current estimate of 4). The Commission also estimates that 100 hours of outside legal counsel would be required by a counterparty to a security-based swap to prepare and submit an application requesting a stay of the clearing requirement. Assuming an hourly cost of $462 for an outside attorney, the total annual cost in the aggregate for the respondent counterparties to meet these requirements will be $369,600 (2 respondent clearing agencies × 4 stay of clearing applications per year × 100 hours per response × $462 per hour for an outside attorney.

Based on the above, the total estimated annual response burden pursuant to Rule 19b–4 and Form 19b–4 is the sum of the total annual reporting burdens for filing proposed rule changes, Advance Notices, and Security-Based Swap Submissions; training staff to file such proposals; drafting, modifying, and implementing internal policies and procedures for filing such proposals; posting each proposal on the respondents' websites; updating websites to enable posting of proposals; updating the respondents' online rulebooks to reflect the proposals that became effective; submitting copies of Advance Notices to the Board; and applying for stays from clearing requirements, which is 92,876 hours. The total estimated external cost burden for the above information collection is $1,264,032.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-029* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 13, 2026.

Dated: March 11, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–04959 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104960; File No. SR–NYSEARCA–2026–23]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

March 10, 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 March 2, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') by increasing the fee for executions of orders that remove liquidity from the Exchange in Tape B securities priced at or above $1.00 per share in Tier 1, Tier 2, Tier 3, Tier 4 and Tier 6 under the Adding Tiers pricing table. The proposed rule change is available on the Exchange's website at *www.nyse.com,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 the Fee Schedule by increasing the fee for executions of orders that remove liquidity from the Exchange in Tape B securities priced at or above $1.00 per share in Tier 1, Tier 2, Tier 3, Tier 4 and Tier 6 under the Adding Tiers pricing table (''Removed Tape B Volume'').

The Exchange proposes to implement the fee change effective March 2, 2026.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 17 exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 15% market share of executed volume of equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. Accordingly, competitive forces constrain exchange transaction fees and credits because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

Currently, under Adding Tier 1, Adding Tier 2, Adding Tier 3, Adding Tier 4 and Adding Tier 6 in Section VII. Tier Rates—Round Lots and Odd Lots (Per Share Price $1.00 or Above) of the Fee Schedule, the Exchange charges a standard fee of $0.0029 per share for execution of Removed Tape B Volume. The Exchange now proposes to increase the standard fee for executions of Removed Tape B Volume under Adding Tier 1, Adding Tier 2, Adding Tier 3, Adding Tier 4 and Adding Tier 6 to $0.0030 per share, which is the standard rate the Exchange charges for removing liquidity.[10] To reflect the fee change on the Fee Schedule, the Exchange proposes to remove the column titled ''Removing Liquidity in Tape B'' and the corresponding fee amount from the Adding Tiers pricing table.

The purpose of increasing the standard fee for executions of Removed Tape B Volume is for business and competitive reasons, as the Exchange believes that increasing such fee as proposed would generate additional revenue to offset some of the costs associated with the Exchange's current pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

[10] *See* Fee Schedule, Section III. Standard Rates—Transactions (applicable when Tier Rates do not apply).

added liquidity. The Exchange notes that despite the increase proposed herein, the proposed standard fee for executions of Removed Tape B Volume remains in line with the standard fees charged by other exchanges for executions of Removed Tape B Volume.[11] The Exchange is not proposing to change the fee charged for executions of Removed Tape B Volume in securities priced below $1.00 per share.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[13] 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.

As discussed above, the Exchange 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 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.'' [14]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces reasonably constrain exchange transaction fees and credits that relate to orders that would provide and remove liquidity on an exchange. Stated otherwise, changes to exchange transaction fees and credits can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that the proposed rule change to increase the standard fee charged for executions of Removed Tape B Volume is reasonable because it represents only a modest increase from the current standard fee charged for executions of Removed Tape B Volume on other exchanges.[15] The Exchange also believes the proposed standard fee charged for executions of Removed Tape B Volume is equitable and not unfairly discriminatory, as such fee will apply equally to all ETP Holders.

The Exchange believes that the proposal does not permit unfair discrimination because the proposed fee change would impact all similarly situated ETP Holders and all ETP Holders would be subject to the same fee for removing liquidity in Tape B securities under the Adding Tiers pricing table. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by the proposed allocation of fees under the proposal. The Exchange further believes that the proposed fee change would not permit unfair discrimination among ETP Holders because the general and tiered rates as stated on the Fee Schedule are and will continue to be available equally to all ETP Holders.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [16] 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 the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] 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. To the contrary, the proposed fee change is designed to enhance the Exchange's competitiveness with other venues, as described above. In this context, the Exchange does not believe that the proposed fees would burden competition on competing venues or their participants.

Intramarket Competition. The Exchange believes the proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or its competitors. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders. Greater overall order flow, trading opportunities, and pricing transparency would benefit all market participants on the Exchange by enhancing market quality and would continue to encourage ETP Holders to send their orders to the Exchange, thereby contributing towards a robust and well-balanced market ecosystem. The proposed fee would be charged to all similarly situated market participants, and, as such, the proposed rule change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is

[11] *See, e.g.,* the Cboe EDGX equities fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*), which reflects a standard fee of $0.0030 per share for executions of orders in Tape B securities priced at or above $1.00 per share that remove liquidity; *see also* the Cboe BZX equities fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*) which reflects a standard fee of $0.0030 per share for executions of orders in Tape B securities priced at or above $1.00 per share that remove liquidity.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[15] *See supra,* note 11.

[16] 15 U.S.C. 78f(b)(4) and (5).

[17] 15 U.S.C. 78f(b)(8).

currently less than 15%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. 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 does not believe its proposed fee changes imposes any burden on intermarket competition.

The Exchange believes that the proposed fee change may promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

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,[18] and Rule 19b–4(f)(2) thereunder [19] 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–NYSEARCA–2026–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–23 and should be submitted on or before April 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04897 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104958; File No. SR–CboeBYX–2026–005]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.24 To Allow a Retail Member Organization To Enter a Retail Order Onto the Exchange in a Principal Capacity

March 10, 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 February 23, 2026, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to (i) amend Rule 11.24(a)(2), to allow a Retail Member Organization to enter a Retail Order onto the Exchange in a principal capacity, provided the requirements of proposed Rule 11.24(h) are satisfied; (ii) codify in proposed new Rule 11.24(h) additional requirements a Retail Member Organization must comply with in order to enter Retail Orders as principal; and (iii) amend Rule 11.24(b)(6) to require that Retail Member Organizations have in place policies and procedures reasonably designed to ensure compliance with proposed Rule 11.24(h), as well as to ensure that the Retail Member Organization can, upon request by the Exchange, produce documentation evidencing compliance with the requirements of Rule 11.24(h). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4.

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to (i) amend Rule 11.24(a)(2) to allow a Retail Member Organization (''RMO'') [5] to enter a Retail Order [6] onto the Exchange in a principal capacity, provided the requirements of Rule 11.24(h) are satisfied; (ii) codify in proposed new Rule 11.24(h) additional requirements a RMO must comply with in order to enter Retail Orders as principal; and (iii) amend Rule 11.24(b)(6) requiring that RMOs have in place policies and procedures reasonably designed to ensure compliance with proposed Rule 11.24(h), as well to ensure that the RMO can, upon request by the Exchange, produce documentation evidencing compliance with the requirements of Rule 11.24(h). The Exchange notes that the proposed amendments are substantially similar those approved by the Securities and Exchange Commission (''SEC'') for the Exchange's affiliate, Cboe EDGX Exchange, Inc. (''EDGX''). with differences only to account for the Exchange's existing rule text and details and descriptions included in the Exchange's Rules, but not in the applicable EDGX Price Improvement Rules.[7] For example, such differences include, but are not limited to the differences the Exchange's priority rules relative to those of EDGX, as well as differences relating to BYX's inverted fee structure versus that of the traditional make-take model on EDGX.

These proposed amendments are in response to feedback received by the Exchange from certain RMOs that have stated that the ability to enter orders in a principal capacity would better enable them to provide their retail customers with better priced executions. Currently, RMOs are only able to enter Retail Orders onto the Exchange in either an agency or riskless principal capacity. Specifically, these RMOs have explained that the ability to handle Retail Orders in a principal capacity will enable them to provide their retail customers with post-execution price improvement that is in *addition* to any price improvement received on the Exchange. Because the price ultimately allocated to the retail customer by the RMO would be different from (and notably, would always be better priced than) the price the principal order received on the Exchange, such Retail Orders would not currently qualify as riskless principal transactions.[8] Accordingly, because Exchange rules currently only permit the entry of Retail Orders in a riskless principal or agency capacity, such post-execution price improvement is not currently permitted.

The Exchange notes that the ultimate determination as to whether an RMO may choose to execute in this manner is not something to which the Exchange has visibility. Indeed, such a decision will vary from RMO to RMO. Generally speaking, RMOs may choose to execute in this manner to satisfy certain execution quality and price improvement benchmarks RMOs have applied to their underlying retail order(s), as well as to simply provide additional price improvement as a service to their retail customer(s) or retail broker customers. Because principal orders entered in this manner are for the benefit of the underlying retail customer(s)—*i.e.,* to provide retail orders with better priced executions—the Exchange believes that such transactions are consistent with the definition of Retail Order, and the purposes of BYX's Retail Price Improvement Program (discussed *infra*).

Current Definition of ''Retail Order''

Currently, Rule 11.24(a)(2) provides that a Retail Order is an agency order, or a riskless principal order that meets the criteria of FINRA Rule 5320.03.[9] A Retail Order is an Immediate or Cancel Order,[10] which may be an odd lot, round lot, or mixed lot and may include Mid-Point Peg Order [11] instruction. A Retail Order must originate from a natural person and must be entered onto the Exchange by an RMO. The RMO is not permitted to change the terms of the order with respect to the price or side of the market, and a Retail Order may not originate from a trading algorithm or any other computerized methodology. An RMO is a Member (or a division thereof) that has been approved by the Exchange under BYX Rule 11.24 to submit Retail Orders. Pursuant to BYX Rule 11.24(b), which describes the qualification and application process for becoming a RMO, any member may qualify as a RMO if it conducts a retail business or routes retail orders on behalf of another broker-dealer.

Proposed Definition of Retail Order

The Exchange believes that retail customers are a key part of the trading ecosystem, and as such, has designed products and programs to execute Retail Orders quickly, at a low-cost, and with added pricing incentives. For instance, BYX's Retail Price Improvement (''RPI'') Program seeks to improve execution prices for retail customers who trade U.S. equities on BYX by offering sub-penny price improvement opportunities and enhanced rebates to Retail Orders. Liquidity providers have the ability to interact solely with contra-side Retail Orders (which is generally preferred to executing with non-Retail Orders to minimize adverse selection risk) by electing to submit an RPI Order [12] or an Enhanced RPI Order.[13] Under the BYX RPI Program, RPI Orders and Enhanced RPI Orders priced at least $0.001 better than the Protected National Best Bid (''Protected NBB'') or the Protected National Best Offer (''Protected NBO'') [14] in securities priced at or above $1.00 are eligible to execute against incoming Retail Orders.[15] RPI Orders and Enhanced RPI Orders submitted by liquidity providers under the RPI Program are executable only against incoming Retail Orders submitted by approved RMOs. While Exchange rules currently permit the routing of Retail

[5] A ''Retail Member Organization'' or ''RMO'' is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.24 to submit Retail Orders. *See* Rule 11.24(a)(1).

[6] A Retail Order is *currently* defined as ''an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.'' *See* Rule 11.24(a)(2).

[7] *See* Securities Exchange Act Release No. 104705 (January 28, 2026), 91 FR 4650 (February 2, 2026) (SR–CboeEDGX–2025–035).

[8] A ''riskless principal'' transaction is a transaction in which a member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and satisfies the original order by selling (buying) as principal at the *same* (emphasis added) price (the offsetting ''riskless'' leg). *See* FINRA Rule 5320.03—''Riskless Principal Exception'', available at: *https://www.finra.org/rules-guidance/rulebooks/finra-rules/5320*.

[9] *See* FINRA Rule 5320.3, Riskless Principal Exception, available at: *https://www.finra.org/rules-guidance/rulebooks/finra-rules/5320*.

[10] *See* Rule 11.9(b)(1). An Immediate or Cancel Order is ''[a] limit order that is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another trading center is treated as cancelled and is not posted to the BYX Book. . .''

[11] *See* Rule 11.9(c)(9). A Mid-Point Peg Order is ''[a] limit order that after entry into the System, the price of the order is automatically adjusted by the System in response to changes in the [national best bid or offer (''NBBO'')] to be pegged to the mid-point of the NBBO, or, alternatively, pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order. . .''

[12] *See* Rule 11.24(a)(3).

[13] *See* Rule 11.24(a)(4).

[14] *See* Rule 1.5(s). The term ''Protected NBB'' shall mean the national best bid that is a Protected Quotation and the term ''Protected NBO'' shall mean the national best offer that is a Protected Quotation.

[15] *See* Rule 11.24(a)(3) and Rule 11.24(a)(4). For securities priced below $1.00, an RPI Order or Enhanced RPI Order must be priced at least $0.0001 better than the Protected NBB or Protected NBO.

Orders, the Exchange does not currently identify Retail Orders as such when routing to away exchanges, and the Exchange does not propose to do so with this current proposal. Retail Orders that interact with price improving orders also receive an enhanced rebate on BYX.

The Exchange now seeks to amend Rule 11.24(a)(2) to provide that an RMO may also enter a Retail Order in a principal capacity, provided the RMO satisfies the conditions codified in proposed Rule 11.24(h). As noted above, some RMOs have expressed a desire to enter Retail Orders onto the Exchange on behalf of their retail customers in a principal capacity and subsequently provide such orders with post-execution price improvement in addition to any price improvement received on the Exchange. Because the RMO will allocate its Exchange execution to its retail customer at a different (and better) price than it received on the Exchange, such transaction can only be done in a principal capacity. To better illustrate the order flow of a Retail Order being executed in a principal capacity by an RMO, consider the following example:

- An RMO has an order in hand from its retail customer to sell 100 shares of stock XYZ;
- The RMO elects to send a Retail Order to the Exchange on behalf of its retail customer;
- The Retail Order is accepted and executed by the Exchange at a price improved price of $10.005;
- The Exchange sends the execution message back to the RMO with the execution price of $10.005;
- Based on their own internal best execution practices, or execution quality metrics, the RMO *may* then elect to provide their retail customer's order with price improvement *in addition* to that already received on the Exchange.
- For the purposes of this example, assume that the RMO indeed chooses to provide their retail customer with *additional* price improvement of $0.005, for a final execution price of $10.01.[16] This transaction is executed as principal, and is a separate transaction executed off-exchange by and between the RMO and its retail customer.
- This transaction and its execution price of $10.01 will be reported to the Transaction Reporting Facility (''TRF'') consistent with FINRA off-exchange reporting rules and guidance.[17]

Importantly, the Exchange intends for Retail Orders to be entered on behalf of only bona fide retail customers. As such, the Exchange now also proposes to introduce new Rule 11.24(h), Retail Orders Entered as Principal, to codify requirements designed to ensure that Retail Orders by RMOs in a principal capacity are in fact on behalf of retail customers. Specifically, the Exchange seeks to codify that any Retail Orders entered onto the Exchange in a principal capacity by an RMO on behalf of its retail customer(s) must meet the following criteria, which are similar to the requirements under FINRA Rule 5320.03's, Riskless Principal Exception: (i) the RMO must be in receipt of and actively managing, at the time of order entry onto the Exchange, a Retail Order it seeks to execute on behalf of a retail customer (ii) the Retail Order entered by an RMO as principal must solely be for the purpose of providing post-execution price improvement[18] to the retail customer(s) in addition to any price improvement received on the Exchange; (iii) the size of the principal order shall not be greater than that of the underlying order(s) entered on behalf of the retail customer(s); and (iv) the total number of shares executed in a principal capacity must be fully allocated to the underlying retail customer(s) in a consistent manner and within 60-seconds of execution.

The monitoring for compliance with these requirements will occur post-trade, as part of the Exchange's surveillance functions. Importantly, the Exchange's Regulatory and Surveillance departments already possess the capability to review Retail Orders to ensure that those entered in either a principal or riskless principal transaction were indeed entered and executed by the RMO on behalf of a retail customer.[19] For instance, the Exchange's Regulatory and Surveillance teams currently review Retail Orders entered as principal to determine whether such orders were in fact ultimately executed as riskless principal[20] and fully allocated to the RMO's end retail customer, at the *same price,* in accordance with FINRA Rule 5320.03. While the proposed amendment would enable RMOs to allocate a trade to their end retail customer at a different price, this would not diminish the Exchange's Regulatory and Surveillance teams' ability to effectively regulate RMOs' compliance with the Exchange's Retail Order rules. Rather, the Regulatory and Surveillance functions would instead need only monitor for Retail Orders that were entered principally, but not ultimately executed as riskless principal, and further inquire with the RMO that (i) the RMO was in receipt of and actively managing, at the time of order entry onto the Exchange, a Retail Order it sought to execute on behalf of a retail customer (ii) the Retail Order entered by an RMO as principal was solely for the purpose of providing post-execution price improvement to the retail customer(s) in addition to any price improvement received on the Exchange; (iii) the size of the principal order was not greater than that of the underlying order(s) entered on behalf of the retail customer(s); and (iv) the total number of shares executed in a principal capacity was fully allocated to the underlying retail customer(s) in a consistent manner and within 60-seconds of execution.

In this regard, whether the order is executed principally or as riskless principal, the Exchange will still have the ability to effectively enforce its rules. Indeed, the Exchange's Regulatory and Surveillance functions already monitor for Retail Orders that are entered as riskless principal as well as principal. Notably, for the full year 2025, 20.3% of all Retail Orders entered across each of Cboe's four equities exchanges, were entered as principal, compared to only 10.2% entered as

[16] Here, the RMO is not permitted to execute this transaction in a riskless principal capacity, because the RMO is not providing its retail customer with the *same* execution price it received on the Exchange. By permitting the RMO to use a principal order, though, the RMO would be able to provide its retail customer with price improvement *in addition* to that already received on the Exchange.

[17] *See* ''Trade Reporting Frequently Asked Questions'', Section 309: Reporting Customer Price Adjustment Transactions, available at: *https://www.finra.org/filing-reporting/market-transparency-reporting/trade-reporting-faq#309*.

[18] Should an RMO enter a Retail Order principally but elect not to provide post-execution price improvement the Exchange would expect that the RMO would allocate that execution back to their retail customer(s) in a riskless principal capacity, in which case such transaction must comply with existing Exchange Rule 11.24(a)(2) and FINRA Rule 5320.03.

[19] The Exchange permits RMOs to enter Retail Orders onto the Exchange in an agency, principal, or riskless principal capacity. *See* ''Capacity'' in ''Cboe US Equities BOE Specification'', pg. 62, available at: *https://cdn.cboe.com/resources/membership/Cboe_US_Equities_BOE_Specification.pdf*; see also ''Order Capacity'' in ''Cboe US Equities FIX Specification,'' p. 21, available at: *https://cdn.cboe.com/resources/membership/Cboe_US_Equities_FIX_Specification.pdf*.

[20] As a general matter the exchange notes that riskless principal transactions are typically entered into the marketplace as principal orders, buying the security for itself and then, post-execution, selling the security to its end-customer. If the broker-dealer sells its customer the security at the same price for which it purchased the security, this is typically called a riskless principal transaction. This transaction is known as ''riskless'' because the broker-dealer purchases the security, knowing that it will sell the security to its customer at the same price. *See generally* SEC Office of Education and Advocacy, ''Investor Bulletin: How to Read Confirmation Statements,'' available at: *https://www.sec.gov/investor/alerts/ib_confirmations.pdf*.

riskless principal. Therefore, as a practical matter, the Exchange is accustomed to conducting surveillance of Retail Orders entered as principal, and the proposed amendment should not pose any additional issues.

Importantly, for the purpose of determining whether an order should qualify as a Retail Order, the Exchange believes that from a surveillance perspective, principal orders and riskless principal orders are essentially the same order type. In addition to how it monitors and surveils Retails Orders (discussed directly above), BYX notes that there is no difference between a Retail Order entered as a riskless principal order that meets the requirements of FINRA Rule 5320.03, and a principal order, that meets the requirements of the proposed rule. As noted above, a riskless principal order is a transaction in which a Member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and, contemporaneously, satisfies the original order by selling (buying) as principal at the *same* price. A riskless principal order involves two orders, the execution of one being dependent upon the receipt of the execution of the other. As such, there is no ''risk'' in the interdependent transactions when completed. Notably, riskless principal orders are typically entered onto exchanges in a *principal* capacity, and the riskless principal leg of the transaction is reflected only via a corresponding non-media trade report to a FINRA Facility.[21] In this regard, the Exchange believes that the results of a riskless principal transaction and a principal transaction are the same: the customer will receive an execution while the involved Member acts as an intermediary to effect the transaction. However, instead of receiving the *same* Exchange execution price, the retail customer will now receive a *better* priced execution because the RMO is now able to commit capital to that order, as principal. Existing rule text does not permit this scenario because the current definition of Retail Order only permits an RMO to trade in an agency or riskless principal capacity. When trading as agent, the RMO is simply passing the execution back to its retail customer(s) at the price received on-Exchange. If trading as riskless principal, the RMO trades principally on the Exchange, but then allocates the execution, at the *same* price, back to its retail customer in a riskless transaction.[22] In this regard, by trading principally, an RMO may instead use its financial balance sheet and principal trading account to provide additional price improvement to a retail customer's order in a separate transaction. Here, the RMO is not permitted to execute this transaction in a riskless principal capacity, because the RMO is not providing its retail customer with the *same* execution price it received on the Exchange. By permitting the RMO to use a principal order, though, the RMO would be able to provide its retail customer with price improvement *in addition* to that already received on the Exchange.

Existing RMO Application Process/ Requirements & Proposed Policies and Procedures

The Exchange also notes that the proposed amendment does not present any new or material risks that the Exchange has not already mitigated through its RMO application process for orders entered onto the Exchange as Retail Orders on behalf of retail customers. Currently, Rule 11.24(b)(1)–(6) sets forth an objective process by which a Member organization applies to become an RMO. First, to qualify as a Retail Member Organization, a Member must conduct a retail routing business or route retail orders on behalf of another broker-dealer.[23] To become an RMO, a Member is required to submit an application form,[24] supporting documentation (*e.g.,* marketing literature, website screenshots, and other publicly disclosed materials) confirming that the applicant's order flow would meet the requirements of the Retail Order definition,[25] and an attestation [26] in a form prescribed by the Exchange, that substantially all orders submitted as Retail Orders will qualify as such under the Rule.[27] After submission of these materials, various Exchange functions, including legal and operations, review the application to assess whether the applicant's order flow complies with Exchange rules.[28] Applicants are then notified, in writing, of the Exchange's decision.[29]

Furthermore, all RMOs must have in place policies and procedures reasonably designed to ensure that it will only designate orders as Retail Orders if all requirements of a Retail Order are met.[30] These policies and procedures must require the Member to (i) exercise due diligence before entering a Retail Order to ensure that entry as a Retail Order is in compliance with the requirements of the Rule, and (ii) monitor whether orders entered as Retail Orders meet the applicable requirements.[31] If an RMO does not itself conduct a retail business but routes Retail Orders on behalf of another broker-dealer, the RMO's supervisory procedures must be reasonably designed to ensure that the orders it receives from the other broker-dealer that are designated as Retail Orders meets the definition of a Retail Order.[32] In these cases, the RMO must (i) obtain an annual written representation, in a form acceptable to the Exchange, from each other broker-dealer that sends the RMO orders to be designated as Retail Orders that the entry of such orders as Retail Orders will be in compliance with the requirements of Rule 11.24; and (ii) monitor whether Retail Order flow routed on behalf of other such broker-dealers meets the applicable requirements.[33] Importantly, the Exchange's regulatory and surveillance functions provide appropriate oversight by the Exchange by monitoring for continued compliance with the terms of these provisions. If an RMO fails to abide by the Retail Order requirements, the Exchange in its sole discretion may disqualify a Member from its status as an RMO.[34] The proposed amendment will not eliminate or diminish the strength of the existing protections currently codified in Rule 11.24.

In addition, as noted further above, the Exchange has proposed requirements pursuant to proposed Rule 11.24(h) designed to ensure that Retail Orders entered in a principal capacity are in fact entered on behalf of bona fide

[21] FINRA Members can report riskless principal transactions by submitting a single tape report to a FINRA Facility in the same manner as an agency transaction, marked with a ''riskless principal'' capacity indicator, excluding the mark-up or mark-down, commission-equivalent or other fee. Alternatively, members can report an OTC riskless principal transaction by submitting two (or more, as necessary) reports: (1) a tape report to reflect the initial leg of the transaction with a capacity of principal; and (2) a non-tape (regulatory or clearing-only) report to reflect the offsetting ''riskless'' leg of the transaction with a capacity of riskless principal.

[22] *Id.*

[23] *See* Rule 11.24(b)(1).

[24] *See* Rule 11.24(b)(2)(A).

[25] *See* Rule 11.24(b)(2)(B).

[26] *See,* ''Retail Member Organization—Broker-Dealer Customer Agreement'', and ''Broker-Dealer Customer Annual Attestation'' of ''Cboe BYX Exchange, Inc., Retail Member Organization Application'', available at: *https://cdn.cboe.com/resources/membership/BYX_Retail_Member_Organization_Application.pdf.* Following approval of this proposal, the Exchange will make conforming edits to the attestation reflecting the changes to the definition of ''Retail Order'', as well as the amendments made to Rule 11.24.

[27] *See* Rule 11.24(b)(2)(C)

[28] *See* Rule 11.24(b)(3)

[29] *Id.*

[30] *See* Rule 11.24(b)(6).

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *See* Rule 11.24(c)(1).

retail customers, and that such principal orders comply with specific requirements. Namely, when entering a Retail Order onto the Exchange for execution in a principal capacity, an RMO must comply with the following requirements, which are similar to those required by FINRA Rule 5320.03's Riskless Principal Exception requirements: (i) the RMO must be in receipt of and actively managing, at the time of order entry onto the Exchange, a Retail Order it seeks to execute on behalf of a retail customer (ii) the Retail Order entered by an RMO as principal must solely be for the purpose of providing post-execution price improvement [35] to the retail customer(s) in addition to any price improvement received on the Exchange; (iii) the size of the principal order shall not be greater than that of the underlying order(s) entered on behalf of the retail customer(s); and (iv) the total number of shares executed in a principal capacity must be fully allocated to the underlying retail customer(s) in a consistent manner and within 60-seconds of execution

In conjunction with these requirements, the Exchange also proposes to amend Rule 11.24(b)(6), to codify the requirements that RMOs choosing to enter Retail Orders in a principal capacity must have in place policies and procedures reasonably designed to ensure compliance with the requirements of 11.24(h), and to ensure the RMO is able to, upon request, provide the Exchange with documentation evidencing compliance with such requirements. Moreover, if a Retail Member Organization does not itself conduct a retail business, but chooses to execute in a principal capacity Retail Orders it manages on behalf of another broker-dealer, the Retail Member Organization's supervisory procedures must be reasonably designed to ensure that the orders it receives from such other broker-dealer that are designated as Retail Orders meet the definition of a Retail Order. The Retail Member Organization must: (i) obtain an annual written representation, in a form acceptable to the Exchange, from each other broker-dealer that sends the Retail Member Organization orders to be designated as Retail Orders that entry of such orders as Retail Orders will be in compliance with the requirements of this Rule; and (ii) monitor whether Retail Order flow routed on behalf of such other broker-dealers meets the applicable requirements.

Finally, the Exchange believes it important to note that as Members of the Exchange, RMOs must be registered brokers or dealers. As registered brokers or dealers, RMOs are subject to a panoply of rules, such as FINRA Rule 2010 (Standards of Commercial Honor and Principles of Trade), BYX Rule 2.2 (Obligation of Members and the Exchange), and BYX Rule 3.1 (Business Conduct of Members). These rules require, amongst other things, that as brokers or dealers, Members are required to conduct business with the highest standards of commercial honor, and obligate Members to comply with all Exchange rules, by-laws, and regulations.[36] While the Exchange has an obligation to maintain fair and orderly markets and carry out it its duties as a self-regulatory organization, RMOs are also obligated to ensure that only orders that comply with Exchange rules are routed to the Exchange and designated as Retail Orders.

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.[37] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [38] 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) [39] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change is consistent with these principles because it would increase competition among execution venues, encourage additional on-exchange retail liquidity, and in turn, increase the opportunities for retail customers to receive even greater levels of price improvement from RMOs that trade principally and choose to commit additional capital to their Retail Orders. The Exchange notes that a significant percentage of the orders of individual customers are executed over the counter.[40] By providing RMOs with an additional order capacity in which they may submit their retail orders to the Exchange, BYX believes that more retail flow may be directed to the Exchange and have the opportunity to execute on a regulated, transparent market. Indeed, even the Commission has noted that ''a very large percentage of marketable (immediately executable) order flow of individual customers is 'executed' or 'internalized' by broker-dealers in the [over-the-counter-markets].'' [41] The Commission has also noted that a review of the order flow of eight retail brokers revealed that nearly 100% of their customer market orders were routed to over-the-counter market makers, often pursuant to payment for order flow arrangements.[42] By making clear to retail broker-dealers that, subject to the conditions discussed herein, they can enter and execute Retail Orders on the Exchange in a principal capacity, such market participants may be encouraged to seek on-Exchange price improvement opportunities. The Exchange believes that the proposed change is likely to increase the number of Retail Orders entered onto the Exchange. Based on feedback from Members that manage retail orders, they already trade retail orders on-exchange in a principal capacity. However, because Exchange Rules do not currently permit the execution and allocation of a Retail Order in a principal capacity, such

[35] Should an RMO enter a Retail Order principally but elect not to provide post-execution price improvement the Exchange would expect that the RMO would allocate that execution back to their retail customer(s) in a riskless principal capacity, in which case such transaction must comply with existing Exchange Rule 11.24(a)(2) and FINRA Rule 5320.03.

[36] While the RMO application process discussed above does rely on information provided by the applicant, the Exchange believes that ultimately it must be allowed to rely on representations made by registered brokers or dealers that are obligated to conduct their securities business consistent with the highest standards of commercial honor, and in submitting their application, have attested to the accuracy of the information provided to the Exchange.

[37] 15 U.S.C. 78f(b).

[38] 15 U.S.C. 78f(b)(5).

[39] *Id.*

[40] Ninety-plus percent (90%) of retail marketable orders are routed to wholesalers and executed off-exchange. *See* Chair Gensler's remarks, ''Market Structure and the Retail Investors: Remarks Before the Piper Sandler Global Exchange Conference'', (June 2, 2022), available at: *https://www.sec.gov/news/speech/gensler-remarks-piper-sandler-global-exchange-conference-060822*).

[41] See Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594, 3600 (January 21, 2010) (''Concept Release on Equity Market Structure'').

[42] *Id.*

Members simply enter their principal retail orders as non-retail attested order flow—*i.e.,* they do not enter Retail Orders as RMOs, onto the Exchange. As such, these Members' retail customer orders are not eligible to avail themselves of the benefits BYX offers to retail firms and Retail Orders. By making clear that such Members can now enter such orders as Retail Orders, the Exchange believes the volume of Retail Orders entered onto the Exchange will increase. In turn, an increase in the number of Retail Orders submitted onto the Exchange will encourage more retail liquidity provision, thereby deepening BYX's retail liquidity pool, fostering enhanced price discovery, and offering Retail Orders more price improvement opportunities as the number of liquidity providers competing to trade with Retail Orders increases.

The Exchange also believes that the proposed amendment to add principal orders to the definition of Retail Order, promotes just and equitable principles of trade and is not unfairly discriminatory. All RMOs are permitted to utilize the proposed principal order capacity and doing so is not mandatory. While some RMOs may choose not to provide additional price improvement to executions they receive on the Exchange, such possibility does not make the proposed amendment discriminatory. Indeed, to prevent all RMOs from trading in a principal capacity to provide their retail customers with additional price improvement, simply because some RMOs may choose not to do so, only disadvantages the retail customer. Moreover, each RMO has its own rationale and strategies in how to provide their retail orders with best execution, and the proposed amendment to merely permit trading in a principal capacity should not be germane to a consideration of whether certain RMOs are better positioned to trade in this manner, than others.

Moreover, proposed Rule 11.24(h) and the proposed amendment to Rule 11.24(b)(6) are designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade. Specifically, the proposed requirements under Rule 11.24(h) are designed to ensure that RMOs trade principally only on behalf of bona fide retail customers, and not the RMOs own trading account. Furthermore, the requirement that RMOs have in place policies and procedures reasonably designed to ensure compliance with Rule 11.24(h) will also help to ensure that RMOs are cognizant of their regulatory obligations, thereby better ensuring their compliance with Rule 11.24(h). Additionally, Rule 11.24(b)(6)'s requirement that RMOs also have policies and procedures in place reasonably designed to ensure that RMOs can, upon request, provide the Exchange with documentation of their compliance with Rule 11.24(h) will help to ensure the Exchange can properly surveil and regulate its RMOs.

Finally, the Exchange also believes that this proposal is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. As noted above, while the proposed definition will help to ensure that only bona fide retail customers receive the benefits afforded to Retail Orders, the segmentation afforded Retail Orders is not a novel concept in the securities market. The Commission has long recognized that U.S. capital markets should be structured with the interests of retail customers in mind [43] and recently proposed a series of rules designed, in part, to attempt to bring order flow back to the exchanges from off-exchange trading venues.[44] Indeed, the proposed amendments are substantially similar those approved by the Commission for EDGX with differences only to account for the Exchange's existing rule text and details and descriptions included in the Exchange's Rules but not in the applicable Rules of EDGX.[45]

Additionally, while certain RMOs may elect to trade principally and other RMOs may choose not to do so, the Exchange is not privy to such decision making and the Exchange does not dictate how RMOs may choose to enhance the execution quality of their Retail Orders. Just as some RMOs choosing to enter their Retail Orders onto the Exchange with more marketable or more conservative limit prices is non-discriminatory, the mere fact that the Exchange now seeks to permit an RMO to trade principally should not raise such concerns. Moreover, any RMO that satisfies the requirements of Rule 11.24(h) may enter Retail Orders onto the Exchange in a principal capacity, regardless of their size or trading volume. Likewise, trading principally is not a requirement to enter orders onto the Exchange as principal, and RMOs are free to do so, or not, consistent with their business models and order handling practices.

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 intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed amendment will help to enhance the submission of Retail Orders to the Exchange by providing RMOs with additional flexibility in how they choose to execute their retail customers' orders on the Exchange. In turn, greater overall order flow and trading opportunities benefits all market participants on the Exchange. An increase in RMO activity and liquidity providing orders will serve to enhance the Exchange's available liquidity. Deeper liquidity pools will, in turn, enhance price discovery, as well as price improvement opportunities for retail customers as liquidity providers compete for retail executions. Liquidity providers also benefit by being able to interact with retail order flow that is often executed off-exchange, and therefore generally inaccessible to those trading in the lit markets.

While the proposed definition will help to ensure that only bona fide retail customers receive the benefits afforded to Retail Orders, the segmentation afforded Retail Orders is not a novel concept in the securities market. The Commission has long recognized that U.S. capital markets should be structured with the interests of retail customers in mind [46] and has proposed a series of rules designed, in part, to attempt to bring order flow back to the exchanges from off-exchange trading venues.[47] In this regard, the proposed amendments should not result in any new or novel issues to be considered by the Commission or that have not already been contemplated by today's market participants. For example, many exchanges, including the Exchange's affiliate, EDGX, offer retail price improvement programs designed to attract retail order flow to regulated markets and provide retail order flow with price improvement

[43] *See* U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at *https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.*

[44] See Securities Exchange Act Release No. 96495 (December 14, 2022), 88 FR 128 (January 3, 2023) (''Order Competition Rule''); Securities Exchange Act Release No. 96494 (December 14, 2022), 87 FR 80266 (December 29, 2022) (''Tick Size Proposal''); Securities Exchange Act Release No. 96496 (December 14, 2022), 88 FR 5440 (January 27, 2023) (''Regulation Best Execution''); Securities Exchange Act Release No. 96493 (December 14, 2022), 88 FR 3786 (January 20, 2023) (''Disclosure of Order Execution Information''). The Exchange notes that while such proposals have since been withdrawn by the Commission, the underlying principles of investor protection and protection of the interests of retail investors, remain a critical focus of the SEC, today.

[45] *Supra* note 7.

[46] *Supra* note 40.

[47] *Supra* note 41.

opportunities.[48] The aforementioned retail price improvement programs provide benefits to Retail Orders not afforded to other customers by segmenting retail order flow from traditional order flow. Indeed, the proposed amendments are substantially similar those approved by the Commission for EDGX with differences only to account for the Exchange's existing rule text and details and descriptions included in the Exchange's Rules but not in the applicable EDGX Rules.[49] The Exchange's proposal, like that approved by the Commission for EDGX, does not encourage additional segmentation, but rather seeks to enhance existing benefits to retail customers by codifying that RMOs may utilize a principal order type in order to provide additional post-execution price improvement to Retail Orders.

Additionally, the Exchange does not believe its proposal unfairly discriminates between Retail Orders—*i.e.,* between Retail Orders that are executed principally, and Retail Orders executed in an agency or riskless principal capacity. While Retail Orders entered in a principal capacity must satisfy additional requirements compared to Retail Orders entered as agent or riskless principal, these requirements are designed to ensure that the benefits of the Exchange's Retail Order program accrue only to bona fide retail brokers and their retail customers. Moreover, treating Retail Orders entered principally in the same manner as Retail Orders entered as agent or riskless principal equally does not unfairly discriminate between Retail Orders. The choice to enter a Retail Order principally or as agent or riskless principal, does not provide a Retail Order with any additional on-Exchange benefits—*i.e.,* whether entered as principal, riskless principal, or agent, the Retail Order will be handled in the same manner. The additional price improvement received by principal Retail Orders is fully accrued off-Exchange, when the RMO chooses to provide *additional* price improvement to their retail customers *post-execution on the Exchange*.

The Exchange further believes that the proposed rule change will increase intermarket competition by enabling the Exchange to better compete with other exchanges and off-exchange trading venues for retail order flow. The Commission has spoken about ''increasing competition and enhancing the direct exposure of individual customer orders to a broader spectrum of market participants'' [50] and the Exchange believes its proposed amendment to the definition of Retail Order will help to encourage RMOs to submit additional retail order flow to the Exchange. In turn, retail customers will have additional opportunities to receive executions on a transparent, regulated, national securities exchange in addition to the currently available off-exchange trading venues, and could also create additional incentives for regulated exchanges to develop additional liquidity programs designed at providing additional benefits to retail customers, thus promoting additional intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [51] and Rule 19b–4(f)(6) thereunder.[52] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [53] and Rule 19b–4(f)(6)(iii) thereunder.[54]

A proposed rule change filed under Rule 19b–4(f)(6) [55] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[56] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may provide RMOs with additional flexibility in how they choose to execute their retail customers' orders on the Exchange. The Exchange states that the proposed changes to Rule 11.24(a)(2) and 11.25(b)(6), and the addition of proposed Rule 11.24(h), which imposes additional requirements an RMO must comply with in order to enter Retail Orders as principal, will help to increase competition among execution venues, encourage additional on-exchange retail liquidity, and in turn, increase the opportunities for retail customers to receive even greater levels of price improvement from RMOs that trade principally and choose to commit additional capital to their Retail Orders. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[57]

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 under Section 19(b)(2)(B) [58] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or

[48] *See, e.g.,* NYSE National, Inc. Rule 7.44 (Retail Liquidity Program); Investors Exchange Inc. Rule 11.232 (Retail Price Improvement Program).

[49] *Supra* note 7.

[50] *See* Order Competition Rule at 178.

[51] 15 U.S.C. 78s(b)(3)(A)(iii).

[52] 17 CFR 240.19b–4(f)(6).

[53] 15 U.S.C. 78s(b)(3)(A).

[54] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[55] 17 CFR 240.19b–4(f)(6).

[56] 17 CFR 240.19b–4(f)(6)(iii).

[57] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* U.S.C. 78c(f).

[58] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeBYX–2026–005 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2026–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2026–005 and should be submitted on or before April 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04895 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104962; File No. SR–NASDAQ–2025–085]

Self-Regulatory Organizations; Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the iShares Bitcoin Premium Income ETF Under Nasdaq Rule 5711(d) (Commodity Based Trust Shares)

March 10, 2026.

On September 30, 2025, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the of the iShares Bitcoin Premium Income ETF (''Trust'') under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on October 2, 2025.[3]

On November 3, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 16, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7]

Section 19(b)(2) of the Act[8] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on October 2, 2025.[9] The 180th day after publication of the proposed rule change is March 31, 2026. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[10] designates May 30, 2026, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2025–085).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04899 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104959; File No. SR–NYSEARCA–2026–25]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

March 10, 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 March 2, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') by adopting a cap to the credit payable under Step Up Tier 3 under the Step Up Tiers pricing table. The proposed rule change is available on the Exchange's website at *www.nyse.com,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

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[59] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104148 (Sept. 30, 2025), 90 FR 47846. The Commission has received no comments on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 104173, 90 FR 57424 (Nov. 17, 2025). The Commission designated December 31, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 104414, 90 FR 59600 (Dec. 19, 2025).

[8] 15 U.S.C. 78s(b)(2).

[9] *See supra* note 3 and accompanying text.

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 the Fee Schedule by adopting a cap to the credit payable under Step Up Tier 3 under the Step Up Tiers pricing table. The Exchange proposes to implement the fee change effective March 2, 2026.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 17 exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 15% market share of executed volume of equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. Accordingly, competitive forces constrain exchange transaction fees and credits because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

Currently, under the Step Up Tiers pricing table in Section VII. Tier Rates—Round Lots and Odd Lots (Per Share Price $1.00 or Above) of the Fee Schedule, the Exchange provides credits to ETP Holders who submit orders that provide displayed liquidity on the Exchange. The Exchange currently has multiple levels of credits for orders that provide displayed liquidity that are based on the amount of volume of such orders that ETP Holders send to the Exchange.

Given the competitive environment in which the Exchange operates, the Exchange has established multiple Step Up Tiers, which are designed to encourage ETP Holders that provide displayed liquidity on the Exchange to increase that order flow, which would benefit all ETP Holders by providing greater execution opportunities on the Exchange. In order to provide an incentive for ETP Holders to direct providing displayed order flow to the Exchange, the credits increase in the current tiers based on increased levels of volume directed to the Exchange.

Currently, the following credits are available to ETP Holders that provide increased levels of displayed liquidity on the Exchange:

Tier	Credit for adding displayed liquidity
Step Up Tier 2	$0.0033 (Tapes A and C) $0.0034 (Tape B).
Step Up Tier 3	$0.0031 (Tapes A, B and C).

ETP Holders that currently qualify for Step Up Tier 2 do not receive any additional incremental Tape B Tier credits for adding displayed liquidity, including any additional credits associated with Less Active ETP Securities and are currently capped at $0.0033 per share in Tape A and Tape C securities and $0.0034 per share in Tape B securities. However, ETP Holders that are registered as a Lead Market Maker (LMM) may receive up to a combined Step Up Tier 2 credit of $0.0036 per share on all its adding volume in Tape B securities if the ETP Holder, together with its affiliates,[10] executes Tape B adding ADV that is at least 40% over the ETP Holder's adding ADV in Q3 2019, as a percentage of Tape B CADV.

With this proposed rule change, the Exchange proposes to extend the current cap to the Step Up Tier 3 credit in Tape B securities. Accordingly, ETP Holders that qualify for Step Up Tier 2 or Step Up Tier 3 shall not receive additional Tape B Tier credits for adding displayed liquidity, including any additional credits associated with Less Active Securities.

With this proposed rule change, ETP Holders that currently qualify for Step Up Tier 2 that are registered as a LMM would continue to receive up to a combined Step Up Tier 2 credit of $0.0036 per share on all its adding volume in Tape B securities if the ETP Holder, together with its affiliates, executes Tape B adding ADV that is at least 40% over the ETP Holder's adding ADV in Q3 2019, as a percentage of Tape B CADV.

The Exchange proposes to amend current footnote (b) in the Step Up Tiers pricing table to reflect the extension of the proposed cap to ETP Holders that qualify for Step Up Tier 3. The Exchange proposes to further amend the text of footnote (b) to clarify that ETP Holders that are currently eligible to receive the combined credit of $0.0036 per share would continue to be eligible for such enhanced credit.

The purpose of the proposed rule change is to continue to incentivize order flow providers to send liquidity-providing orders to the Exchange while capping the level of credit that such participants would receive under the

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

[10] The term ''affiliate'' means any ETP Holder under 75% common ownership or control of that ETP Holder. *See* Fee Schedule, NYSE Arca Marketplace: General, Section II. Aggregate Billing of Affiliated ETP Holders.

current Step Up Tier 3. The Exchange believes that, although it is proposing to limit the financial incentive for orders that provide displayed liquidity in Tape B securities, the current rebate payable under Step Up Tier 3, *i.e.,* $0.0031 per share, is among one of the highest credits paid by the Exchange and should continue to serve as an incentive for ETP Holders to direct displayed liquidity providing orders to the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[12] 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.

As discussed above, the Exchange 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 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.'' [13]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces reasonably constrain exchange transaction fees and credits that relate to orders that would provide and remove liquidity on an exchange. Stated otherwise, changes to exchange transaction fees and credits can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes the proposed rule change to adopt a cap on the credit applicable to the Step Up Tier 3 credit in Tape B securities is reasonable because the current credit, which is among the highest paid by the Exchange should continue to incentivize ETP Holders to participate on the Exchange and execute a greater number of orders in Tape B securities on the Exchange. The Exchange believes the current level of credit payable under the Step Up Tier 3 pricing tier should continue to encourage ETP Holders to submit additional liquidity to a national securities exchange. Submission of additional liquidity to the Exchange would promote price discovery and transparency and enhance order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable and not unfairly discriminatory because they are available to all ETP Holders on an equal basis. Additionally, the Exchange is one of many venues and off-exchange venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. Competing exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based on members achieving certain volume thresholds.

The Exchange believes its proposal equitably allocates its fees and credits among its market participants.

The Exchange believes the proposed amendment to adopt a cap under Step Up Tier 3 equitably allocates its fees and credits among market participants. The Exchange believes the level of the credit currently payable under Step Up Tier 3, which is among the highest paid by the Exchange, should continue to incentivize ETP Holders to participate on the Exchange and execute their orders in Tape B securities. The Exchange believes the current level of credit payable under Step Up Tier 3 should continue to encourage ETP Holders to send orders that add liquidity to the Exchange, thereby contributing to robust levels of liquidity for the benefit all market participants.

The Exchange believes the proposed rule change would thereby encourage the submission of additional orders to a national securities exchange, thus promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange, which would benefit all market participants on the Exchange. ETP Holders that currently qualify for credits associated with Step Up pricing tiers on the Exchange will continue to receive credits when they provide liquidity to the Exchange. The Exchange believes that recalibrating the requirements for providing liquidity will continue to attract order flow and liquidity to the Exchange for the benefit of investors generally.

The Exchange believes that the proposal is not unfairly discriminatory.

The Exchange believes it is not unfairly discriminatory to cap the current level of credit payable under Step Up Tier 3 for providing displayed liquidity in Tape B securities because the proposed cap would be applied on an equal basis to all ETP Holders, who would all be subject to the proposed change on an equal basis. Additionally, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. The proposal does not permit unfair discrimination because the proposed change would be applied to all ETP Holders, who would all be subject to the proposed cap on an equal basis. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by this allocation of fees. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. The submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [14] 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 the burden on competition, the Exchange believes that its transaction

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[14] 15 U.S.C. 78f(b)(4) and (5).

pricing is subject to significant competitive forces.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] 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. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [16]

Intramarket Competition. The Exchange believes the proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or its competitors. The Exchange believes that the proposed adoption of a cap for the credit payable under Step Up Tier 3, which continues to be among the highest credits that ETP Holders can qualify for, would continue to incentivize market participants to direct liquidity adding order flow to the Exchange, bringing with it additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage ETP Holders to send orders in Tape B securities, thereby contributing towards a robust and well-balanced market ecosystem.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is currently less than 15%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. 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 does not believe its proposed fee change imposes any burden on intermarket competition.

The Exchange believes that the proposed changes could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

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,[17] and Rule 19b–4(f)(2) thereunder [18] 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–NYSEARCA–2026–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NYSEARCA–2026–25 and should be submitted on or before April 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04896 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104961; File No. SR–CBOE–2026–017]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules 4.3 (Criteria for Underlying Securities), 4.20 (FLEX Option Classes), 8.30 (Position Limits), 8.35 (Position Limits for FLEX Options) and 8.42 (Exercise Limits)

March 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

[15] 15 U.S.C. 78f(b)(8).

[16] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4.

[19] 17 CFR 200.30–3(a)(12).

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 24, 2026, Cboe Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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. (''Cboe Options'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to amend Exchange Rules 4.3 (Criteria for Underlying Securities), 4.20 (FLEX Option Classes), 8.30 (Position Limits), 8.35 (Position Limits for FLEX Options) and 8.42 (Exercise Limits) in connection with, as applicable, options overlying the following Exchange-Traded Funds: the Fidelity Wise Origin Bitcoin Fund, the ARK 21Shares Bitcoin ETF, the iShares Bitcoin Trust, the Fidelity Ethereum Fund, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, the Bitwise Bitcoin ETF, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust, the iShares Ethereum Trust, and the VanEck Bitcoin ETF. 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 Rule 4.3 (Criteria for Underlying Securities), Interpretation and Policy .06(a)(4), Rule 4.20 (FLEX Option Classes), Rule 8.30 (Position Limits), Interpretation and Policy .10 (Interest in Commodities-Based Trusts), Rule 8.35 (Position Limits for FLEX Options) subparagraphs (c)(1)(A) and (C), and Rule 8.42 (Exercise Limits), Interpretation and Policy .02 in connection with, as applicable, options overlying the following Exchange-Traded Funds (''ETFs''): the Fidelity Wise Origin Bitcoin Fund, the ARK 21Shares Bitcoin ETF, the iShares Bitcoin Trust, the Fidelity Ethereum Fund, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, the Bitwise Bitcoin ETF, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust, the iShares Ethereum Trust, and the VanEck Bitcoin ETF (collectively the ''Crypto Assets''). Each change is described in further detail below.

Background

On October 18, 2024, the Exchange received approval to list options on the Fidelity Wise Origin Bitcoin Fund and the ARK 21Shares Bitcoin ETF.[5] On November 21, 2024, the Exchange filed to allow the Exchange to list and trade options on the iShares Bitcoin Trust, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, and the Bitwise Bitcoin ETF.[6] On April 9, 2025, the Exchange received approval to list options on the Fidelity Ethereum Fund.[7] On April 9, 2025, the Exchange filed to allow the Exchange to list and trade options on the iShares Ethereum Trust.[8] On April 10, 2025, the Exchange filed to allow the Exchange to list and trade options on the Grayscale Ethereum Trust ETF, the Grayscale Ethereum Mini Trust ETF, and the Bitwise Ethereum ETF.[9] On July 29, 2025 The Exchange received approval to list and trade options on the VanEck Bitcoin ETF.[10] These aforementioned approvals and notices permitted the Exchange to trade options on the Crypto Assets, each subject to a 25,000 contract position limit [11] and a restriction on the trading of FLEX Options.

On August 6, 2025, the Exchange filed to amend the position limits for options on the iShares Bitcoin Trust ETF, Grayscale Bitcoin Trust ETF, Grayscale Bitcoin Mini Trust BTC, and Bitwise Bitcoin ETF to eliminate the 25,000 contract position limits in Rule 8.30, Interpretation and Policy.10.[12] On August 7, 2025 the Exchange filed to allow the Exchange to list and trade FLEX equity options on the iShares Bitcoin Trust, Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, and the Bitwise Bitcoin ETF.[13]

On November 14, 2025, the Exchange's proposal to permit certain options on ETFs that represent interests in a Commodity-Based Trust that meet

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act No. 101387 (October 18, 2024) 89 FR 84948 (October 24, 2024) (SR–CBOE–2024–035) (Notice of Filing of Amendment Nos. 2 and 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, To Permit the Listing and Trading of Options on Bitcoin Exchange-Traded Funds).

[6] *See* Securities Exchange Act No. 101711 (November 21, 2024) 89 FR 94846 (November 29, 2024) (SR–CBOE–2024–051) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules 4.3, 4.20, and 8.30).

[7] *See* Securities Exchange Act No. 102797 (April 9, 2025) 89 FR 84948 (April 15, 2025) (SR–CBOE–2024–036) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Listing and Trading of Options on Shares of the Fidelity Ethereum Fund).

[8] *See* Securities Exchange Act No. 102831 (April 11, 2025) 90 FR 16290 (April 17, 2025) (SR–CBOE–2025–025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules To Allow the Exchange To List Options on the iShares Ethereum Trust).

[9] *See* Securities Exchange Act No. 16246 (April 11, 2025) 90 FR 16236 (April 17, 2025) (SR–CBOE–2025–026) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules To List and Trade Options on the Grayscale Ethereum Trust ETF, the Grayscale Ethereum Mini Trust ETF, and the Bitwise Ethereum ETF).

[10] *See* Securities Exchange Act No. 103569 (July 29, 2025) 90 FR 36210 (August 1, 2025) (SR–CBOE–2025–017) (Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4, To Amend Rules 4.3, 4.20, and 8.30, To Allow the Exchange To List and Trade Options on the VanEck Bitcoin ETF).

[11] Pursuant to Rule 8.42, Interpretation and Policy .02, the exercise limit for options on the Crypto Assets is the same as the position limit.

[12] *See* Securities Exchange Act No. 103663 (August 8, 2025) 90 FR 39008 (August 13, 2025) (SR–CBOE–2025–056) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules Regarding the Position and Exercise Limits for Options on the iShares Bitcoin Trust ETF, Grayscale Bitcoin Trust ETF, Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF).

[13] *See* Securities Exchange Act No. 103720 (August 7, 2025) 90 FR 40669 (August 20, 2025) (SR–CBOE–2025–058) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 4.20 and 8.35 To Permit Flexible Exchange Options on iShares Bitcoin Trust, Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, and the Bitwise Bitcoin ETF).

certain generic listing requirements was deemed approved.[14] As amended, Rule 4.3, Interpretation and Policy .06(a)(6) allows the Exchange to list and trade options on ETFs [15] that represent interests in a Commodity-Based Trust that (A) meets the generic criteria of the U.S. exchange that is the primary equities listing market for the Commodity-Based Trust, and (B) holds a single crypto asset that meets the following requirements: (i) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (ii) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG'').

Any option overlying a Commodity-Based Trust approved pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6) is subject to the position limits set forth in Exchange Rules 8.30.02. Further, any option approved pursuant to Rule 4.3, Interpretation and Policy .06(a)(6) is not restricted from trading as a FLEX Option.

Proposal

Options on the Crypto Assets all qualify for listing pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6) as options on Commodity-Based Trusts. As such, similar to other options listed pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6), options on the Crypto Assets should be subject to the position limits set forth in Exchange Rule 8.30.02. Also, options on the Crypto Assets should not be restricted from trading as FLEX Options. To that end, the Exchange proposes to eliminate the Fidelity Wise Origin Bitcoin Fund, the ARK 21Shares Bitcoin ETF, the iShares Bitcoin Trust, the Fidelity Ethereum Fund, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, the Bitwise Bitcoin ETF, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust, the iShares Ethereum Trust and the VanEck Bitcoin Trust from Exchange Rule 4.3, Interpretation and Policy .06(a)(4) as options on each of the Crypto Assets are eligible to list pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6).

The Exchange proposes to permit authorization for trading of a FLEX Option on any of the Crypto Assets in the same manner as any other equity security. Accordingly, the Exchange proposes to remove the following parenthetical from Exchange Rule 4.20 which provides that the Exchange may authorize for a FLEX Option class on any equity security ''(except the Fidelity Wise Origin Bitcoin Fund, the Fidelity Ethereum Fund, the ARK 21Shares Bitcoin ETF, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust, or the iShares Ethereum Trust, or the VanEck Bitcoin ETF).''

The Exchange proposes to delete Rule 8.30.10 to remove the 25,000 position limit restrictions for options on the Fidelity Wise Origin Bitcoin Fund, ARK 21Shares Bitcoin ETF, Bitwise Ethereum ETF, Fidelity Ethereum Fund, Grayscale Ethereum Trust, Grayscale Ethereum Mini Trust, the iShares Ethereum Trust, and the VanEck Bitcoin ETF from Exchange Rule 8.30.[16]

The Exchange proposes to delete Rule 8.35(c)(1)(C) so that similar to all other options, FLEX equity options on the iShares Bitcoin Trust, Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, and Bitwise Bitcoin ETF would no longer be aggregated with positions on non-FLEX options overlying these Commodity-Based Trusts for the purpose of calculating the position limits set forth in Rule 8.30.02 and exercise limits in Rule 8.42.02.[17]

With this proposal, options on a Commodity-Based Trust that qualify to be listed pursuant to Rule 4.3, Interpretation and Policy .06(a)(6) would be treated similar to all other options for purposes of position limits and FLEX Option trading.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [19] 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) [20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change removes impediments to and perfects the mechanism of a free and open market and a national market system by aligning the treatment of options on the Crypto Assets with the Exchange's generic listing standards for options on ETFs that represent interests in a Commodity-Based Trust. As noted above, on November 14, 2025, the Exchange's proposal to establish generic listing criteria for options on certain Commodity-Based Trusts was deemed approved. Rule 4.3, Interpretation and Policy .06(a)(6), now permits the Exchange to list and trade options on ETFs that represent interests in a Commodity-Based Trust that meets specified criteria, including requirements related to market capitalization and surveillance sharing agreements.

Each of the Crypto Assets qualifies for listing pursuant to these generic criteria. The proposed rule change eliminates the need for product-specific restrictions that were imposed when these products were initially approved on a named basis, prior to the establishment of the generic listing framework. By removing these products from the exceptions in Rule 4.3, Interpretation and Policy .04(a)(4), Rule 4.20, Rule 8.30, Interpretation and Policy .10, Rule 8.35(c)(1)(C), and Rule 8.42, Interpretation and Policy .02, the Exchange is simply applying the same regulatory treatment to options on the Crypto Assets that applies to all other options that qualify under the generic listing standards. This promotes consistency and regulatory efficiency while maintaining appropriate investor protections.

The Exchange believes that permitting FLEX Options on all Crypto Assets is consistent with the protection of investors and the public interest. FLEX Options provide investors with the ability to customize certain contract terms, including exercise price, exercise style, and expiration date, to meet

[14] *See* Securities Exchange Act No. 104210 (November 18, 2025) 90 FR 52727 (November 21, 2025) (SR–CBOE–2025–014) (Notice of Deemed Approval of Various Proposed Rule Changes).

[15] *See* Exchange Rule 1.1 (Definitions) for ''Unit'' and ''ETF''.

[16] The Exchange also proposes to delete the cross-reference to Rule 8.30.10 in Rule 8.42.02.

[17] The Exchange also proposes to delete the cross-reference to Rule 8.35(c)(1)(C) in Rule 8.35(c)(1)(A)

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *Id.*

specific investment objectives and hedging needs. The Exchange notes that FLEX Options are subject to the same surveillance and regulatory oversight as standard options. The restriction on FLEX Option trading for the Crypto Assets was imposed when these products were initially approved on a named basis. Now that the Exchange has established generic listing criteria for options on Commodity-Based Trusts, and the Crypto Assets meet those criteria, there is no basis to continue restricting FLEX Option trading on these products while permitting it on other options that meet the same generic standards. Removing this restriction removes impediments to and perfects the mechanism of a free and open market by providing market participants with the same flexibility and risk management tools for options on the Crypto Assets that are available for other options products.

The Exchange believes that applying the standard position (and exercise) limit framework set forth in Rule 8.30.02 to options on all Crypto Assets, rather than maintaining a 25,000-contract limit, is consistent with the protection of investors and the prevention of fraudulent and manipulative acts and practices. The 25,000-contract position (and exercise) limit was imposed when options on the Crypto Assets were initially approved on a named basis, prior to the establishment of generic listing criteria. The Exchange's standard position limit framework in Rule 8.30 is designed to prevent the establishment of options positions that can be used to manipulate the underlying security while still allowing sufficient flexibility for legitimate hedging and investment strategies. The position limits set forth in Rule 8.30 are based on objective criteria, including the trading volume and market capitalization of the underlying security. These criteria ensure that position limits are appropriately calibrated to the liquidity and market characteristics of each underlying security. By applying these standard position limits to options on the Crypto Assets, the Exchange is treating these products consistently with other options that meet the generic listing criteria, while maintaining appropriate safeguards against market manipulation.[21]

The Exchange believes the proposed rule changes promote just and equitable principles of trade by ensuring that all options on ETFs representing interests in a Commodity-Based Trust that meet the generic listing criteria in Rule 4.3, Interpretation and Policy .06(a)(6), are subject to the same regulatory treatment. The current framework, which imposes product-specific restrictions on options on certain Crypto Assets while allowing other products that meet the same generic criteria to trade without such restrictions, creates an inconsistent and potentially confusing regulatory landscape.

By eliminating these product-specific exceptions, the Exchange is ensuring that all market participants have equal access to the same trading and hedging tools, regardless of which specific Crypto Asset option they choose to trade. This promotes competition and fairness in the marketplace while maintaining appropriate investor protections through the application of the Exchange's generic listing standards and surveillance procedures.

For the foregoing reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act and the rules and regulations thereunder applicable to a national securities exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because options on the Crypto Assets that qualify to be listed pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6) would be treated similar to all other options for purposes of position limits and FLEX Option trading.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition.[22] For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[23] and Rule 19b–4(f)(6) thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6)[25] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[26] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that waiver of the operative delay will allow the Exchange to treat all Crypto Asset options that qualify for listing pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6) to be subject to the position limits set forth in Exchange Rule 8.30 (and exercise limits in Exchange Rule 8.42) and to trade as FLEX Options, similar to all other options on Commodity-Based Trusts traded on the Exchange pursuant to Exchange Rule 4.3, Interpretation and Policy .06(a)(6), without delay. In addition, the Commission notes that another exchange filed a notice for immediate effectiveness, substantively similar in relevant part, with the Commission, which notice is effective.[27] For these reasons, and because the

[21] Pursuant to Rule 8.42, the exercise limits for options on the Crypto Assets will continue to be the same as the position limits.

[22] *See* Securities Exchange Act No. 104648 (January 21, 2026) 91 FR 3282 (January 26, 2026) (SR–ISE–2026–01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets).

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] *See supra* note 22.

proposal does not raise new or novel regulatory issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[28]

At any time within 60 days of the filing of this 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–CBOE–2026–017 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–CBOE–2026–017. 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 (*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–2026–017 and should be submitted on or before April 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04898 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104957; File No. SR–NYSEAMER–2026–15]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Facilitate the Transfer and Trading of Options That Overlie the MSCI EAFE Index and the MSCI Emerging Markets Index

March 10, 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 February 27, 2026, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 amendments to facilitate the transfer and trading of options that overlie the MSCI EAFE Index (''EAFE options'') and the MSCI Emerging Markets Index (''EM options'') based on the rules of Chicago Board Options Exchange, Inc. (''CBOE'') governing the listing and trading of such options. EAFE options and EM options would be P.M., cash-settled contracts with European-style exercise. 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 amendments to Rule 900C. ''Applicability and Definitions,'' Rule 901C. ''Designation of Stock Index Options,'' Rule 902C. ''Rights and Obligations of Holders and Writers of Stock Index Option Contracts,'' Rule 903C. ''Series of Stock Index Options,'' Rule 904C. ''Position Limits,'' Rule 906G. ''Position Limits,'' and Rule 901NY. ''Hours of Business.'' The proposed changes are based on CBOE Rules 24.1, 24.2, 24.6, 24.9, 24A.7, and 24B.7[5] and are intended to facilitate the transfer to the Exchange of EAFE options and EM options currently listed and traded on CBOE.[6] EAFE options and EM options each are P.M., cash-settled contracts (in U.S. dollars) with European-style exercise.

MSCI EAFE Index Design, Methodology and Dissemination

The MSCI EAFE Index (Europe, Australasia, Far East) is a free float-adjusted market capitalization index that is designed to measure the equity market performance of developed markets, excluding the U.S. and

[28] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* CBOE Rules 24.1, 24.2, 24.6, 24.9, 24A.7, and 24B.7; Securities Exchange Act Release No. 74681 (April 8, 2015), 80 FR 20032 (April 14, 2015) (SR–CBOE–2015–023) (Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Options on the MSCI EAFE Index and on the MSCI Emerging Markets Index).

[6] A press release on January 7, 2026, announced that options on MSCI indexes would be listed on the Exchange and its affiliate NYSE Arca, Inc., including the MSCI Emerging Markets Index, MSCI EAFE Index, MSCI ACWI Index, MSCI World Index, and MSCI USA Index, in early 2026 subject to regulatory approval. *See https://ir.theice.com/press/news-details/2026/The-New-York-Stock-Exchange-Enters-Agreement-with-MSCI-to-Become-the-U-S--Options-Listing-Venue-for-Benchmark-Indexes-in-Early-2026/default.aspx.*

Canada.[7] The MSCI EAFE Index consists of large and midcap components, currently has 694 constituents and ''covers approximately 85% of the free float-adjusted market capitalization in each country.'' [8]

The MSCI EAFE Index is calculated in U.S. dollars on a real-time basis from the open of the first market on which the components are traded to the closing of the last market on which the components are traded. The MSCI EAFE Index is based on the MSCI Global Investable Market Indexes (''GIMI'') Methodology, which is similar to the methodology used to calculate the value of other benchmark market-capitalization weighted indexes.[9] The level of the MSCI EAFE Index reflects the free float-adjusted market value of the component stocks relative to a particular base date and is computed by dividing the total market value of the companies in the MSCI EAFE Index by the index divisor.

MSCI monitors and maintains the MSCI EAFE Index. Adjustments to the MSCI EAFE Index are made on a daily basis with respect to corporate events and dividends. MSCI reviews the MSCI EAFE Index quarterly (February, May, August and November) with the objective of reflecting the evolution of the underlying equity markets and segments on a timely basis, while seeking to achieve index continuity and stability.[10]

Real-time data is distributed approximately every 15 seconds while the index is being calculated using MSCI's real-time calculation engine to Bloomberg L.P. (''Bloomberg''), FactSet Research Systems, Inc. (''FactSet'') and Thomson Reuters (''Reuters''). End of day data is distributed daily to clients through MSCI as well as through major quotation vendors, including Bloomberg, FactSet, and Reuters.

The Exchange notes that the iShares MSCI EAFE exchange traded fund (''ETF''), which tracks the MSCI EAFE Index, is an actively traded product listed on its affiliate NYSE Arca. The Exchange also lists options overlying that ETF (''EFA options'') and those options are actively traded as well. MSCI EAFE Index Future (''EAFE Futures'') contracts are listed for trading on the Intercontinental Exchange, Inc. (''ICE'') [11] and other derivatives contracts on the MSCI EAFE Index are listed for trading in Europe.

MSCI EM Index Design, Methodology and Dissemination

The MSCI Emerging Markets Index (''MSCI EM Index''), launched in 1988, is a free float-adjusted market capitalization index that is designed to measure equity market performance of emerging markets.[12] The MSCI EM Index consists of large and midcap components, currently has 1,196 constituents and ''covers approximately 85% of the free float-adjusted market capitalization in each country.'' [13]

The MSCI EM Index is calculated in U.S. dollars on a real-time basis from the open of the first market on which the components are traded to the closing of the last market on which the components are traded. The MSCI EM Index is also based on the MSCI GIMI Methodology.[14] The level of the MSCI EM Index reflects the free float-adjusted market value of the component stocks relative to a particular base date and is computed by dividing the total market value of the companies in the MSCI EM Index by the index divisor.

MSCI also monitors and maintains the MSCI EM Index. Adjustments to the MSCI EM Index are made daily with respect to corporate events and dividends. MSCI reviews the MSCI EM Index quarterly (February, May, August and November) with the objective of reflecting the evolution of the underlying equity markets and segments on a timely basis, while seeking to achieve index continuity and stability.[15]

Real-time data is distributed approximately every 15 seconds using MSCI's real-time calculation engine to Bloomberg, FactSet and Reuters. End of day data is distributed daily to clients through MSCI as well as through major quotation vendors, including Bloomberg, FactSet, and Reuters.

The Exchange notes that the iShares MSCI Emerging Markets ETF, which tracks the MSCI EM Index, is an actively traded product. The Exchange also lists options overlying that ETF (''EEM options'') and those options are actively traded as well. MSCI Emerging Markets Index Future (''EM Futures'') contracts are listed for trading on ICE [16] and other derivatives contracts on the MSCI EM Index are listed for trading in Europe.

Contract Specifications

The contract specifications for options on the MSCI EAFE Index are set forth in Exhibit 3–1. The contract specifications for options on the MSCI EM Index are set forth in Exhibit 3–2.

Generally, the proposed trading rules for EAFE options and EM options would be the same.

The MSCI EAFE Index and the MSCI EM Index are each a broad-based index, as defined in Rule 900C(b)(1), for the purpose of determining which of the Exchange's rules apply to options on such indices. EAFE options and EM options are P.M.-settled with European-style exercise provisions and will be settled in cash.[17]

Trading of EAFE options and EM options will be subject to the trading halt procedures applicable to options traded on the Exchange [18] and will continue to be quoted and traded in U.S. dollars.[19] Accordingly, all Exchange and The Options Clearing Corporation (''OCC'') members will continue to be able to accommodate trading, clearance and settlement of EAFE options and EM options without alteration.

The contract multiplier for EAFE options and EM options would be $100. EAFE options and EM options would be quoted in index points and one point would equal $100. The minimum tick size for series trading below $3 would be 0.05 ($5.00) and at or above $3, will be 0.10 ($10.00).

Initially, the Exchange would list in-, at- and out-of-the-money strike prices. Additional series may be opened for trading as the underlying index level

[7] The MSCI EAFE Index consists currently of the following 21 developed market country indexes: Australia, Austria, Belgium, Denmark, Finland, France, Germany, Hong Kong, Ireland, Israel, Italy, Japan, the Netherlands, New Zealand, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, and the United Kingdom.

[8] *See* MSCI EAFE Index fact sheet (dated November 28, 2025) located at *https://www.msci.com/documents/10199/56aada01-e1e4-492a-858c-430b34e2676d.*

[9] Summary and comprehensive information about the GIMI methodology may be reviewed at *https://www.msci.com/indexes/index-resources/index-methodology.*

[10] *See* MSCI GIMI Methodology, available via *https://www.msci.com/indexes/index-resources/index-methodology.*

[11] *See* MSCI EAFE Index Future contract specifications located at *https://www.theice.com/products/31196848/MSCI-EAFE-Index-Future.*

[12] The MSCI EM Index consists currently of the following 24 emerging market country indexes: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Greece, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Pakistan, Peru, Philippines, Poland, Qatar, Russia, South Africa, Taiwan, Thailand, Turkey and United Arab Emirates.

[13] *See* MSCI EM Index fact sheet (dated November 28, 2025), available at *https://www.msci.com/documents/10199/10c3f32f-4565-4a92-aa1c-edf6f3a4e03f.*

[14] *See* MSCI GIMI Methodology, available via *https://www.msci.com/indexes/index-resources/index-methodology.*

[15] *See* MSCI EM Index fact sheet (dated November 28, 2025), available at *https://www.msci.com/documents/10199/10c3f32f-4565-4a92-aa1c-edf6f3a4e03f.*

[16] *See* MSCI EM Index Future contract specifications located at *https://www.theice.com/products/31196851/MSCI-Emerging-Markets-Index-Future.*

[17] The Exchange proposes to amend Rule 900C(b)(21) to provide for European-style exercise of EAFE options and EM options, with P.M. settlement.

[18] *See* Rule 953NY. Trading Halts and Suspensions.

[19] *See* Rule 951C. Premium Bids and Offers.

moves up or down.[20] The minimum strike price interval for EAFE option series and EM option series would be 2.5 points if the strike price is less than 200. When the strike price is 200 or above, strike price intervals would be no less than 5 points.[21] New series of index option contracts may be added up to one business day prior to expiration. Consistent with existing Rule 903C(a)(v), the Exchange will list Monthly Option series that expire at the close of business on the last trading day of the month and regular monthly options that expire on the third Friday of the month. In addition, as provided for in Rule 903(a)(iv)(2), the Exchange will not list Short Term options on an options class whose expiration coincides with that of a Quarterly Options Series on that same options class.

In order to ensure continuity with existing expirations listed by CBOE, the Exchange proposes to amend existing Rule 903C to allow for the listing of up to twelve near-term expiration months with a third Friday expiration date.[22] Additionally, the Exchange proposes an amendment to 903C(a)(iii) ''Long-term Options Series'' to permit the listing, with respect to any class of stock index options, series of options having up to 180 months to expiration. Both EAFE and EM index options would be eligible for all other expirations permitted for other broad-based indexes, *e.g.,* Short Term Option Series and Quarterly Option Series.[23]

The trading hours for EAFE options and EM options would be from 9:30 a.m. to 4:00 p.m. (New York time).[24] Additionally, the proposed rule change states the last trading day for expiring EAFE options series and EM options series would be the business day prior to the expiration date of the specific series.[25]

Initial and Continued Listing Criteria

The MSCI EAFE Index and the MSCI EM Index each meet the definition of a broad stock index group as set forth in Rule 900C(b)(1).[26] In addition, the Exchange proposes to create specific initial and continued listing criteria for options on the MSCI EAFE Index and on the MSCI EM Index based on CBOE Rules 24.1, 24.2, 24.6, 24.9, 24A.7, and 24B.7, as follows. New Commentary .05(a) to Rule 901C ''Designation of Stock Index Options,'' to provide that the Exchange may list EAFE options and EM options if each of the following conditions is satisfied:

(1) The index is broad-based, as defined in Rule 900C(b)(1);

(2) Options on the index are designated as P.M.-settled index options;

(3) The index is capitalization-weighted, price-weighted, modified capitalization-weighted or equal dollar-weighted;

(4) The index consists of 500 or more component securities;

(5) All of the component securities of the index have a market capitalization of greater than $100 million;

(6) No single component security accounts for more than fifteen percent (15%) of the weight of the index, and the five highest weighted component securities in the index do not, in the aggregate, account for more than fifty percent (50%) of the weight of the index;

(7) Non-U.S. component securities (stocks or ADRs) that are not subject to comprehensive surveillance agreements do not, in the aggregate, represent more than:

(i) twenty-five percent (25%) of the weight of the EAFE Index (for EAFE options), and

(ii) twenty-seven and a half percent (27.5%) of the weight of the EM Index (for EM Options);

(8) During the time options on the index are traded on the Exchange, the current index value is widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors. However, the Exchange may continue to trade EAFE options after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that EAFE futures contracts are trading and prices for those contracts may be used as a proxy for the current index value;

(9) The Exchange reasonably believes it has adequate system capacity to support the trading of options on the index, based on a calculation of the Exchange's current Independent System Capacity Advisor (ISCA) allocation and the number of new messages per second expected to be generated by options on such index; and

(10) The Exchange has written surveillance procedures in place with respect to surveillance of trading of options on the index.

Additionally, the Exchange proposes to add new Commentary .05(b) to Rule 901C to set forth the following continued listing standards for options on the MSCI EAFE Index and on the MSCI EM Index:

(1) The conditions set forth in Commentary .05(a) (1), (2), (3), (4), (8), (9) and (10) must continue to be satisfied. The conditions set forth in Commentary .05(a)(5) and (6) must be satisfied only as of the first day of January and July in each year. The condition set forth in Commentary .05(a)(7) must be satisfied as of the first day of the month following the Reporting Authority's[27] review of the weighting of the constituents in the applicable index but in no case less than a quarterly basis.

(2) The total number of component securities in the index may not increase or decrease by more than thirty-five percent (35%) from the number of component securities in the index at the time of its initial listing, except for the MSCI EM Index, in which the total number of component securities in the MSCI EM Index may not increase or decrease by more than ten percent (10%) over the last six-month period.

In the event a class of index options listed on the Exchange fails to satisfy the continued listing standards set forth herein, the Exchange shall not open for trading any additional series of options of that class unless the continued listing of that class of index options has been approved by the Commission under Section 19(b)(2) of the Act.

The Exchange believes that P.M. settlement is appropriate for EAFE options and EM options due to the nature of these indexes that encompass multiple markets around the world. As to the MSCI EAFE Index, the components open with the start of trading in certain parts of Asia at approximately 6:00 p.m. (New York time) (prior day) and close with the end of trading in Europe at approximately 12:30 p.m. (New York time) (next day) as closing prices from Ireland are accounted for in the closing calculation.

[20] *See* Rule 903. The rule sets forth the criteria for listing additional series of the same class to maintain an orderly market, to meet customer demand or when the current value of the underlying index moves. The strike price of must be within 30% of the current index value. Series exceeding the 30% range may be listed based on demonstrated customer interest.

[21] *See* proposed Rule 903C, Commentary .09.

[22] *See* proposed amendment to Rule 903C, Commentary .05. The Exchange is proposing to allow the listing of up to twelve expiration months at any one time for EAFE options and EM options.

[23] *See e.g.,* Rules 903, Commentary .10 (Short Term Option Series) and 903C(a)(iv) (Quarterly Option Series).

[24] *See* proposed Rule 901NY, Commentary .03.

[25] *See* proposed Rule 901NY, Commentary .04.

[26] Rule 900C(b)(1) defines a broad stock index group to mean a stock index group designed to be representative of stock market values or prices of a broad segment of the stock market.

[27] The term ''Reporting Authority'' in respect of a particular index means the institution or reporting service designated by the Exchange as the official source for calculating and reporting the current levels of such stock index. *See* Rule 900C(b)(3).

The closing MSCI EAFE Index level is distributed by MSCI between approximately 2:00 p.m. and 3:00 p.m. (New York) each trading day.

As a result, there will not be a current MSCI EAFE Index level calculated and disseminated during a portion of the time during which EAFE options would be traded (from approximately 12:30 p.m. (New York time) to 4:00 p.m. (New York time)).[28] However, the EAFE Futures contract that trades on ICE will be trading during this time period [29] and the EAFE Futures prices would be a proxy for the current MSCI EAFE Index level during this time period. Therefore, the Exchange believes that EAFE options should be permitted to trade after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that EAFE Futures contracts are trading and prices for those contracts may be used as a proxy for the current index value.

As to the MSCI EM index, the components open with the start of trading in certain parts of Asia at approximately 7:00 p.m. (New York time) (prior day) and close with the end of trading in Mexico and Peru at approximately 4:30 p.m. (New York time) (next day) as closing prices from Brazil, Chile, Peru and Mexico, including late prices, are accounted for in the closing calculation. The closing MSCI EM Index level is distributed at approximately 6:00 p.m. (New York time) each trading day.[30]

Because the MSCI EAFE Index and the MSCI EM Index each have a large number of component securities, representative of many countries, the Exchange believes that the same initial listing requirements as those utilized by the CBOE are appropriate to trade options on each index. In addition, similar to other broad-based indexes, the Exchange proposes various maintenance requirements, which require continual compliance and periodic compliance.

[28] The trading hours for multiply-listed EFA options are from 9:30 a.m. (New York time) to 4:15 p.m. (New York time).

[29] The trading hours for EAFE Futures are from 8:00 p.m. (New York time) to 6:00 p.m. (New York time) the following day, Sunday through Friday. *See* MSCI EAFE Index Future contract specifications located at *https://www.theice.com/products/31196848/MSCI-EAFE-Index-Future.*

[30] Late prices indicate that while the last real-time stock tick comes in at approximately 4:00 p.m. (New York time), the MSCI EM Index will stay open for a few minutes longer to allow any late price information to be obtained. At approximately 4:30 p.m. (New York time), the final foreign currency rates are applied and the last real-time MSCI EM Index value is disseminated.

Exercise and Settlement

The proposed EAFE options and EM options would expire, as currently, on the third Friday of the expiring month in the case of regular monthly options and long term options, each Friday in the case of short term options, and the last trading day of the month in the case of Monthly Options and/or Quarterly Options. As noted above, the last trading day for expiring EAFE options series and EM options series would continue to be the business day prior to the expiration date of the specific series. As is currently the case, when the last trading day/expiration date is moved because of an Exchange holiday or closure, the last trading day/expiration date for expiring options would be the immediately preceding business day.

Exercise would result in delivery of cash on the business day following expiration. EAFE options and EM options would be P.M.-settled. The exercise settlement value would be the official closing values of the MSCI EAFE Index and the MSCI EM Index as reported by MSCI on the last trading day of the expiring contract.[31]

As noted, the exercise settlement amount would be equal to the difference between the exercise-settlement value and the exercise price of the option, multiplied by the contract multiplier ($100). If the exercise settlement value is not available or the normal settlement procedure cannot be utilized due to a trading disruption or other unusual circumstance, the settlement value would be determined in accordance with the rules and bylaws of the OCC.

Position and Exercise Limits

The Exchange proposes to amend Rule 904C(b) to establish position limits for EAFE options and EM options equal to 50,000 contracts on the same side of the market. The Exchange further proposes to adopt Rule 906G(a)(vi) with respect to position limits for FLEX Options. The proposed rule would provide that the position limits for FLEX Index options on the MSCI EAFE Index and on the MSCI Emerging Markets Index would be equal to the position limits for non-FLEX options on such indices. Additionally, pursuant to Rule 905C, the exercise limits for EAFE options and EM options would be equivalent to the position limits for EAFE options and EM options. All position limit hedge exemptions applicable to Broad-Based index options would also apply.

[31] *See* proposed amendment to Rule 900C(b)(3), to identify MSCI, Inc. as the Reporting Authority for the MSCI EAFE Index (EAFE) and the MSCI Emerging Markets Index (EM). See proposed Rule 902C(l) setting forth the MSCI's disclaimers as the Designated Reporting Authority for the EAFE Index and EM Index.

Exchange Rules Applicable

The trading of EAFE options and EM options shall be subject to the same rules that presently govern the trading of Exchange index options, including sales practice rules, margin requirements, and trading rules.

Rule 921, ''Opening of Accounts,'' is designed to protect public customer trading and shall apply to trading in EAFE options and EM options. Specifically, Rule 921(a) prohibits a member or member organization from accepting a customer order to purchase or write an option, including EAFE options and EM options, unless such customer's account has been approved in writing by a Registered Options Principal. Additionally, Rule 923, ''Suitability,'' is designed to ensure that options, including EAFE options and EM options, are only sold to customers capable of evaluating and bearing the risks associated with trading in these securities. Further, Rule 924, ''Discretionary Accounts,'' permits a member or member organization to exercise discretionary power with respect to trading options, including EAFE options and EM options, in a customer's account only if the customer has given prior written authorization and the account has been accepted in writing by a Registered Options Principal. Rule 924 also requires a record to be made of every option transaction for an account in respect to which a member or member organization is vested with discretionary authority, such record to include the name of the customer, the designation, number of contracts and premium of the option contracts, the date and time when such transaction took place and clearly reflecting the fact that discretionary authority was exercised. Finally, Rule 922, ''Supervision of Accounts,'' Rule 925, ''Confirmations,'' and Rule 926, ''Delivery of Current Options Disclosure Document and Prospectus,'' will also apply to trading EAFE options and EM options.

Surveillance and Capacity

The Exchange represents that the same surveillance procedures applicable to all other options currently listed and traded on the Exchange will apply to EAFE options and EM options, and that it has the necessary systems capacity to support the option series. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior and other improper trading. In

addition, the Exchange has a Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA''). Pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.[32] The Exchange is also a member of the Intermarket Surveillance Group (''ISG'') under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of EAFE options and EM options.

Given the enormous liquidity in the underlying components of the MSCI EAFE Index and the MSCI EM Index and large number of market participants trading those components, the Exchange believes that any attempt to manipulate the price of the underlying security or options overlying such security in order to affect the price of the indices would be cost prohibitive and unlikely to succeed. Moreover, the Exchange believes that its existing surveillances and procedures adequately address potential concerns regarding possible manipulation of the settlement value at or near the close of the market.

Finally, given that the EAFE options and EM options have traded on CBOE for many years without system capacity issues and that the options would trade the same way on the Exchange, the Exchange does not believe that the listing and trading of these options would present any system capacity or message traffic issues for the Exchange or The Options Price Reporting Authority (OPRA). The Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposed rule change and the effect (if any) of these additional series on the capacity of the Exchange's automated systems.

[32] Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[33] in general, and furthers the objectives of Section 6(b)(5) of the Act,[34] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. Specifically, the Exchange believes that the listing and trading of EAFE options and EM options would increase order flow to the Exchange, increase the variety of options products available for trading, and provide a valuable tool for investors to manage risk.

The proposed change will facilitate the transfer and trading of EAFE options and EM options based on the approved rules of CBOE to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade.

The Exchange believes that the proposal to adopt rules based on CBOE to list and trade EAFE options and EM options would remove impediments to and perfect the mechanism of a free and open market as EAFE options and EM options would continue to provide greater opportunities for market participants to manage risk through the use of an index options product to the benefit of investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest in that it would continue to create greater trading and hedging opportunities and flexibility while providing OTP Firms or OTP Holders with an additional tool to manage their risk. The proposed rule change should also continue to result in enhanced efficiency in initiating and closing out positions and heightened contra-party creditworthiness given OCC's role as issuer and guarantor of the proposed index option products.

[33] 15 U.S.C. 78f(b).

[34] 15 U.S.C. 78f(b)(5).

The Exchange believes that both the MSCI EAFE Index and the MSCI EM Index are not easily susceptible to manipulation. Both indexes are broad-based indexes and have high market capitalizations. As noted, the MSCI EAFE Index is currently comprised of 694 component stocks and no single component comprises more than 5% of the index, making it not easily subject to market manipulation. Similarly, the MSCI EM Index is currently comprised of 1,196 components stocks and the vast majority of components each comprise less than 5% of the index, making it not easily subject to market manipulation.

Additionally, the iShares MSCI EAFE ETF and the iShares MSCI Emerging Markets ETF, which track the MSCI EAFE and MSCI EM indices, are actively traded products, as are options on those ETFs. Because both indexes have large numbers of component securities, are representative of many countries and trade a large volume with respect to ETFs and options on those ETFs, the Exchange believes that the proposed initial and continued listing requirements based on CBOE's rules are also appropriate to continue to trade options on these indexes on the Exchange. Exchange rules applicable to the trading of other index options currently traded on the Exchange would also apply to the trading of EAFE options and EM options. Additionally, the trading of EAFE options and EM options would be subject to, among others, Exchange rules governing sales practice rules, trading rules and trading halt procedures.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in EAFE options and EM options. The Exchange also represents that it has the necessary systems capacity to support the new options series. Additionally, as stated in the filing, the Exchange has rules in place to protect public customer trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition. The Exchange believes that the proposed rule change would facilitate the transfer to the Exchange and trading of EAFE options and EM options while also competing with domestic products such as EFA options and EM options, EAFE Futures and EM Futures and European-traded derivatives on the MSCI EAFE Index and the MSCI EM Index, which

would enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange thus believes that the proposed change does not impose a burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange also believes that the proposed change would not place any undue burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as EAFE options and EM options would continue to be equally available to all market participants who wish to trade such options. The Exchange rules applicable to the listing and trading of options will apply in the same manner to the listing and trading of EAFE options and EM options. Also, and as noted above, the Exchange already lists and trades index options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [35] and Rule 19b–4(f)(6) thereunder.[36] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [37] and Rule 19b–4(f)(6)(iii) thereunder.[38]

A proposed rule change filed under Rule 19b–4(f)(6) [39] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[40] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may list and facilitate continuity in the trading of EAFE options and EM options, which currently trade on CBOE, without delay once they cease to trade on CBOE. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change is based on the approved rules of CBOE and would facilitate the listing and trading of products that have long been traded on CBOE. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[41]

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 under Section 19(b)(2)(B) [42] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSEAMER–2026–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–15 and should be submitted on or before April 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04894 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

[35] 15 U.S.C. 78s(b)(3)(A)(iii).

[36] 17 CFR 240.19b–4(f)(6).

[37] 15 U.S.C. 78s(b)(3)(A).

[38] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[39] 17 CFR 240.19b–4(f)(6).

[40] 17 CFR 240.19b–4(f)(6)(iii).

[41] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* U.S.C. 78c(f).

[42] 15 U.S.C. 78s(b)(2)(B).

[43] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0570]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Form N–CSR

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of

Management and Budget (''OMB'') for extension and approval.

Form N–CSR (17 CFR 249.331 and 274.128) is a combined reporting form used by registered management investment companies (''funds'') to file certified shareholder reports under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') and the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). Specifically, Form N–CSR is to be used for reports under section 30(b)(2) of the Investment Company Act (15 U.S.C. 80a–29(b)(2)) and section 13(a) or 15(d) of the Exchange Act (15 U.S.C. 78m(a) and 78*o*(d)), filed pursuant to rule 30b2–1(a) under the Investment Company Act (17 CFR 270.30b2–1(a)). Reports on Form N–CSR are to be filed with the Securities and Exchange Commission (''Commission'') no later than 10 days after the transmission to stockholders of any report that is required to be transmitted to stockholders under rule 30e–1 under the Investment Company Act (17 CFR 270.30e–1). The information filed with the Commission permits the verification of compliance with securities law requirements and assures the public availability and dissemination of the information.

The current total annual burden hour inventory for Form N–CSR is 228,037 hours. The hour burden estimates for preparing and filing reports on Form N–CSR are based on the Commission's experience with the contents of the form. The number of burden hours may vary depending on, among other things, the complexity of the filing and whether preparation of the reports is performed by internal staff or outside counsel.

The Commission's new estimate of burden hours that will be imposed by Form N–CSR is as follows:

TABLE 1—SUMMARY OF REVISED BURDEN HOURS FOR REPORTS ON FORM N–CSR

ICR estimated time burden and its cost equivalent							
Information collections (ICs)	Requirement type	Number of respondents	Frequency of response (number of responses per respondent per time period)	Time per response (hours)	Equivalent cost per response (per hour)	Total annual time burden (hours)	Total annual cost burden equivalent ($)
Form N–CSR	Reporting	13,052	2 Responses per Year ...	7.75	$580	202,306	$15,140,320
Total ICs: 1	.....	.....	.....	.....	ICR Total:	202,306	15,140,320

In total, the Commission estimates it will take 202,306 burden hours per year for all funds to prepare and file reports on Form N–CSR. Commission staff estimates that the annual cost of outside services associated with Form N–CSR is approximately $580 per fund and the total annual external cost burden for Form N–CSR is $15,140,320.

Estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the information collection requirements of Form N–CSR is mandatory. Responses to the collection of information will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the 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 respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by May 12, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: March 11, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–04962 Filed 3–12–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21436 and #21437; TENNESSEE Disaster Number TN–20030]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–4898–DR), dated February 6, 2026.

Incident: Severe Winter Storm.

DATES: Issued on March 8, 2026.

Incident Period: January 22, 2026 through January 27, 2026.

Physical Loan Application Deadline Date: April 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: November 6, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Tennessee, dated February 6, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Benton, Decatur, Dickson, Fayette, Giles, Hamilton, Hardeman, Henry, Humphreys, Jackson, Madison, Montgomery, Morgan, Overton, Rhea, Roane, Sequatchie, Shelby, Smith, Stewart, Union.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–04927 Filed 3–12–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

AGENCY: U.S. Small Business Administration.

ACTION: 60 Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's (SBA) intentions to request approval for an extension or revision of an approved information collection. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 12, 2026.

ADDRESSES: Send all comments to Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration at *oii.policy@sba.gov* or 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Paul Van Eyl, Director of Financial Policy, Office of Investment and Innovation, U.S. Small Business Administration, *oii.policy@sba.gov,* 202–257–5955, or Shauniece Carter, Interim Agency Clearance Officer, U.S. Small Business Administration, *shauniece.carter@sba.gov,* 202–205–6536.

SUPPLEMENTARY INFORMATION: The Office of Investment and Innovation (OII) of the Small Business Administration (SBA) is required to examine Small Business Investment Companies (SBICs) pursuant to Section 310 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 687b, and the implementing regulations at 13 CFR 107.690–691. The purpose of the examination, as provided by statute, is to determine, in part, whether or not the SBIC has engaged ''solely in lawful activities and those [activities] contemplated'' by title III of the Small Business Investment Act. As part of its effort to meet this statutory requirement, SBA's Office of SBIC Examinations uses SBA Form 1405, Stockholder's Confirmation (Corporation), and SBA Form 1405A, Ownership Confirmation (Partnership), as a means of gathering information relevant to each SBIC examination. The examinations are required by statute to occur at least biennially (15 U.S.C. 687b(c)).

Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce the burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA's functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

OMB Control Number: 3245–0172.

Title: Stockholders' Confirmation (Corporation); Ownership Confirmation (Partnership).

Description of Respondents: Small Business Investment Company (SBIC) applicants.

Form Number: Form 1405 and Form 1405a.

Estimated Annual Respondents: 690.

Estimated Annual Hour Burden: 690.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–04932 Filed 3–12–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12962]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Musical Bodies'' 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 ''Musical Bodies'' at The Metropolitan Museum of Art, 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.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–04957 Filed 3–12–26; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36911]

Lampwrights LLC—Operation Exemption—Line in Jefferson County, Pa.

Lampwrights LLC (Lampwrights), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 2,269 feet of existing track (the Line) in Jefferson County, Pa.[1] The Line has no mileposts.

According to the verified notice, Lampwrights acquired the Line from the Buffalo and Pittsburgh Railroad, Inc., which previously used the Line as side track.[2] Lampwrights explains that it intends to use the Line to provide switching and transloading services. Lampwrights states that it intends to offer transloading of containerized waste from rail cars to trucks and anticipates operating one train per day.

[1] Lampwrights states that it also intends to operate another 1,674 feet of track as side track pursuant to 49 U.S.C. 10906.

[2] At times, Lampwrights also refers to the Line as being private track. (*See, e.g.,* Notice 2.) Both private track and side track can be converted to a common carrier rail line with Board authority. *See Ohio Valley R.R.—Acquis. & Operation Exemption—Harwood Props., Inc.,* FD 34486, slip op. at 3–4 (STB served Sept. 28, 2004).

According to Lampwrights, the waste will not be transferred outside of the original shipping containers, and the facility will therefore not constitute a ''solid waste rail transfer facility'' as defined by the Clean Railroads Act of 2008 (CRRA), Public Law 110–432, 122 Stat. 4848.

Lampwrights certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million per year. Lampwrights also certifies that no interchange commitments are being imposed on its operations.

The transaction may be consummated on or after March 27, 2026, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than March 20, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36911, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Lampwrights' representative, Justin J. Marks, Clark Hill, PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

According to Lampwrights, this transaction is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov*.

Decided: March 10, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2026–04886 Filed 3–12–26; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21142]

Flixbus SE, Flix North America Inc., and Greyhound Lines, Inc.—Control—Pacific Northwest Bus LLC

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing continuance in control.

SUMMARY: On February 13, 2026, Flix SE, a noncarrier, Flix North America Inc. (Flix North America), a noncarrier, and Greyhound Lines, Inc. (Greyhound), an interstate passenger motor carrier (collectively, Applicants), filed an application seeking Board approval to continue in control of Pacific Northwest Bus LLC (Pacific), a newly formed subsidiary of Applicants, upon Pacific becoming a federally regulated passenger motor carrier. The Board is tentatively approving and authorizing the proposed continuance in control. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by April 27, 2026. If any comments are filed, Applicants may file a reply by May 12, 2026. If no opposing comments are filed by April 27, 2026, this notice shall be effective on April 28, 2026.

ADDRESSES: Comments, referring to Docket No. MCF 21142, may be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to Applicants' representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe at (202) 915–3555. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: According to the application, Flix SE is a privately held German holding company that owns and controls affiliates in several countries, including in the Americas (Americas Affiliates).[1] (Appl. 2.) Flix North America and Greyhound are both Americas Affiliates. (*Id.* at 4–5.) The Americas Affiliates provide a brokerage network technology platform for intercity passenger motor carrier travel in the United States and Canada, through a network known as FlixBus. (*Id.* at 3.) They also provide nationwide passenger bus service that utilizes and operates the service network provided through Greyhound.[2] (*Id.* at 3–4.) The Americas Affiliates include the following passenger motor carriers: [3]

- Greyhound, a Delaware corporation headquartered in Dallas, Tex., that provides nationwide scheduled intercity passenger bus service, including links to the National Railroad Passenger Corporation intercity rail service, (*id.* at 5–6); [4]
- Valley, a Texas corporation headquartered in Dallas, Tex., that is a wholly owned affiliate of Greyhound and operates scheduled intercity passenger bus service, particularly in South Texas and United States-Mexico transborder areas, (*id.* at 6);
- Americanos, a Delaware corporation headquartered in Albuquerque, N.M., that is a wholly owned affiliate of Greyhound and operates part of Greyhound's nationwide scheduled intercity passenger bus service, particularly in the United States-Mexico transborder areas of Texas and California, (*id.* at 6); and
- Greyhound Mexico, a Mexican corporation headquartered in Monterrey, Nuevo León, that is an affiliate of Greyhound with primary service areas in Mexico that range to the United States-Mexico transborder areas of Texas and California, (*id.* at 7).[5]

The remaining Americas Affiliates do not hold operating authority and are described as follows:

[1] Flix SE also owns and controls affiliates that provide mobility platforms of networks for intercity motor coach and rail passenger transportation in Europe, and affiliates that provide mobility platforms of networks for intercity motor coach passenger transportation in South America, India, Turkey, and Australia. (Appl. 2.) According to Applicants, none of these affiliated entities operate in the United States, and thus they do not have a U.S. Department of Transportation (USDOT) number, a USDOT safety rating, or a Federal Motor Carrier Safety Administration (FMCSA) docket number. (*Id.* at 2–3.)

[2] The application states that two Americas Affiliates also provide a brokerage network technology platform for intercity passenger motor carrier service in Mexico and Peru. These affiliates are majority owned by a Mexican entity, Flix LATAM S.A. de C.V (LATAM). (*Id.* at 4.)

[3] Additional information about the passenger motor carrier Americas Affiliates, including USDOT numbers, motor carrier numbers, USDOT safety fitness ratings, approximate vehicle count, and approximate driver count, can be found in the application. (*See* Appl. 5–7, Ex. B.)

[4] The application states that Greyhound and FlixBus together serve approximately 1,600 destinations in North America and annually transport approximately 12 million passengers. (*Id.* at 5.) According to Applicants, Greyhound essentially operates as a single transportation system with its affiliates, Valley Transit Co., Inc. (Valley), Americanos U.S.A., L.L.C. (Americanos), and Greyhound Lines Mexico, S. de R.L. de C.V. (Greyhound Mexico). (*Id.*)

[5] Greyhound Mexico is an interstate passenger motor carrier in Mexico, but it does not have authority to operate as a passenger motor carrier in the United States. (*Id.* at 7.) Accordingly, Greyhound Mexico does not have an FMCSA docket dumber or USDOT safety fitness rating. (*Id.*) According to the application, Greyhound Mexico is indirectly wholly owned and controlled by Greyhound, which owns 99.9% of its Greyhound Mexico equity stock and indirectly owns the remaining 0.1% equity stock through its 100% ownership of Safe Transport, LLC (Safe Transport). (*Id.*)

- Flix North America, a Delaware corporation headquartered in Dallas, Tex., that is a holding company and shared services provider for its subsidiaries, (*id.* at 4, Ex. A–4);
- FlixBus Inc., a Delaware corporation headquartered in Dallas, Tex., that provides the brokerage technology platform for FlixBus and directly owns and controls FlixBus Canada ULC (FlixBus Canada) and Greyhound, (*id.* at 4);
- FlixBus Canada, an Alberta company headquartered in the City of Calgary in Alberta, Canada, (*id.* at 4–5);
- Safe Transport, a Delaware company headquartered in Dallas, Tex., that owns 0.1% equity stock of Greyhound Mexico, (*id.* at 7);
- LSX Delivery, L.L.C. (LSX), a Delaware company headquartered in Dallas, Tex., that is wholly owned by Greyhound, (*id.* at 7–8);
- Atlantic Greyhound Lines of Virginia, Inc., a Virginia corporation headquartered in Dallas, Tex., that is wholly owned by Greyhound, (*id.* at 8);
- BUS Risk Retention Group, Inc., a South Carolina corporation headquartered in Charleston, S.C., that is a captive risk retention entity that writes primary general and automotive liability insurance for affiliated entities of Flix North America, and whose equity ownership is as follows: 99% Greyhound, 0.25% Valley, 0.25% Americanos, and 0.25% LSX, (*id.*);
- Pacific, a newly created Delaware company headquartered in Dallas, Tex., that is wholly owned and controlled by Greyhound and has no current operations but whose contemplated activities are the subject of the Application, (*id.*);
- FlixBus Peru S.A.C., a Peruvian corporation headquartered in Lima, Peru, that provides a brokerage network technology platform for intercity passenger motor carrier travel in Peru, and which is 99.9% owned by LATAM and 0.1% owned by Flix SE, (*id.* at 8–9);
- Flixbus Mexico S.A. de C.V., a Mexican corporation headquartered in Mexico City, Mexico, that provides a brokerage network technology platform for intercity passenger motor carrier travel in Mexico, and which is 99.998% owned by LATAM and 0.002% owned by Flix North America, (*id.* at 9); and
- LATAM, a Mexican corporation headquartered in Mexico City, Mexico, that provides various support services by contract for the Americas Affiliates, including accounting and human resources, and which is 99.998% owned by Flix SE and 0.002% owned by Flix North America, (*id.*).

In the application, Applicants seek Board approval to continue in control of Pacific upon it obtaining authority to operate as a regulated passenger motor carrier.[6] According to Applicants, the addition of regular route intercity passenger service is warranted in unserved or underserved areas of California, Colorado, Idaho, Oregon, Utah, Washington, and Wyoming. (*Id.* at 11.) The application states that Pacific will gradually introduce new or additional regular route intercity passenger motor carrier service in such areas, thereby increasing and improving services to the public. (*Id.* at 11–12.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds is consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. Here, Applicants have submitted the information required by 49 CFR 1182.2, including (1) information to demonstrate that Applicants' continuance in control of Pacific upon it becoming a regulated passenger motor carrier is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7); and (2) a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded $2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5).

Applicants assert that granting the application would be consistent with the public interest. (Appl. 12.) According to Applicants, services to the public will be increased and improved by their continuance in control of Pacific upon it becoming an interstate passenger motor carrier, as Pacific intends to add scheduled intercity service in unserved or underserved areas in California, Colorado, Idaho, Oregon, Utah, Washington, and Wyoming. (*Id.* at 11.) Applicants state that, where routes or areas are unserved, introduction of new service will benefit the traveling public. (*Id.* at 12.) Applicants also state that, where routes or areas are underserved, the entry of new carrier service will increase competition and therefore benefit the public by providing options or choices of carriers and fares. (*Id.*)

Applicants concede that this transaction may result in additional fixed costs to the extent that Pacific borrows funds to finance a portion of equipment acquisition over time. (*Id.* at 11.) However, Applicants assert that any such increase will not have a material impact on the transaction or Pacific's implementation of services. (*Id.*) Applicants further state that the proposed transaction will not adversely affect Pacific's employees, as Pacific is a newly formed entity that has no current employees. (*Id.*) Rather, Applicants state that the proposed transaction will create new jobs for drivers, mechanics, and support personnel. (*Id.* at 11–12.)

Based on their representations, the Board finds that Applicants' continuance in control of Pacific is consistent with the public interest. The application will be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov*.

It is ordered:

1. Applicants' continuance in control of Pacific upon it becoming a federally regulated passenger motor carrier is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective on April 28, 2026, unless opposing comments are filed by April 27, 2026. If any comments are filed, Applicants may file a reply by May 12, 2026.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: March 9, 2026.

[6] Notably, FMCSA authority is required to operate as an interstate motor passenger carrier and thus is not granted by this decision. *See* 49 CFR pt. 365.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2026–04887 Filed 3–12–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–0265]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 12, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0265 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christina Currier, *christina.currier@dot.gov,* or Stephanie James, *stephanie.james@dot.gov,* (334)–530–0240, Office of Infrastructure, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Performance Measures for Highway Construction Training Program (HCTP) Grant.

Background: The demand for highway construction, maintenance, and operations workers is growing, while at the same time, emerging technologies require these workers to have new skills. According to a 2022 national survey by the Associated General Contractors of America (AGC), more than 70 percent of construction firms reported difficulty finding qualified trade and craft workers and 90 percent reported difficulty filling salaried positions. Government agencies, trade organizations, private agencies, and local and Tribal communities nationwide need new, collaborative approaches to meeting this challenge.

The predecessor to the HCTP, the Transportation Education Development Program, was originally established as a pilot program in 2005 by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (P.L. 109–59) to provide grants to institutions of higher education to enhance transportation education and workforce development through ''partnership[s] with industry and State departments of transportation (State DOT).'' Now codified at 23 U.S.C. 504(f), amendments in Infrastructure Investment Jobs Act (IIJA) changed the program name to Transportation Education and Training Development and Deployment Program, expanded the type of entities eligible for grants and the activities that can be funded, and for the first time made State DOTs eligible grant recipients. The program will now be known as HCTP.

In 2016, FHWA collaborated with the American Association of State Highway and Transportation Officials, AGC, the American Road & Transportation Builders Association, and the U.S. Department of Labor's Employment and Training Administration to establish the Highway Construction Workforce Partnership (HCWP) Pilot Program. The two-year HCWP Pilot Program brought together working groups of highway, education, and workforce system representatives in six cities and six states to recruit, train, and place individuals into highway occupations.

In 2021, HCWP was selected as a focus program for the FHWA's Every Day Counts–6 (EDC–6) Program, a State-based model to identify and rapidly deploy proven but under-used innovations. The program was renamed the Strategic Workforce Development (SWD) Initiative and was also a focus program in EDC–7. The SWD has been adopted by 43 States. These programs developed valuable resources for workforce development stakeholders, which can be found in the SWD Toolkit available at *https://www.fhwa.dot.gov/innovativeprograms/centers/workforce_dev/hcwp/toolkit/*. The HCTP grants will continue to build on the lessons learned through the HCWP and the SWD Initiative. This opportunity represents $4,226,871 in funding available to applicants at no more than $300,000 for each award.

This collection request, included in the NOFO for the HCTP Grant requirements, provides a resource to track the progress of the awarded programs through the period of performance of up to two years. The following performance measures are quarterly and are as follows: the number of entrants, the number of completed programs, the number of job placements, the median wages at time of hire and their progression at 180 days into the job placement, the number of trainees retained, and, if an educational institution, the number of enrollees in a particular curricula. There are two remaining performance measures to be submitted annually. They are both related to educational institutions and the number of credentials attained with the corresponding skill gains in post-secondary educational opportunities.

Respondents: 50 State DOTs, local and state governments, District of Columbia, Commonwealth of Puerto Rico, United States territories of American Samoa, Guam, N. Marina Is., and the Virgin Islands (4 territories), and educational institutions may apply. 56 respondents in total.

Frequency: Performance Measures for the HCTP Grant must be submitted quarterly and annually, respectively.

Estimated Average Burden per Response: 20 minutes per form requested.

Estimated Total Annual Burden Hours: 19 total annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and, (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.)

Issued on: March 11, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–04917 Filed 3–12–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Margin and Capital Requirements for Covered Swap Entities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Margin and Capital Requirements for Covered Swap Entities.''

DATES: Comments must be received by May 12, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0251, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0251'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of the Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0251'' or ''Margin and Capital Requirements for Covered Swap Entities.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements, imposed on ten or more persons, that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection.

Title: Margin and Capital Requirements for Covered Swap Entities.

OMB Control No.: 1557–0251.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) established a comprehensive regulatory framework for derivatives, which are generally characterized as swaps and security-based swaps. Sections 731 and 764 of the Dodd-Frank Act require the registration and regulation of swap dealers and major swap participants and security-based swap dealers and major security-based swap participants, respectively (collectively, ''swap entities''). For certain types of swap entities that are prudentially regulated by one of the Agencies,[1] sections 731 and 764 of the Dodd-Frank Act require the Agencies to jointly adopt rules, for the entities under their respective jurisdictions, imposing capital requirements and initial and variation margin requirements on all non-cleared swaps. Swap entities that are prudentially regulated by the Agencies are referred to herein as ''covered swap entities.'' OCC's rules for swap entities can be found in 12 CFR part 45.

Section 45.2 defines terms referenced in part 45. Under the definition of ''eligible master netting agreement,'' a covered swap entity that relies on such agreement for purpose of calculating required margin must (1) conduct sufficient legal review of the agreement to conclude with a well-founded basis that the agreement meets specified criteria and maintain sufficient written documentation of that legal review and (2) establish and maintain written procedures for monitoring relevant changes in law and to ensure that the agreement continues to satisfy the requirements of the definition. To demonstrate compliance with this section, records must be retained for as long as the covered swap entity relies on such agreement. The term ''eligible master netting agreement'' is used elsewhere in the rule to specify instances in which a covered swap entity may (1) calculate variation margin on an aggregate basis across multiple non-cleared swaps and security-based

[1] The Agencies are the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, and the Farm Credit Administration.

swaps and (2) calculate initial margin requirements under an initial margin model for one or more swaps and security-based swaps.

Section 45.7 generally requires a covered swap entity to ensure that any initial margin collateral that it collects or posts is held at a third-party custodian. Section 45.7(c) requires the custodian to act pursuant to a custody agreement that: (1) prohibits the custodian from rehypothecating, repledging, reusing, or otherwise transferring (through securities lending, securities borrowing, repurchase agreement, reverse repurchase agreement or other means) the collateral held by the custodian except that cash collateral may be held in a general deposit account with the custodian if the funds in the account are used to purchase certain assets, such assets are held in compliance with § 45.7, and such purchase takes place within a time period reasonably necessary to consummate such purchase after the cash collateral is posted as initial margin; and (2) is a legal, valid, binding, and enforceable agreement under the laws of all relevant jurisdictions, including in the event of bankruptcy, insolvency, or a similar proceeding. A custody agreement may permit the posting party to substitute or direct any reinvestment of posted collateral held by the custodian, provided that, with respect to collateral collected by a covered swap entity pursuant to § 45.3(a) or posted by a covered swap entity pursuant to § 45.3(b), the agreement requires the posting party to substitute only funds or other property that would qualify as eligible collateral under § 45.6, and for which the amount net of applicable discounts described in appendix B would be sufficient to meet the requirements of § 45.3 and direct reinvestment of funds only in assets that would qualify as eligible collateral under § 45.6, and for which the amount net of applicable discounts described in appendix B would be sufficient to meet the requirements of § 45.3.

Section 45.8 sets forth standards for the use of initial margin models. These standards include: (1) a requirement that the covered swap entity receive prior approval from the OCC based on demonstration that the initial margin model meets specific requirements (§ 45.8(c)(1)); (2) a requirement that a covered swap entity notify the OCC in writing 60 days before extending use of the model to additional product types, making certain changes to the initial margin model, or making material changes to modeling assumptions (§ 45.8(c)(3)); and (3) a requirement that the covered swap entity demonstrate to the satisfaction of the OCC that the omission of any risk factor from the calculation of its initial margin is appropriate, prior to omitting such risk factor (§ 45.8(d)(10)), and demonstrate to the satisfaction of the OCC that the incorporation of any proxy or approximation used to capture the risks of the covered swap entity's non-cleared swaps or non-cleared security-based swaps is appropriate, prior to incorporating such proxy or approximation (§ 45.8(d)(11)). Also, if the validation process reveals any material problems with the initial margin model, the covered swap entity must promptly notify the OCC of the problems, describe to the OCC any remedial actions being taken, and adjust the initial margin model to ensure an appropriately conservative amount of required initial margin is being calculated (§ 45.8(f)(3)).

Section 45.8 also sets forth requirements for the ongoing review and documentation of initial margin models. These standards include a requirement that the covered swap entity adequately document all material aspects of its initial margin model (§ 45.8(g)) and that the covered swap entity must adequately document internal authorization procedures, including escalation procedures, that require review and approval of any change to the initial margin calculation under the initial margin model, demonstrable analysis that any basis for any such change is consistent with the requirements of § 45.8, and independent review of such demonstrable analysis and approval (§ 45.8(h)).

Section 45.9 addresses the treatment of cross-border transactions and, in certain limited situations, will permit a covered swap entity to comply with a foreign regulatory framework for non-cleared swaps (as a substitute for compliance with the prudential regulators' rule) if the prudential regulators jointly determine that the foreign regulatory framework is comparable to the requirements in the prudential regulators' rule. Section 45.9(e) allows a covered swap entity to request that the prudential regulators make a substituted compliance determination and provides that the covered swap entity must provide the reasons for the request and other required supporting documentation. A request for a substituted compliance determination must include a description of the scope and objectives of the foreign regulatory framework for non-cleared swaps and non-cleared security-based swaps; the specific provisions of the foreign regulatory framework for non-cleared swaps and security-based swaps (scope of transactions covered; determination of the amount of initial and variation margin required; timing of margin requirements; documentation requirements; forms of eligible collateral; segregation and re-hypothecation requirements; and approval process and standards for models); the supervisory compliance program and enforcement authority exercised by a foreign financial regulatory authority or authorities in such system to support its oversight of the application of the non-cleared swap and security-based swap regulatory framework; and any other descriptions and documentation that the prudential regulators determine are appropriate. A covered swap entity may make a request under § 45.9 only if it is directly supervised by the authorities administering the foreign regulatory framework for non-cleared swaps and non-cleared security-based swaps.

Section 45.10 requires a covered swap entity to execute trading documentation with each counterparty that is either a swap entity or financial end user regarding credit support arrangements that: (1) provides the contractual right to collect and post initial margin and variation margin in such amounts, in such form, and under such circumstances as are required; and (2) specifies the methods, procedures, rules, and inputs for determining the value of each non-cleared swap or non-cleared security-based swap for purposes of calculating variation margin requirements, and the procedures for resolving any disputes concerning valuation.

Estimated Burden

Estimated Frequency of Response: One or three times annually, depending on the specific information to be collected.

Estimated Number of Respondents: 11.

Estimated Total Annual Responses: 88.

Estimated Total Annual Burden: 4,895 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Eden Gray,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2026–04936 Filed 3–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0176]

Agency Information Collection Activity: Certification of Training Hours, Wages, and Progress

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before May 12, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–9760, *Kendra.Mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of Training Hours, Wages, and Progress.

OMB Control Number: 2900–0176. https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–1905c is used to gather the necessary information to determine any changes in enrollment certification, and document monthly progression and attendance as outlined in the claimant's vocational rehabilitation plan. This information is essential to track the type and hours of training, as well as the rating of the claimant's performance toward the completion of his or her training program under 38 U.S.C. Chapter 31 and 38 U.S.C. Chapter 35. Without the information gathered on this form, benefits could be delayed under 38 U.S.C. 501(a). The estimated burden completion time for this form remains unchanged. However, the burden time listed under the cost to the government section has been corrected from 20 minutes to 15 minutes, to accurately reflect that payments are issued in 15-minute intervals.

Affected Public: Individuals and households.

Estimated Annual Burden: 264 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 791 per year.

(Authority: 44 U.S.C. 3501 *et seq.*)

Shunda Willis,

Alternate VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–04961 Filed 3–12–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Friday,

No. 49 March 13, 2026

Part II

Office of Management and Budget

Office of Federal Procurement Policy

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulation; Federal Acquisition Circular 2026–01; Introduction; Trade Agreements Thresholds; and Small Entity Compliance Guide; Final Rules

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2026–0051, Sequence No. 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2026–01; Introduction

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget; Department of Defense (DoD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of a final rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by OFPP, DoD, GSA, and NASA (collectively referred to as the Federal Acquisition Regulatory Council) in this Federal Acquisition Circular (FAC) 2026–01. A companion document, the *Small Entity Compliance Guide* (SECG), is published elsewhere in the Rules section of this issue of the **Federal Register**.

DATES: For effective dates see the separate documents published in the rules section of this issue of the **Federal Register**.

ADDRESSES: The FAC, including the SECG, is available at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For clarification in relation to the FAR cases listed in the table below, contact *FARPolicy@gsa.gov* or call 202–969–4075. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

RULE LISTED IN FAC 2026–01

Subject	FAR case
Trade Agreements Thresholds	2025–007

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR rule, refer to the specific subject set forth in the document following this summary. FAC 2026–01 amends the FAR as follows:

Trade Agreements Thresholds (FAR Case 2025–007)

This final rule amends the Federal Acquisition Regulation to adjust the thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements as determined by the United States Trade Representative, according to predetermined formulae under the agreements.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2026–01 is issued under the authority of the Administrator for Federal Procurement Policy, the Secretary of Defense, the Administrator of General Services, and the Administrator of National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2026–01 is effective March 13, 2026.

Kevin R. Rhodes,

Administrator for Federal Procurement Policy Office of Management and Budget.

John M. Tenaglia,

Principal Director, Defense Pricing, Contracting, and Acquisition Policy, Department of Defense.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Marvin L. Horne,

Acting Senior Procurement Executive/Deputy CAO, Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 2026–04911 Filed 3–12–26; 8:45 am]

BILLING CODE 6820–61–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22, 25, and 52

[FAC 2026–01, FAR Case 2025–007; Docket No. 2025–0007; Sequence No. 1]

RIN 9000–AO80

Federal Acquisition Regulation: Trade Agreements Thresholds

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DoD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: OFPP, DoD, GSA, and NASA (collectively referred to as the Federal Acquisition Regulatory Council, or FAR Council) are issuing a final rule amending the Federal Acquisition Regulation (FAR) to incorporate revised thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative.

DATES: Effective March 13, 2026.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact *FARpolicy@gsa.gov* or call 202–969–4075. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2026–01, FAR Case 2025–007.

SUPPLEMENTARY INFORMATION:

I. Background

Approximately every two years, the trade agreements thresholds for the World Trade Organization Government Procurement Agreement (WTO GPA) and the free trade agreements (FTAs) are adjusted according to predetermined formulae under the agreements. These thresholds are effective as of January 1, 2026. On January 2, 2026, and February 3, 2026, (91 FR 188 and 91 FR 5019, respectively), the United States Trade Representative (USTR) published new procurement thresholds.

The United States Trade Representative has specified the following new thresholds:

Trade agreement	Supply contract (equal to or exceeding)	Service contract (equal to or exceeding)	Construction Ccontract (equal to or exceeding)
WTO GPA	$174,000	$174,000	$6,683,000
FTAs:			
Australia FTA	105,767	105,767	6,683,000
Bahrain FTA	174,000	174,000	13,749,689
CAFTA–DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	105,767	105,767	6,683,000
Chile FTA	105,767	105,767	6,683,000
Colombia FTA	105,767	105,767	6,683,000
Korea FTA	100,000	100,000	6,683,000
Morocco FTA	174,000	174,000	6,683,000
USMCA:			
—Mexico	105,767	105,767	13,749,689
Oman FTA	174,000	174,000	13,749,689
Panama FTA	174,000	174,000	6,683,000
Peru FTA	174,000	174,000	6,683,000
Singapore FTA	105,767	105,767	6,683,000
Israeli Trade Act	50,000	.....	.....

II. Discussion and Analysis

This final rule implements the new thresholds in FAR subpart 25.4, Trade Agreements, and other sections in the FAR that include trade agreements thresholds (*i.e.,* FAR 22.1503, 25.202, 25.402, 25.603, 25.1101, and 25.1102).

In addition, changes are required to the provision at FAR 52.204–8, Annual Representations and Certifications, and the clause at FAR 52.222–19, Child Labor-Cooperation with Authorities and Remedies, with conforming changes to the clause dates in FAR 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services, and FAR 52.213–4, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Products and Commercial Services).

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is 41 U.S.C. 1707. Subsection (a)(1) of 41 U.S.C. 1707 requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it only adjusts the thresholds according to predetermined formulae to adjust for changes in economic conditions, thus maintaining the status quo, without significant effect beyond the internal operating procedures of the Government and without a significant cost or administrative impact on contractors or offerors.

IV. Expected Impact of the Rule

This final rule will adjust the thresholds for application of the WTO GPA and FTAs, as determined by the USTR. For acquisitions covered by the WTO GPA or FTAs, the USTR has waived the Buy American statute and other discriminatory provisions for eligible products. As a result, eligible products and services will receive equal consideration with domestic offers if the estimated value of the contract meets or exceeds the new thresholds set by the USTR. This rule is not expected to significantly impact domestic offerors or offerors covered by the WTO GPA or a FTA because the threshold adjustments made under this rule simply accommodate changes in economic conditions, while maintaining the status quo.

V. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products (Including Commercially Available Off-the-Shelf (COTS) Items) or for Commercial Services

This rule amends the FAR to make minor revisions in the thresholds for application of the WTO GPA and the FTAs. The revisions do not add any new burdens or, except for the thresholds changes themselves, impact applicability of clauses and provisions at or below the simplified acquisition threshold, to acquisitions of commercial products (including commercially available off-the-shelf items), or to acquisitions of commercial services.

VI. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VII. Executive Order 14192

This rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866. Thus, this rule is considered neither regulatory nor deregulatory for purposes of E.O. 14192.

VIII. Congressional Review Act

Pursuant to the Congressional Review Act, the FAR Council will send this rule to each House of the Congress and to the Comptroller General of the United States. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget has determined that this rule does not meet the definition in 5 U.S.C. 804(2).

IX. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

X. Paperwork Reduction Act

This rule affects the information collection requirements in the provisions at FAR 52.225–2, 52.225–4, 52.225–6, and 52.225–10, and the clauses at FAR 52.225–9, 52.225–11, 52.225–21, and 52.225–23, currently approved under OMB Control Number 9000–0024, entitled ''Buy American Act, Trade Agreements, and Duty-Free Entry,'' in accordance with the Paperwork Reduction Act (44 U.S.C. 3501–3521). The impact, however, is negligible, because the threshold changes are in line with inflation and maintain the status quo. As a result, there is no change to the estimated burden.

List of Subjects in 48 CFR Parts 22, 25, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, OFPP, DoD, GSA, and NASA amend 48 CFR parts 22, 25, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 22, 25, and 52 continues to read as follows:

Authority: 41 U.S.C. 1121(b); 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1503 [Amended]

■ 2. In section 22.1503 amend paragraph (b)(2) by removing ''$102,280'' and adding ''$105,767'' in its place.

PART 25—FOREIGN ACQUISITION

25.202 [Amended]

■ 3. In section 25.202 amend paragraph (c) by removing ''$6,708,000'' and adding ''$6,683,000'' in its place.

■ 4. Amend section 25.402 in paragraph (b) by revising table 1 to read as follows:

25.402 General.

* * * * *

(b) * * *

TABLE 1—TO PARAGRAPH (b)

Trade agreement	Supply contract (equal to or exceeding)	Service contract (equal to or exceeding)	Construction contract (equal to or exceeding)
WTO GPA	$174,000	$174,000	$6,683,000
FTAs:			
Australia FTA	105,767	105,767	6,683,000
Bahrain FTA	174,000	174,000	13,749,689
CAFTA–DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	105,767	105,767	6,683,000
Chile FTA	105,767	105,767	6,683,000
Colombia FTA	105,767	105,767	6,683,000
Korea FTA	100,000	100,000	6,683,000
Morocco FTA	174,000	174,000	6,683,000
USMCA:			
—Mexico	105,767	105,767	13,749,689
Oman FTA	174,000	174,000	13,749,689
Panama FTA	174,000	174,000	6,683,000
Peru FTA	174,000	174,000	6,683,000
Singapore FTA	105,767	105,767	6,683,000
Israeli Trade Act	50,000	.....	.....

25.603 [Amended]

■ 5. Amend section 25.603 by removing from paragraph (c)(1) ''$6,708,000'' and adding ''$6,683,000'' in its place.

25.1101 [Amended]

■ 6. Amend section 25.1101 by—

■ a. Removing from paragraph (b)(1)(iii) ''$102,280'' and adding ''$105,767'' in its place; and

■ b. Removing from paragraph (b)(2)(iii) ''$102,280'' and adding ''$105,767'' in its place.

25.1102 [Amended]

■ 7. Amend section 25.1102 by—

■ a. Removing from the introductory text of paragraphs (a) and (c) ''$6,708,000'' and adding ''$6,683,000'' in their places; and

■ b. Removing from paragraphs (c)(3) and (d)(3) ''$6,708,000'' and ''$13,296,489'' and adding ''$6,683,000'' and ''$13,749,689'' in their places, respectively.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Amend section 52.204–8 by—

■ a. Revising the date of the provision; and

■ b. Removing from paragraph (c)(1)(xxi)(C) ''$102,280'' and adding ''$105,767'' in its place.

The revision reads as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations and Certifications (MAR 2026)

* * * * *

■ 9. Amend section 52.212–5 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (b)(32) ''(JAN 2025)'' and adding ''(MAR 2026)'' in its place.

The revision reads as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (MAR 2026)

* * * * *

■ 10. Amend section 52.213–4 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (b)(1)(iii) ''(JAN 2025)'' and adding ''(MAR 2026)'' in its place.

The revision reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (MAR 2026)

* * * * *

■ 11. Amend section 52.222–19 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (a)(2) ''$102,280'' and adding ''$105,767'' in its place.

The revision reads as follows:

52.222–19 Child Labor—Cooperation with Authorities and Remedies.

* * * * *

Child Labor—Cooperation With Authorities and Remedies (MAR 2026)

* * * * *

[FR Doc. 2026–04912 Filed 3–12–26; 8:45 am]

BILLING CODE 6820–61–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2026–0051, Sequence No. 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2026–01; Small Entity Compliance Guide

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget; Department of Defense (DoD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide (SECG).

SUMMARY: This document is issued under the joint authority of OFPP, DoD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2026–01, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding this rule by referring to FAC 2026–01, which is published elsewhere in the Rules section of this issue of the **Federal Register**.

DATES: March 13, 2026.

ADDRESSES: The FAC, including the SECG, is available at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For clarification in relation to the FAR case listed in the table below, contact *FARPolicy@gsa.gov* or call 202–969–4075. Please cite FAC 2026–01 and the FAR Case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared.

RULE LISTED IN FAC 2026–01

Subject	FAR case
Trade Agreements Thresholds	2025–007

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR rule, refer to the specific subject set forth in the document preceding this summary. FAC 2026–01 amends the FAR as follows:

Trade Agreements Thresholds (FAR Case 2025–007)

This final rule amends the Federal Acquisition Regulation to adjust the thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements as determined by the United States Trade Representative, according to predetermined formulae under the agreements.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2026–04913 Filed 3–12–26; 8:45 am]

BILLING CODE 6820–61–P

FEDERAL REGISTER

Vol. 91 Friday,

No. 49 March 13, 2026

Part III

The President

Proclamation 11016—U.S. Hostage and Wrongful Detainee Day, 2026

Federal Register
Vol. 91, No. 49
Friday, March 13, 2026

Presidential Documents

Title 3—

The President

Proclamation 11016 of March 9, 2026

U.S. Hostage and Wrongful Detainee Day, 2026

By the President of the United States of America

A Proclamation

This U.S. Hostage and Wrongful Detainee Day, we extend our prayers and support to every American captive forced to spend days, months, or years in harrowing darkness and confinement. To every American unjustly held abroad—we will not waver in our commitment to bringing you home safely and securely.

Since returning to office, I have worked tirelessly to deliver on my promise to leave no American behind. In just 1 year, we have secured the release of 101 detained Americans abroad—a record-breaking achievement. We have successfully brokered a historic peace deal between Israel and Gaza to deliver all remaining hostages to their families and loved ones; secured the release of more than a dozen wrongfully detained Americans from Venezuela following our decisive action against the Maduro regime; and overseen the freedom of hostages from Afghanistan, Russia, and Belarus. No longer will their days be marked by tallies on the wall; instead, they will be marked by long-awaited reunions with family, the freedom to rebuild their lives, and the lasting contributions they will make to their communities and our Nation.

This year especially, we also remember that, 47 years ago, the brutal Iranian regime seized power on the backs of American hostages. Over the course of the nearly five decades since, Iran has routinely and cruelly detained innocent Americans to use as leverage against weak Presidents of the past. Under my leadership, we are finally putting an end to this evil practice.

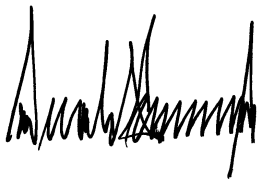
Despite our tremendous progress, our work on behalf of peace will not be complete until every American being held hostage or wrongfully detained is liberated. My Administration is executing a foreign policy of peace through strength, backed by the mightiest military on earth and an unwavering commitment to defend American lives, safety, and interests. I recently signed an Executive Order to enhance our efforts to protect United States citizens from wrongful detention abroad by expanding our methods to take action against foreign actors who threaten the safety of our citizens. The Secretary of State may now designate any foreign country as a State Sponsor of Wrongful Detention and impose firm retributions such as sanctions, travel restrictions, and the inadmissibility of foreign nationals into our country. Iran was the first State Sponsor of Wrongful Detention to be designated under this new authority. For as long as I am President, the United States will never yield to our enemies—and when we find them, they will be met with swift justice.

For 250 years, America has stood as a beacon of freedom across the world—undaunted, unbroken, and unshaken in our commitment to preserving our strength. We will never cease our efforts to defend the dignity of the human person and the enduring promise of liberty for all. Today and every day, we pray for God to place His protecting hand over every brave hostage and wrongful detainee, their loved ones, and our glorious Nation.

The Congress, by Public Law 118–31 approved December 22, 2023, has designated March 9 of each year as ''U.S. Hostage and Wrongful Detainee Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 9, 2026, as U.S. Hostage and Wrongful Detainee Day. On this day, as we fly the Hostage and Wrongful Detainee flag at the White House, I call upon the people of the United States to observe this day with relevant programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of March, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.



[FR Doc. 2026–05053
Filed 3–12–26; 11:15 am]
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