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Federal Register

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

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

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Appellate Jurisdiction Update

AGENCY: Merit Systems Protection Board (MSPB).

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or Board) is amending its regulations to remove certain appeal rights to MSPB for actions related to placement or movement of a civil service employee into an excepted service position without civil service protection. This rule reflects the Office of Personnel Management's (OPM's) rescission of these rights.

DATES: This final rule is effective on March 9, 2026.

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653-7200; fax: (202) 653-7130; or email: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Civil Service Reform Act grants MSPB jurisdiction to hear appeals of any action made appealable to MSPB under law, rule, or regulation. 5 U.S.C. 7701(a). For the benefit of MSPB's stakeholders, MSPB's regulation at 5 CFR 1201.3 contains a list of the types of appeals MSPB has been granted jurisdiction to hear.

In 2024, following notice and comment on a proposed rule, OPM issued a final rule, 5 CFR 302.603, which conferred jurisdiction on MSPB to hear appeals from: (1) federal employees moved from the competitive service into the excepted service, or moved between schedules in the excepted service, when the agency asserts that the employee would lose appeal rights, competitive status, or other previously accrued protections as

a result of that move; and (2) an agency's failure to provide required notice to the employee regarding whether the move would affect the employee's appeal rights, competitive status, or other accrued protections. After notice and comment on a proposed rule, MSPB concurrently amended 5 CFR 1201.3 to reflect MSPB's new jurisdiction over the appeal rights conferred by OPM's rule, 5 CFR 302.603. MSPB's amendment was codified at 5 CFR 1201.3(a)(12).

On February 6, 2026, OPM rescinded 5 CFR 302.603, which had conferred jurisdiction on MSPB to hear the above employee appeal rights. Consequently, MSPB now amends 5 CFR 1201.3 to reflect the removal of these appeal rights, and mirror OPM's new rules, which rescinded the previously codified basis for MSPB jurisdiction.

II. Summary of Changes

Section 1201.3 Appellate Jurisdiction

The proposed amendment removes the appeal right in 5 CFR 1201.3(a)(12) from the list of appealable actions identified in section 1201.3(a).

III. Effective Date of Amendment

The amendment described above will go into effect on February 23, 2026.

IV. Regulatory Compliance

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), MSPB finds that there is good cause to issue this final rule without prior notice and comment. This final rule merely reflects OPM's rescission of the regulatory basis for MSPB's jurisdiction. MSPB lacks any discretion regarding this change, and thus in this rulemaking action. OPM's rescission removes MSPB's jurisdiction over these cases, regardless of whether MSPB updates its regulations to reflect this fact. Accordingly, notice and public comment procedures are unnecessary.

Similarly, pursuant to 5 U.S.C. 553(d)(3), MSPB finds that there is good cause to make this final rule effective immediately upon publication. This final rule merely reflects the rescission of the regulatory basis for MSPB's jurisdiction, which took effect on March 9, 2026.

B. Regulatory Impact Analysis: Executive Order 12866

MSPB has examined the impact of this rulemaking as required by

Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to evaluate the benefits and costs of the proposed action. A regulatory impact analysis must be prepared for major rules with effects of \$100 million or more in any one year. This rulemaking does not reach that threshold but has otherwise been designated as a "significant regulatory action" under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563.

C. Regulatory Flexibility Act

MSPB certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because OPM's proposed rule will apply only to Federal agencies and employees, and MSPB's proposed rule does not in itself effect any change but only reflects OPM's amendments to MSPB's regulatory jurisdiction.

D. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. Chapter 35).

D. Executive Order 13132, Federalism

This regulation will not have substantial direct effect on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Aug. 10, 1999), it is determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in section 3(a) and (b)(2) of Executive Order 12988 (Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Thus, no written assessment of unfunded mandates is required.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Under the authority of 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, and for the reasons set forth above, 5 CFR part 1201 is amended as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

§ 1201.3 [Amended]

■ 2. Amend Section 1201.3 by removing paragraph (a)(12).

Gina K. Grippando,
Clerk of the Board.

[FR Doc. 2026–03594 Filed 2–20–26; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation****7 CFR Part 1414**

[Docket ID FSA–2026–0001]

RIN 0560–AI87

Farmer Bridge Assistance (FBA) Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) is issuing this rule to provide \$11 billion in one-time bridge payments to American farmers in response to temporary trade market disruptions and increased production costs. Payments under the Farmer Bridge Assistance (FBA) Program are intended in part to aid producers until assistance from provisions in the One Big Beautiful Bill Act (OBBBA), notably increases in reference prices to major covered commodities, reach eligible farmers after October 1, 2026.

DATES: This rule is effective on February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Walter; telephone: (816) 491–6934; or email: Michael.Walter1@usda.gov. Individuals with disabilities who require alternative means for communication should contact the

USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

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 - H. E-Government Act Compliance

I. Background

CCC will make \$11 billion available in one-time bridge payments to American farmers in response to temporary trade market disruptions and increased production costs that are still impacting farmers. These bridge payments are intended in part to aid farmers until historic investments from the OBBBA (Pub. L. 119–21), including reference prices which are set to increase between 10–21 percent for major covered commodities such as soybeans, corn, and wheat, reach eligible farmers after October 1, 2026. Eligible producers are those who: (1) produced 2025 crops of barley, canola, chickpeas, corn, cotton, crambe, flax, lentils, mustard, oats, peanuts, peas, rapeseed, rice, safflower, sesame, sorghum, soybeans, sunflower, and wheat (referred to as “eligible commodities” in this rule); (2) have timely filed a crop acreage report with the Farm Service Agency (FSA) by December 19, 2025, specifying the acreage planted to each eligible commodity in crop year 2025; and (3) comply with other requirements specified in this rule.

The FBA Program will help address market disruptions, elevated input costs, persistent inflation, and market losses. The FBA Program applies simple, proportional assistance to producers using a uniform formula to cover a portion of modeled losses during the 2025 crop year. This national loss average is based on FSA timely reported planted acres, Economic Research Service (ERS) cost of production estimates, World Agricultural Supply and Demand

Estimates (WASDE) yields and prices (for many crops), and economic modeling (for crops not covered in WASDE or for which ERS cost of production data are unavailable). Producers are not required to purchase crop insurance or Noninsured Crop Disaster Assistance Program (NAP) coverage to be eligible for the FBA Program; however, USDA strongly urges producers to take advantage of the new OBBBA risk management tools to best protect against price risk and volatility in the future. CCC intends to issue FBA Program payments to eligible producers in early 2026.

The Agricultural Act of 2014 (“2014 Act”; Pub. L. 113–79) authorized assistance to producers of specified commodities under the Agricultural Risk Coverage (ARC) and the Price Loss Coverage (PLC) Programs for the 2014 through 2018 crop years. Generally, these programs provide assistance when market prices are less than specified “effective prices” set forth in the 2014 Act. The ARC Program provides payments when actual crop revenues fall below a specified guarantee level, while the PLC Program provides payments when the national average market price (or the national average loan rate, if higher) for a given covered commodity falls below a specified effective reference price for that commodity.

The Agriculture Improvement Act of 2018 (Pub. L. 115–334) extended these programs through the 2023 crop year, and subsequent 1-year extensions authorized continuation of the programs through the 2025 crop year (Pub. L. 118–22; Pub. L. 118–158). While these acts made minor changes to the structure of the ARC and PLC Programs, statutory reference prices were not updated to reflect changes in market prices that had occurred since the enactment of the 2014 Act (see Table 1).

Since the enactment of the 2014 Act, there have been major changes in commodity markets and the price of inputs required to produce covered commodities included in the ARC and PLC Programs. During the past four years the costs associated with the production of these commodities have increased significantly. Recognizing these changes in markets, and specifically the increase in input costs, the OBBBA increased the statutorily established reference prices used to administer these programs for the 2025 through 2030 crop years.

TABLE 1—REFERENCE PRICES FOR ARC AND PLC PROGRAM COVERED COMMODITIES

Covered commodity	Reference price		Unit
	2014–2024	2025–2030 *	
Barley	\$4.95	\$5.45	Dollars/Bushel.
Canola	20.15	23.75	Dollars/Hundredweight.
Chickpeas, Large	21.54	25.65	Dollars/Hundredweight.
Chickpeas, Small	19.04	22.65	Dollars/Hundredweight.
Corn	3.70	4.10	Dollars/Bushel.
Crambe	20.15	23.75	Dollars/Hundredweight.
Dry Peas	11.00	13.10	Dollars/Hundredweight.
Flaxseed	20.15	23.75	Dollars/Hundredweight.
Grain Sorghum	3.95	4.40	Dollars/Bushel.
Lentils	19.97	23.75	Dollars/Hundredweight.
Mustard Seed	20.15	23.75	Dollars/Hundredweight.
Oats	2.40	2.65	Dollars/Bushel.
Peanuts	535.00	630.00	Dollars/Ton, Short (2,000 lbs.).
Rapeseed	20.15	23.75	Dollars/Hundredweight.
Rice, Long Grain	14.00	16.90	Dollars/Hundredweight.
Rice, Medium Grain	14.00	16.90	Dollars/Hundredweight.
Rice, Temperate Japonica **	17.30	24.33	Dollars/Hundredweight.
Safflower	20.15	23.75	Dollars/Hundredweight.
Seed Cotton **	0.367	0.42	Dollars/Pound.
Sesame Seed	20.15	23.75	Dollars/Hundredweight.
Soybeans	8.40	10.00	Dollars/Bushel.
Sunflower Seed	20.15	23.75	Dollars/Hundredweight.
Wheat	5.50	6.35	Dollars/Bushel.

* Reference prices are automatically increased by 1.005 starting in 2031.

** The temperate japonica rice reference price was updated in crop year 2019 from \$16.10 to \$17.30. Seed cotton became a covered commodity in crop year 2018.

Producers of many covered commodities, especially soybeans and corn, have been subject to market-distorting actions of foreign governments. Imposition of tariffs and delayed purchases have affected the ability of U.S. producers to export, thus reducing domestic prices of 2025 crops. While the increase in reference prices will provide increased protection to producers of 2025 and subsequent crops, payments under ARC and PLC are not made until after October 1 of the year following the year in which the crop was produced. Accordingly, payments for 2025 crop production will not be made until after October 1, 2026. These producers are currently making planting and financing decisions regarding 2026 crops, and this delayed payment process creates substantial obstacles for many producers who rely on these payments to maintain their farming operations.

To sustain producers until these payments are made, the Department has determined that additional assistance for these producers is necessary. Section 5(b) of the CCC Charter Act (15 U.S.C. 714c(b)) provides that CCC may use its funds to “(m)ake available materials and

facilities required in connection with the production and marketing of agricultural commodities (other than tobacco).” Accordingly, \$11 billion of CCC funds will be used to assist producers under the FBA Program.

In order to ensure that producers may receive assistance as they make 2026 crop financing decisions, CCC will calculate payments using the 2025 planted acreage producers reported to FSA on FSA–578, Report of Crop Acreage, by December 19, 2025. Use of the 2025 timely reported acreage not only expedites making these payments, but also ensures that issuing the payments does not distort 2026 crop planting decisions. Acreage that is timely reported as an initial, double-crop, or subsequent commodity will be eligible for FBA Program payments. Acreage that is reported as a cover crop or with an intended use of grazing, left standing, volunteer, green manure, or experimental will not be eligible for FBA Program payments.

Payments for a producer will be calculated by multiplying the applicable payment rate for an eligible commodity by the eligible acreage timely reported for the commodity on the FSA–578.

CCC has calculated a payment rate for each eligible commodity using a 30.41 percent factor, which reflects the share of expected economic loss covered by FBA funding. This factor is used so that total payments do not exceed the \$11 billion in program funding and is based on eligible acres per commodity.

The payment calculation for each eligible crop requires data on expected cost of production per acre and the expected gross return (crop yield multiplied by price) per acre. Where available, the expected cost of production per acre for a commodity is equal to the 2025 crop year “total cost” forecast in the “National Average Cost-of-Production Forecasts for Major U.S. Field Crops” data product published by ERS.¹ The expected gross return per acre for a commodity is equal to the projected average farm price for the commodity for the 2025 through 2026 marketing year, taken from the December 9, 2025 WASDE report,² multiplied by the national average harvested yield per acre for the commodity for the 2025 crop year.³ The net gross return is the gross return minus the expected cost of production.

¹ The ERS data product is “Cost-of-production forecasts for major U.S. field crops, 2025F–2026F” updated on December 18, 2025, available at <https://www.ers.usda.gov/data-products/commodity-costs-and-returns>.

² Projected average farm prices for eligible and available commodities for the 2025 through 2026 marketing year were taken from the December 9, 2025, report, available at <https://www.usda.gov/oce/commodity/wasde/wasde1225.pdf>.

³ Crop year 2025 harvested yields were calculated using 2025 yield estimates from USDA’s National Agricultural Statistics Service (NASS). For those crops where a 2025 harvested yield estimate is not yet available, the Olympic average of NASS data for 2020–2024 was used.

An example of the resulting payment calculation for corn is shown in Table 2.

TABLE 2—CORN EXAMPLE PAYMENT RATE CALCULATIONS; VARIABLES FOR FBA PAYMENT CALCULATIONS AND FINAL PAYMENT RATE
[Per acre]

Crop	2025 Harvested yield	Price forecast	Forecasted cost of production	Economic loss using 30.41 percent factor	Payment rate using 30.41 percent factor
	(a)	(b)	(c)	$((a * b) - c) * 0.3041$	$(a * b) - c * 0.3041$
Corn	186 bushels per acre	\$4.00 per bushel	\$889.88 per acre	–\$44.36 per acre	\$44.36 per acre.

To start, the net gross return for corn is calculated:

$$\begin{aligned} \text{Net Gross Return for Corn} &= (a * b) = \\ &= (186 * \$4.00) = \$744.00 \\ &= \$744 - \$889.88 = -\$145.88/\text{acre} \end{aligned}$$

The next step is to calculate the economic loss payment rate for corn:

$$\begin{aligned} \text{Economic Loss Payment Rate for Corn} &= [(a * b) - c] * 30.41 \text{ percent} = \\ &= \$145.88 * 30.41 \text{ percent} = \$44.36/\text{acre} \end{aligned}$$

The payment rate of \$44.36 per acre is applied to all eligible corn acres and is also shown in Table 3, along with the rates for all other eligible commodities.

For commodities not included in the USDA data sources noted above, gross returns and costs of production were estimated. Eligible commodities that do not have a price projection available in WASDE, nor a cost-of-production forecast in the “Cost of-Production Forecasts for Major U.S. Field Crops, 2025F–2026F” ERS data product, are

pulse crops (large chickpeas, small chickpeas, dry peas, lentils) and certain oilseeds (canola, crambe, flax, mustard, rapeseed, safflower, sesame, sunflower). Peanuts do not have a WASDE price forecast. For commodities not available in the WASDE, price projections for the 2025–2026 marketing year were taken from the ARC/PLC 2025 Market Year Average Prices web posting as of December 2025. This is the only data set published by USDA that provides crop year price forecasts for those crops that are not included in the WASDE, and these prices are determined using similar methods as WASDE forecasts.

Regarding cost of production data for the pulses and oilseeds not included in ERS’s costs of production data product, USDA researched and evaluated agricultural extension budgets and other sources. These budgets were not used as they are based on differing computational methodologies, can be outdated, and can vary considerably across states even with seemingly

similar production environments. Instead, national average costs of production for pulses and certain oilseeds were estimated based on a statistical equation involving crops with complete costs and returns data.⁴ After the equation was estimated, the resulting coefficients were applied to the 2025 NASS average harvested yield or Olympic average yields, the ARC/PLC 2025 market year average price of each commodity, and 2023 and 2024 NASS yields and prices, with the model then predicting costs for each crop having incomplete data. This methodology provides a uniform approach to estimating production costs for crops with incomplete data, and uses the best available data to reflect market conditions. The resulting production costs are shown in Table 3 (column c), and given the cost estimate, the calculation of the payment rate follows the same methodology as shown above for corn.

TABLE 3—VARIABLES FOR FBA PROGRAM PAYMENT CALCULATIONS AND FINAL PAYMENT RATE PER ACRE, BY COMMODITY

Commodity	2025 Yield	Price forecast in dollars	2025 Forecasted cost of production	Net gross return	Economic loss using 30.41 percent factor	FBA payment rate per acre
	(a)	(b)	(c)	$(a * b) - c$	$((a * b) - c) * 30.41$	(d)
Barley (bu)	80	5.30	491.43	–67.43	–20.51	\$20.51
Canola (lb)	1,789	0.2150	462.15	–77.51	–23.57	23.57
Chickpeas, large (lb)	1,411	0.280	482.09	–87.01	–26.46	26.46
Chickpeas, small (lb)	1,440	0.1940	389.07	–109.71	–33.36	33.36
Corn (bu)	186	4.00	889.88	–145.88	–44.36	44.36
Cotton, all (lbs)	929	0.60	943.28	–385.88	–117.35	117.35
Crambe (lb)	2,030	0.3750	678.11	83.14	0	0.00
Flax (bu)	18	13.50	267.23	–26.48	–8.05	8.05
Lentils (lb)	1,055	0.3130	409.09	–78.87	–23.98	23.98
Mustard (lb)	585	0.4280	326.84	–76.31	–23.21	23.21
Oats (bu)	73.8	3.10	497.60	–268.82	–81.75	81.75
Peanuts (cwt)	39.3	25.00	1,165.50	–183	–55.65	55.65
Peas (lb)	1,814	0.1180	278.52	64.46	19.6	–19.60
Rapeseed (lb)	1,954	0.3125	556.54	54.19	0	\$0.00
Rice (cwt)	75.06	11.60	1,307.68	–436.98	–132.89	132.89

⁴ For a detailed explanation of the payment rates for these crops, see the Cost Benefit Analysis posted

in Docket ID FSA–2026–0001 on <http://www.regulations.gov>.

TABLE 3—VARIABLES FOR FBA PROGRAM PAYMENT CALCULATIONS AND FINAL PAYMENT RATE PER ACRE, BY COMMODITY—Continued

Commodity	2025 Yield	Price forecast in dollars	2025 Forecasted cost of production	Net gross return	Economic loss using 30.41 percent factor	FBA payment rate per acre
	(a)	(b)	(c)	(a * b) – c	((a * b) – c) * 30.41	(d)
Safflower (lb)	1,150	0.23	346.26	– 81.76	– 24.86	24.86
Sesame (lb)	594	0.33	241.06	– 44.98	– 13.68	13.68
Sorghum (bu)	75	3.80	443.19	– 158.19	– 48.11	48.11
Soybeans (bu)	53	10.50	658.06	– 101.56	– 30.88	30.88
Sunflower (lbs)	1,699	0.2305	448.51	– 56.96	– 17.32	17.32
Wheat, all (bu)	53.3	5.00	395.90	– 129.4	– 39.35	39.35

Note: The data do not show economic losses for rapeseed and crambe; in addition, there are no reported acres for crambe.

Table 1 & 3 Sources:

(a) 2025/2026 harvested yields are from NASS (pulled from QuickStats in December 2025). The minor oilseed crops' 2025 harvested yields are not yet available from NASS. An Olympic average for 2020–2024 was used for canola, rapeseed, safflower, flax, sesame, mustard, and sunflower. Sesame harvested yield estimates are not available from NASS. Sesame's 2025 harvested yield was calculated using: (1) harvested acres and production for sesame from the 2022 Census of Agriculture, and (2) the year-to-year change in NASS's canola yield for 2022 to 2023, for 2023 to 2024, and for 2024 to 2025. Historical internal estimates of crambe yields are those used for President's Budget purposes.

(b) 2025–2026 marketing year price forecasts are from the December 9, 2025 WASDE report, for barley, corn, cotton, oats, peanuts, rice, soybeans, and wheat. The remaining commodity price forecasts are from the 2025–2026 ARC/PLC Marketing Year Average Prices on the FSA website.

(c) 2025 costs-of-production forecasts are from ERS's "Cost-of-production forecasts for major U.S. fields crops, 2025F–2026F" updated on December 18, 2025 (including wheat, corn, sorghum, barley, oats, cotton, peanuts, rice, and soybeans). For commodities that are not available in this publication, a statistical approach was implemented as described above.

II. How To Apply

CCC is in possession of all the information needed to calculate payments for each producer. FSA will prepare a CCC–555, Farmer Bridge Assistance (FBA) Program Application, for each eligible producer using the acreage timely reported for each eligible commodity in all states and counties. FSA will use the persons identified as producers on FSA–578, Report of Acreage, and the respective percentages of interest in the eligible commodity. Potential program participants must obtain their pre-filled CCC–555 from FSA through the electronic portal, which can be accessed through the FBA Program web page at <https://www.fsa.usda.gov/fba>, or by contacting any local FSA county office. Persons who believe that their interest in an eligible commodity is not accurately reflected in current FSA records must contact FSA to provide any information that the person believes is relevant to correcting this information. Form CCC–555 must be returned to FSA by April 17, 2026.

Producers must also submit the following eligibility forms to FSA by April 19, 2027, if not already on file with FSA for the 2025 program year:

- CCC–901, Member Information for Legal Entities, if applicable;
- CCC–902E, Farm Operating Plan for an Entity; if applicable;
- CCC–902I, Farm Operating Plan for an Individual; if applicable;
- CCC–941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information, for

individuals, legal entities, and members of legal entities, excluding joint ventures and general partnerships; and

- AD–1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the producer and affiliated persons, as specified in 7 CFR 12.8.

III. Payment Limitation and Payment Eligibility

The total amount of FBA Program payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) may not exceed \$155,000. In addition, a person or legal entity, other than a joint venture or general partnership, is ineligible for FBA Program payments, directly or indirectly, if the person's or legal entity's average adjusted gross income (AGI), using the average of the adjusted gross incomes for the 2021, 2022, and 2023 tax years, exceeds \$900,000. A producer must be actively engaged in farming, as specified in 7 CFR part 1400, subparts C and G, to be eligible for the FBA Program.

FSA will administer the payment limitation, payment eligibility, and average AGI limitation according to the regulations set forth at 7 CFR part 1400 as in effect on February 23, 2026, except that Subpart E, Foreign Person eligibility, does not apply to the FBA Program.

IV. Regulatory Analyses

A. Notice and Comment and Effective Date

The Administrative Procedure Act (APA, 5 U.S.C. 553(a)(2)) provides that the notice and comment requirements and 30-day delay in the effective date provisions of that Act do not apply when the rule involves specified actions, including matters relating to loans, grants, benefits, and contracts. This rule falls within this exemption.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), because it involves matters relating to benefits. The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the requirement for a proposed rule by section 553 or any other law; in addition, the definition of "rule" in 5 U.S.C. 601 is tied to the publication of a proposed rule.

The Office of Management and Budget (OMB) found this rule meets the criteria in 5 U.S.C. 804(2) of the Congressional Review Act (CRA), which would ordinarily necessitate delaying its effective date for 60 days (5 U.S.C. 801(a)(3)(A)). However, the CRA, at 5 U.S.C. 808(2), allows an agency to make such regulations effective immediately if the agency finds there is good cause to do so. CCC has determined that such good cause exists here as benefits made by this rule are critical to the financial

stability of producers who participate in this program and this assistance is necessary to help those producers sustain their normal business operations. Therefore, CCC is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Accordingly, this rule is effective upon publication in the **Federal Register**.

B. Executive Orders 12866, 13563, and 14192

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” 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). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192, “Unleashing Prosperity Through Deregulation,” announced the Administration policy to significantly reduce the private expenditures required to comply with Federal regulations to secure America’s economic prosperity and national security and the highest possible quality of life for each citizen and to alleviate unnecessary regulatory burdens placed on the American people. In line with the Executive Order requirements, CCC will use existing information available to CCC to maximize benefits and minimize burden on American producers. This rule is not an Executive Order 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

The Office of Management and Budget (OMB) designated this rule as economically significant under Executive Order 12866, section 3(f)(1), and therefore, OMB has reviewed this rule. The costs and benefits of this rule are summarized below. The Cost Benefit Analysis is available on [regulations.gov](https://www.regulations.gov).

C. Cost Benefit Analysis Summary

The FBA Program applies simple, proportional assistance to producers of crops that experienced an economic loss in crop year 2025 using a formula to cover a portion of losses. The concept of economic loss is the basis for the methodology. CCC calculated a payment rate for each eligible commodity, which is a function of the 30.41 percent factor and which reflects the share of expected economic loss covered by FBA Program

funding. This factor value is used so that total payments do not exceed the \$11 billion in program funding and is based on eligible acres per crop in addition to prices, yields, and costs.

To estimate the total program cost per crop, each crop’s respective payment rate is applied to the total number of eligible acres for that crop reported to FSA. The total program cost is estimated to be \$10.998 billion. The total cost to the government is the equivalent benefit to producers. The final cost will depend on the number of applications submitted and approved.

D. Environmental Review

The environmental impacts have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347) and the USDA regulation for compliance with NEPA (7 CFR part 1b).

There are no actions under this rule that have the potential to impact the human environment. Accordingly, the actions under this rule are covered by the FSA Categorical Exclusions specified in 7 CFR 1b.4(c)(16)(viii) that apply to individual farm participation in FSA programs where no ground disturbance or change in land use occurs as a result of the proposed action or participation, and 7 CFR 1b.(c)(16)(ix) that applies to safety net programs.

No Extraordinary Circumstances (§ 1b.3(f)) exist because this is an administrative payment program. The FBA Program does not constitute major Federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, CCC will not prepare an environmental assessment or environmental impact statement for this action and, consistent with § 1b.3(g), this document serves as the programmatic finding of applicability and no extraordinary circumstance (FANEC) for this Federal action.

E. Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of

power and responsibilities between the Federal Government and Indian Tribes.

CCC has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that require Tribal consultation at this time. If a Tribe requests consultation in the future, FSA will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

G. Paperwork Reduction Act Requirements

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR part 1320), requires that OMB approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. The USDA intends to use the OMB approved information collection under the control number of 0503–0028; Expiration Date: 10/31/2027 for the purposes of this regulation.

FSA will issue payments to producers using the following forms: CCC–555, CCC–901, CCC–902E, CCC–902I, CCC–941, and AD–1026. The AD–1026 is exempt.⁵ The CCC–555 is the only new data collection activity associated with this request. The total annual burden hours for this information collection are 197,921. See table below for the breakout. This final rule is a one-time

⁵ This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113–79, Title II, Subtitle G, Funding and Administration).

announcement of Federal financial assistance funding for the FBA Program.

For Further Information Contact:

Requests for additional information or copies of this information collection should be directed to Michael Walter; telephone: (816) 491-6934; or email: Michael.Walter1@usda.gov.

Title: Farmer Bridge Assistance (FBA) Program.

Form Numbers: CCC-555, CCC-901, CCC-902E, CCC-902I, CCC-941, and AD-1026.

OMB Number: 0503-0028.

Expiration Date: 10/31/2027.

Type of Request: Revision to Generic Information Collection.

Abstract: As authorized by Section 5(b) of the CCC Charter Act (15 U.S.C. 714c(b)), CCC is administering the FBA

Program to provide \$11 billion in one-time bridge payments to producers of eligible commodities in response to temporary trade market disruptions and increased production costs.

To apply for the FBA Program, producers must execute a pre-filled CCC-555. Producers will use one application for all eligible crop acreage nationwide. Producers must also submit the following eligibility forms if not already on file with FSA due to participation in other programs: CCC-901, Member Information for Legal Entities, if applicable; CCC-902, Farm Operating Plan, for an individual or legal entity as provided in 7 CFR part 1400; CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information, for

individuals, legal entities, and members of legal entities, excluding joint ventures and general partnerships; and AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the participant and applicable affiliates.

Affected Public: Farms or businesses for profit (Agricultural producers).

Estimated Number Respondents: 584,700.

Estimated Number of Responses per Respondent: 1.56000000.

Estimated Number of Total Annual Responses: 912,132.

Estimated Time per Respondent: 0.21698718 hours.

Estimated Total Annual Burden on Respondents: 197,921 burden hours.

Burden activity or form	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours per year
CCC-555, Farmer Bridge Assistance (FBA) Program Application	584,700	1	584,700	0.0835	48,822
CCC-901, Member Information for an Entity	5,847	1	5,847	0.5	2,924
CCC-902E, Farm Operating Plan for an Entity	58,470	1	58,470	0.5	29,235
CCC-902I, Farm Operating Plan for an Individual	58,470	1	58,470	0.5	29,235
CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information	175,410	1	175,410	0.5	87,705
AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification	29,235	1	29,235	0.0835	EXEMPT
Total Estimates	584,700	1.56000000	912,132	0.21698718	197,921

There are 584,700 respondents anticipated for this data collection. The total estimated "Number of Respondents" is not a sum of respondents for all burden activities and forms. It represents the same respondents submitting responses related to different activities for this data collection; therefore, these respondents are not double counted.

H. E-Government Act Compliance

CCC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Federal Assistance Programs

The title and number of the Federal assistance program, as found in the Assistance Listing, to which this document applies are 10.990—Farmer Bridge Assistance (FBA) Program.

List of Subjects in 7 CFR Part 1414

Agricultural commodities, Cotton, Feed grains, Oilseeds, Peanuts, Reporting and recordkeeping requirements, Rice, Wheat.

■ For the reasons discussed above, this final rule amends 7 CFR chapter XIV by adding part 1414 to read as follows:

PART 1414—BRIDGE ASSISTANCE

Subpart A—Farmer Bridge Assistance Program

Sec.

- 1414.1 Applicability.
- 1414.2 Administration.
- 1414.3 Definitions.
- 1414.4 Eligible producer.
- 1414.5 Eligible acres.
- 1414.6 Time and method of application.
- 1414.7 Payment calculation.
- 1414.8 Payment eligibility and limitation.
- 1414.9 General provisions.

Subpart B—[Reserved]

Authority: 15 U.S.C. 714, *et seq.*

PART 1414—BRIDGE ASSISTANCE

Subpart A—Farmer Bridge Assistance Program

§ 1414.1 Applicability.

The regulations in this subpart are applicable to producers participating in the Farmer Bridge Assistance (FBA) Program. Producers who participate in the FBA Program will receive payments

from the Commodity Credit Corporation (CCC) to assist them in the production and marketing of agricultural commodities. Payments will be based on 2025 planted and timely reported acreage of eligible commodities and on payment rates determined by CCC.

§ 1414.2 Administration.

(a) The regulations in this subpart will be administered under the general supervision and direction of the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the Farm Service Agency (FSA) State and county committees (referred to as "State committee" and "county committee," respectively).

(b) State executive directors, county executive directors, and State and county committees do not have authority to modify or waive any of the provisions of this subpart.

(c) The State committee may take any action authorized or required by this subpart to be taken by the county committee that has not been taken by the county committee. The State committee may also:

(1) Correct or require a county committee to correct any action taken by

the county committee that is not in accordance with this subpart; or

(2) Require a county committee to withhold taking any action that is not in accordance with this subpart.

(d) No delegation in this subpart to a State or county committee precludes the Executive Vice President, CCC or a designee, from determining any question arising under this subpart or from reversing or modifying any determination made by a State or county committee.

§ 1414.3 Definitions.

The definitions in this section are applicable for all purposes of administering this subpart. The terms defined in 7 CFR parts 718 and 1400 are also applicable, except where those definitions conflict with the definitions specified in this section. Where there is a conflict or a difference in definitions specified in this subpart and parts 718 and 1400, the regulations in this subpart will apply.

CCC-555 means Form CCC-555, Farmer Bridge Assistance (FBA) Program Application.

Corn means only white, yellow, amylose, popcorn (excluding strawberry popcorn), waxy, and high amylase corn.

Cotton means extra-long staple cotton and upland cotton.

Crop year means the calendar year in which a commodity was intended for harvest.

Determined acres means that acreage established by an FSA representative by use of official acreage, digitizing areas on a photograph or other imagery, or computations from scaled dimensions or ground measurements.

Double cropping means, as determined by the Deputy Administrator on a regional basis, consecutive planting of two specific crops that have the capability to be planted and carried to maturity for the intended uses, as reported by the producer, on the same acreage as the initial crop is planted, within a 12-month period. To be considered double cropping, the planting of two specific crops must be in an area where the FSA State Committee has determined that producers are typically able to repeat the same cycle successfully in a subsequent 12-month period under normal growing conditions.

Dry peas mean Austrian, green, wrinkled seed, and yellow peas, excluding peas grown for the fresh, canning, or frozen market.

Eligible commodity means a 2025 crop of barley, canola, corn, crambe, extra-long staple cotton, flax, large chickpeas, lentils, mustard, oats, peanuts, dry peas, rapeseed, rice,

safflower, sesame, small chickpeas, sorghum, soybeans, sunflower, upland cotton, and wheat.

Eligible producer means a producer of an eligible commodity who timely filed Form FSA-578 with FSA and who complies with all provisions of this subpart.

Extra-long staple cotton means cotton that follows the standard planting and harvesting practices of the area in which the cotton is grown, and meets all of the following conditions:

(1) American-Pima, Sea Island, Sealand, all other varieties of the Barbados species of cotton and any hybrid thereof, and any other variety of cotton in which 1 or more of these varieties is predominant;

(2) The acreage is grown in a county designated as an extra-long staple cotton county by the Secretary; and

(3) The production from the acreage is ginned on a roller-type gin.

FSA-578 means Form FSA-578, Report of Crop Acreage.

Payment rate means the amount per acre for an eligible commodity that CCC has determined to use to provide assistance to eligible producers in accordance with this subpart.

Peanuts means all peanuts excluding perennial peanuts.

Rice means long grain rice and medium grain rice, including temperate japonica rice, short grain, and sweet rice.

Skip-row means a cultural practice in which rows of a crop are alternated with strips of idle land or another crop, as determined by the Secretary.

Sorghum means both grain sorghum and dual-purpose sorghum (including any cross that, at all stages of growth, having characteristics of a feed grain or dual-purpose variety). Sweet sorghum is not considered a grain sorghum.

Upland cotton means cotton that is produced in the United States from other than pure strain varieties of the Barbados species, any hybrid thereof, or any other variety of cotton in which one or more of these varieties predominate. In other words, it means any cotton that is not extra-long staple cotton.

§ 1414.4 Eligible producer.

(a)(1) To be eligible for payment under this subpart, a producer must have timely filed an FSA-578 with FSA for their acreage of each eligible commodity for which a payment under this subpart is requested.

(2) Federal agencies are not eligible to participate in the FBA Program.

(b) An eligible producer is a:

(1) Citizen of the United States;

(2) Resident alien, which for purposes of the FBA Program, means “lawful alien” as defined in 7 CFR part 1400;

(3) Partnership organized under State law consisting solely of citizens of the United States or resident aliens;

(4) Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or

(5) Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(c)(1) A State, political subdivision, or agency thereof, is eligible for a payment under this subpart if:

(i) The land for which payments are received is owned by the State, political subdivision, or agency thereof; and

(ii) The payments are used solely for the support of public schools.

(2) The total of payments to the State, political subdivision, or agency thereof cannot exceed \$500,000 annually, except for States with a population less than 1,500,000, as established by the most recent U.S. Census Bureau annual estimate of the State’s resident population. This limitation is in addition to the limitation per person or legal entity described in § 1414.8. States with a population of less than 1,500,000 are subject to the regular per person or entity limit in § 1414.8.

(d) To be eligible for assistance under this subpart, a producer must be in compliance with the provisions of 7 CFR part 12 and the provisions of 7 CFR 718.6, which address ineligibility for benefits for offenses involving controlled substances.

(e) To be eligible for assistance under this subpart, a producer must be actively engaged in farming. FSA will administer this requirement according to the provisions of 7 CFR part 1400, subparts C and G.

(f) A receiver or trustee of an insolvent or bankrupt debtor’s estate, an executor or an administrator of a deceased person’s estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust are considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively. The production of the receiver, executor, administrator, guardian, or trustee is considered to be the production of the person or estate represented by the receiver, executor, administrator, guardian, or trustee.

§ 1414.5 Eligible acres.

(a) Eligible acres under this subpart include 2025 crop year acres planted in the United States to an eligible commodity, excluding acreage reported as a cover crop, and acreage with an intended use of grazing, experimental, green manure, left standing, or volunteer. Producers must have reported the acres to FSA on FSA-578 by December 19, 2025, to be eligible for payment under this subpart.

(b) FBA Program payments will be based on timely reported acres. If reported acres have determined acres present, determined acres will be used.

(c) Planted acreage includes any land devoted to planted acres for accepted skip-row planting patterns, as determined by the Secretary. FSA will calculate FBA Program payments for skip-row acreage based on the total acres devoted to the eligible commodity without making reductions specified in 7 CFR 718.108 that are applicable to other FSA programs.

(d) In situations where a producer planted both an initial crop and a subsequent crop on the same acreage for the 2025 crop year, both the initial crop and the subsequent crop will be eligible for the FBA Program if they were eligible commodities.

§ 1414.6 Time and method of application.

(a) Producers must contact an FSA county office to obtain their pre-filled CCC-555 and submit this form to any FSA county office by April 17, 2026. Applicants will submit one application that includes all eligible acreage in all counties nationwide.

(b) The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/fba>. Producers may also obtain that information from any FSA county office.

(c) Producers must also submit the following eligibility forms to FSA by April 19, 2027, if not already on file with FSA for the 2025 program year:

- (1) CCC-901, Member Information for Legal Entities, if applicable;
- (2) CCC-902E, Farm Operating Plan for an Entity; if applicable;
- (3) CCC-902I, Farm Operating Plan for an Individual, if applicable;
- (4) CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information, for individuals, legal entities, and members of legal entities, excluding joint ventures and general partnerships; and
- (5) AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the

producer and affiliated persons, as specified in 7 CFR 12.8.

§ 1414.7 Payment calculation.

(a) Payments will be determined by multiplying the eligible acres of an eligible commodity by the payment rate for such commodity. Payment rates are specified in paragraph (b) of this section.

(b) The FBA Program payment rates are specified in the following table.

TABLE 1 TO PARAGRAPH (b)—FBA PROGRAM PAYMENT RATES

Eligible commodity	Payment rate per acre
Barley	\$20.51
Canola	23.57
Chickpeas, Large	26.46
Chickpeas, Small	33.36
Corn	44.36
Cotton	117.35
Crambe	0
Flax	8.05
Lentils	23.98
Mustard	23.21
Oats	81.75
Peanuts	55.65
Peas, Dry	19.60
Rapeseed	0
Rice	132.89
Safflower	24.86
Sesame	13.68
Sorghum	48.11
Soybeans	30.88
Sunflowers	17.32
Wheat	39.35

§ 1414.8 Payment eligibility and limitation.

(a) A person, legal entity, or member of a joint venture or general partnership, as determined in 7 CFR part 1400 in effect on February 23, 2026, cannot receive, directly or indirectly, more than \$155,000 under this subpart. The regulations set forth in part 1400 will be used to administer this limitation.

(b) A person or legal entity with an average adjusted gross income that exceeds \$900,000, as determined according to 7 CFR part 1400, subpart F, will not be eligible to receive benefits, directly or indirectly, under this subpart.

§ 1414.9 General provisions.

(a) All information provided to FSA for program eligibility and payment calculation purposes is subject to spot check. Participants are required to retain documentation in support of their application for 3 years after the date of approval, including verifiable evidence of planted acres of eligible commodities. Participants receiving FBA Program payments or any other person who furnishes such information to the U.S.

Department of Agriculture (USDA) must permit authorized representatives of USDA or the Government Accountability Office, during regular business hours, to enter the operation and to inspect, examine, and allow representatives to make copies of books, records, or other items for the purpose of confirming the accuracy of the information provided by the participant.

(b) If an FBA Program payment resulted from erroneous information provided by a participant, or any person acting on their behalf, the payment will be recalculated and the participant must refund any excess payment to FSA with interest calculated from the date of the disbursement of the payment. If FSA determines that the applicant intentionally misrepresented information included on their application, the application will be disapproved and the applicant must refund the full payment to FSA with interest from the date of disbursement.

(c) Any payment under this subpart will be made without regard to questions of title under State law and without regard to any claim or lien. The regulations governing offsets in 7 CFR part 3 apply to FBA Program payments.

(d) In either applying for or participating in the FBA Program, or both, the applicant is subject to laws against perjury (including, but not limited to, 18 U.S.C. 1621). If the applicant willfully makes and represents as true any verbal or written declaration, certification, statement, or verification that the applicant knows or believes not to be true, in the course of either applying for or participating in the FBA Program, or both, then the applicant may be found to be guilty of perjury. Except as otherwise provided by law, if guilty of perjury the applicant may be fined, imprisoned for not more than 5 years, or both, regardless of whether the applicant makes such verbal or written declaration, certification, statement, or verification within or outside the United States.

(e) For the purposes of the effect of a lien on eligibility for Federal programs (28 U.S.C. 3201(e)), USDA waives the restriction on receipt of funds under this subpart but only as to beneficiaries who, as a condition of the waiver, agree to apply the FBA Program payments to reduce the amount of the judgment lien.

(f) In addition to any other Federal laws that apply to the FBA Program, the following laws apply: 18 U.S.C. 286, 287, 371, and 1001.

Subpart B—[Reserved]**William Beam,***Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2026–03456 Filed 2–20–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39****[Docket No. FAA–2026–0746; Project Identifier MCAI–2025–01628–R; Amendment 39–23260; AD 2026–04–01]****RIN 2120–AA64****Airworthiness Directives; Airbus Helicopters****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model SA330J helicopters. This AD was prompted by a report that the measured resistance value of the pyrotechnic cartridge of the engine fire extinguisher was out of tolerance. This AD requires repetitively inspecting the pyrotechnical cartridge and, depending on the results of the inspection, accomplishing corrective actions. This AD also prohibits an affected pyrotechnical cartridge from being installed on any 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 March 10, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 10, 2026.

The FAA must receive comments on this AD by April 9, 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–2026–0746; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., 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–2026–0746.

FOR FURTHER INFORMATION CONTACT:

George Weir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4045; email: *george.a.weir@faa.gov*.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA–2026–0746; Project Identifier MCAI–2025–01628–R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0231, dated October 21, 2025 (EASA AD 2025–0231) (also referred to as the MCAI), to correct an unsafe condition on all Airbus Helicopters Model SA 330 J helicopters. The MCAI states that during a scheduled maintenance visit, the measured resistance value of the pyrotechnic cartridge of the engine fire extinguisher was found out of tolerance.

The FAA is issuing this AD to detect and address degradation of the pyrotechnic cartridge, which could result in failure of the cartridge to activate the engine fire extinguisher in the case of an engine fire with consequent damage to the helicopter or injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0746.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0231, which specifies procedures for repetitively inspecting pyrotechnical cartridge part number (P/N) 704A38710044 (Manufacturer P/N 12–12–11556–1) and P/N 704A38710045 (Manufacturer P/N 12–12–11555–1), and having a serial number identified in Table 1—Affected Parts of EASA AD 2025–0231. Based on the inspection results, EASA AD 2025–0231 specifies procedures for replacing affected parts with serviceable parts. EASA AD 2025–0231 also prohibits installing an affected pyrotechnical cartridge on any 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.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2025–0231, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0231 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0231

in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0231 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0231. Material required by EASA AD 2025–0231 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0746 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the

flying public justifies forgoing notice and comment prior to adoption of this rule because failure of the pyrotechnic cartridge to activate the engine fire extinguisher in the case of an engine fire could result in damage to the helicopter or injury to occupants. Due to the undetermined level of degradation of the pyrotechnic cartridge on the affected helicopters, an inspection is necessary within 3 months after the effective date of this AD. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 37 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect pyrotechnic cartridge	4 work-hours × \$85 per hour = \$340	\$0	\$340	\$12,580

The FAA estimates the following costs to do any replacements 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 this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace pyrotechnical cartridge	4 work-hours × \$85 per hour = \$340	\$2,710	\$3,050

Authority for This Rulemaking

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

detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an

unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–04–01 Airbus Helicopters:

Amendment 39–23260; Docket No. FAA–2026–0746; Project Identifier MCAI–2025–01628–R.

(a) Effective Date

This airworthiness directive (AD) is effective March 10, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2600; Fire protection system.

(e) Unsafe Condition

This AD was prompted by a report that the measured resistance value of the pyrotechnic cartridge of the engine fire extinguisher was out of tolerance. The FAA is issuing this AD to detect and address degradation of the pyrotechnic cartridge. The unsafe condition,

if not addressed, could result in failure of the cartridge to activate the engine fire extinguisher in the case of an engine fire with consequent damage to the helicopter or injury to occupants.

(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 2025–0231, dated October 21, 2025 (EASA AD 2025–0231).

(h) Exceptions to EASA AD 2025–0231

(1) Where EASA AD 2025–0231 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0231 specifies compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where EASA AD 2025–0231 defines serviceable part as “Pyrotechnical cartridge, eligible for installation in accordance with approved AH [Airbus Helicopters] instructions, which is not an affected part; or an affected part which, within 7 days before installation, passed an inspection (no discrepancy found) in accordance with the instructions of the ASB”, this AD requires replacing that text with “Pyrotechnical cartridge, eligible for installation in accordance with the original issue of the alert service bulletin listed in Ref. Publications, which is not an affected part; or an affected part which, within 7 days before installation, passed an inspection (no discrepancy found) in accordance with the original issue of the alert service bulletin listed in Ref. Publications”.

(4) Where the material referenced in EASA AD 2025–0231 specifies “check”, this AD requires replacing that text with “inspect”.

(5) Where paragraph (1) of EASA AD 2025–0231 specifies “Within 3 months after the effective date of this AD, or within 6 months since the last check of the measured resistance value accomplished on that affected part in accordance with the instructions of the applicable SA 330 Maintenance Manual work card MDE 26.20.602, whichever occurs first”, this AD requires replacing that text with “Within 3 months after the effective date of this AD”.

(6) Where the material referenced in EASA AD 2025–0231 specifies discarding parts, this AD does not require that action.

(7) This AD does not adopt the “Remarks” section of EASA AD 2025–0231.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0231 specifies to submit certain information to the manufacturer, this AD does not require those actions.

(j) Special Flight Permits

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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) 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.

(l) Additional Information

For more information about this AD, contact George Weir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4045; email: george.a.weir@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 2025–0231 dated October 21, 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 the 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 9, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03518 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2026–0743; Project Identifier MCAI–2025–01764–R; Amendment 39–23257; AD 2026–03–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–07–06, which applied to all Airbus Helicopters Model H160–B helicopters. AD 2025–07–06 required measuring the axial play of the rotating scissors spherical bearings and depending on the results, accomplishing corrective action and reporting inspection results. Since the FAA issued AD 2025–07–06 a determination was made that repetitive inspections for axial play measurements on non-rotating scissors spherical bearings are necessary. This AD retains all of the actions required in AD 2025–07–06 and extends the definition of an affected part to include all serial numbered non-rotating scissors spherical bearings. This AD also prohibits installing affected rotating and non-rotating scissors spherical bearings unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective March 10, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 10, 2026.

The FAA must receive comments on this AD by April 9, 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–2026–0743; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, 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–2026–0743.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include “Docket No. FAA–2026–0743; Project Identifier MCAI–2025–01764–R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner.

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, issued a series of ADs, originally issuing EASA Emergency AD 2024–0206–E, dated October 22, 2024 (EASA Emergency AD 2024–0206–E), to correct an unsafe condition identified as excessive axial play of the rotating scissors spherical bearings. To address this unsafe condition, the FAA issued AD 2024–26–01 Amendment 39–22915 (90 FR 20, January 2, 2025) (AD 2024–26–01), which required a one-time measurement of the axial play of the rotating scissors spherical bearings, and depending on the results, accomplishing corrective action and reporting inspection results.

Subsequently, EASA issued EASA AD 2025–0018, dated January 14, 2025 (EASA AD 2025–0018) which superseded EASA Emergency AD 2024–0206–E, due to the manufacturer issuing revised material, which extended the list of the affected parts to all serial numbers, reduced the initial inspection compliance time, and established repetitive inspections for certain axial play measurements. The FAA did not issue an AD corresponding to EASA AD 2025–0018.

Additionally, EASA superseded AD 2025–0018 and issued EASA AD 2025–0040, dated February 14, 2025 (EASA AD 2025–0040), which prompted the FAA to issue AD 2025–07–06, Amendment 39–23008 (90 FR 15306, April 10, 2025) (AD 2025–07–06). EASA AD 2025–0040 stated the manufacturer revised the applicable material by amending the initial inspection compliance time and adding reporting requirements when the axial play exceeds 0.20 mm. AD 2025–07–06

retained some of the actions required in AD 2024–26–01 and also revised the initial compliance time, extended the definition of an affected part to all serial numbered rotating scissors spherical bearings, extended the reporting requirements, and required repetitive inspections.

The FAA issued AD 2025–07–06 to address excessive axial play of the rotating scissors spherical bearings. The unsafe condition, if not addressed, could result in reduced control of the helicopter.

Actions Since AD 2025–07–06 Was Issued

Since the FAA issued AD 2025–07–06, EASA superseded EASA AD 2025–0040 and issued EASA AD 2025–0264, dated November 26, 2025 (EASA AD 2025–0264) (also referred to as the MCAI). The MCAI states that it has been determined that the required inspections for axial play measurements are also necessary for the non-rotating scissors spherical bearings.

Since the issuance of AD 2025–07–06, the FAA received a comment from one individual that is outside the scope of this AD. The comment disposition below specifically explains and addresses this comment.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–0743.

Comment on AD 2025–07–06

The FAA gave the public the opportunity to comment on AD 2025–07–06. The FAA received one comment that was general, did not make a suggestion specific to the AD, and did not make a request the FAA can act on. This comment is outside the scope of this AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0264, which specifies procedures for measuring the axial play of the rotating and non-rotating scissors spherical bearings and depending on the results of these inspections, accomplishing additional inspections or replacing the affected part. EASA AD 2025–0264 also specifies reporting inspection results to Airbus Helicopters and prohibits installing an affected rotating and non-rotating scissors spherical bearing 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.

FAA's Determination

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

AD Requirements

This AD retains all requirements of AD 2025–07–06 and also requires accomplishing the actions specified in EASA AD 2025–0264, described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0264 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0264 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0264 does not mean that operators need to comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2025–0264. Material required by EASA AD 2025–0264 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–0743 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for "good cause," finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under this section, an agency, upon finding good

cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the affected components are part of an assembly that is critical to the control of a helicopter. The FAA has no information pertaining to the extent of excessive axial play of the rotating or non-rotating scissors spherical bearings that may currently exist in helicopters or how quickly degradation may occur. As the affected parts have been expanded to include rotating and non-rotating scissors spherical bearings, all serial numbers, it is possible an initial inspection has not been performed on a helicopter where the unsafe condition exists. This excessive axial play of the rotating or non-rotating scissors spherical bearings is considered early for these parts. Accordingly, the initial actions required by this AD must be accomplished within a time period as short as 30 days for some helicopters. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Interim Action

The FAA considers that this AD is 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 nine 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
Measurement of axial play	3 work-hours × \$85 per hour = \$255	\$0	\$255	\$2,295
Reporting inspection results	1 work hour × \$85 per hour = \$85	0	85	765

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the inspection. The agency has no way of determining the number of

helicopters that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of the rotating scissor spherical bearing.	2 work-hours × \$85 per hour = \$170	\$1,300	\$1,470
Replacement of the non-rotating scissor spherical bearing.	2 work-hours × \$85 per hour = \$170	1,300	1,470

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive 2025-07-06, Amendment 39-23008 (90 FR 15306, April 10, 2025); and
 - b. Adding the following new airworthiness directive:

2026-03-08 Airbus Helicopters:
Amendment 39-23257; Docket No. FAA-2026-0743; Project Identifier MCAI-2025-01764-R.

(a) Effective Date

This airworthiness directive (AD) is effective March 10, 2026.

(b) Affected ADs

This AD replaces AD 2025-07-06, Amendment 39-23008 (90 FR 15306, April 10, 2025) (AD 2025-07-06).

(c) Applicability

This AD applies to all Airbus Helicopters Model H160-B helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6230, Main Rotor Mast/Swashplate.

(e) Unsafe Condition

This AD was prompted by report of excessive axial play of the scissors spherical bearings (rotating and non-rotating). The FAA is issuing this AD to address excessive axial play of the scissors spherical bearings. The unsafe condition, if not addressed, could result in reduced control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency AD 2025–0264, dated November 26, 2025 (EASA AD 2025–0264).

(h) Exceptions to EASA AD 2025–0264

(1) Where EASA AD 2025–0264 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2025–0264 refers to its effective date, or January 21, 2025 (the effective date of EASA AD 2025–0018), this AD requires using the effective date of this AD.

(3) Where Table 3 in appendix 1 of EASA AD 2025–0264 refers to October 24, 2024 (the effective date of EASA AD 2024–0206–E), this AD requires using January 17, 2025 (the effective date of AD 2024–26–01).

(4) Where paragraph (7) of EASA AD 2025–0264 specifies to report inspection results to AH [Airbus Helicopters] within certain compliance times, for this AD, report inspection results at the applicable times specified in paragraphs (h)(4)(i) or (ii) of this AD.

(i) For an inspection done on or after the effective date of this AD: Submit the report within 7 days after the inspection.

(ii) For an inspection done before the effective date of this AD: Submit the report within 7 days after the effective date of this AD.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0264.

(i) Special Flight Permits

Special flight permits are prohibited.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of

the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0264, dated November 26, 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 the 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 4, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03520 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2025–1112; Project Identifier MCAI–2025–00027–T; Amendment 39–23256; AD 2026–03–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–08–05, which applied to certain Airbus SAS Model A330–200, A330–200 Freighter, and A330–300 series airplanes; and Model A330–841 and A330–941 airplanes. AD 2024–08–05 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2024–08–05, the FAA has determined that additional new and more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2024–08–05 until the existing

maintenance or inspection program, as applicable, is revised to incorporate the new and more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2026.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 30, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of July 19, 2024 (89 FR 50505, June 14, 2024).

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–1112; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at regulations.gov under Docket No. FAA–2025–1112.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–08–05, Amendment 39–22738 (89 FR 50505, June 14, 2024) (AD 2024–08–05). AD 2024–08–05 applied to certain Airbus SAS Model A330–200, A330–200 Freighter, and A330–300 series airplanes; and Model A330–841 and

A330–941 airplanes. AD 2024–08–05 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations (specified in Airbus A330 Airworthiness Limitations Section (ALS), Part 3, Certification Maintenance Requirements (CMRs), Revision 08, dated October 2, 2023). The FAA issued AD 2024–08–05 to correct an unsafe condition identified as a safety-significant latent failure (that is not annunciated) that, in combination with one or more other specific failures or events, could result in hazardous or catastrophic failure condition.

The NPRM was published in the **Federal Register** on June 23, 2025 (90 FR 26460). The NPRM was prompted by AD 2025–0012, dated January 13, 2025, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2025–0012) (also referred to as the MCAI). The MCAI states that new and/or more restrictive airworthiness limitations (specified in A330 ALS, Part 3, CMRs, Revision 09, dated October 1, 2024) for CMRs related to the air cooling temperature control and pneumatic system have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2024–08–05 until the existing maintenance or inspection program, as applicable, is revised to incorporate the new and more restrictive airworthiness limitations, as specified in EASA AD 2025–0012. The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated) that, in combination with one or more other specific failures or events, could result in hazardous or catastrophic failure condition.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–1112.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International (ALPA) and an individual who supported the NPRM without change.

The FAA received an additional comment from Delta Air Lines (Delta). The following presents the comment received on the NPRM and the FAA's response.

Request To Supersede AD 2022–17–08

Delta requested that the FAA remove paragraph (b)(2) and the terminating action in paragraph (m) from the proposed AD and instead supersede FAA AD 2022–17–08, Amendment 39–

22146 (87 FR 54865, September 8, 2022) (AD 2022–17–08), to terminate the requirements corresponding to paragraphs (4) through (8) of EASA AD 2021–0281, dated December 17, 2021 (EASA AD 2021–0281). Delta noted that EASA issued EASA AD 2021–0281R2, dated January 31, 2025, to rescind those corresponding requirements because they were incorporated into A330 ALS, Part 3, CMRs, Revision 09, dated October 1, 2024. Delta stated the terminating action in paragraph (m) of the proposed AD is misleading because the applicability in paragraph (c) of the proposed AD only applies to airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 1, 2024. Based on this, Delta concluded airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after October 1, 2024, must continue to comply with FAA AD 2022–17–08. Delta asserted that superseding FAA AD 2022–17–08 will make it clear that all airplanes applicable to AD 2022–17–08 no longer need to comply with the requirements in paragraphs (4) through (8) of EASA AD 2021–0281.

The FAA agrees that revising the existing maintenance or inspection program, as required by paragraph (j) of this AD, terminates the provisions in paragraphs (4) through (7) of EASA AD 2021–0281, for all Airbus SAS Model A330–330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes regardless of when the original airworthiness certificate or original export certificate of airworthiness was issued. The FAA also acknowledges the applicability discrepancy between this AD and AD 2022–17–08. The FAA notes this discrepancy is addressed by global AMOC 523–25–00060a, dated October 28, 2025. That AMOC approves incorporation of A330 ALS, Part 3, CMRs, Revision 09, or later revisions, as a terminating action for Airbus All Operators Transmission (AOT) A36L004–20, Revision 01, dated October 27, 2021, which corresponds to paragraphs (4) through (7) of EASA AD 2021–0281. Since AMOC 523–25–00060a addresses Delta's concern, the FAA has determined no change to this AD is necessary in this regard.

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 2025–0012, which specifies new and more restrictive airworthiness limitations for airplane structures.

This AD also requires EASA AD 2023–0199, dated November 17, 2023, which the Director of the Federal Register approved for incorporation by reference as of July 19, 2024 (89 FR 50505, June 14, 2024).

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

The FAA estimates the cost per operator for the retained action from AD 2024–08–05 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be \$7,650 (90 work-hours × \$85 per work-hour).

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:
- a. Removing Airworthiness Directive (AD) 2024–08–05, Amendment 39–22738 (89 FR 50505, June 14, 2024); and
 - b. Adding the following new AD:

2026–03–07 Airbus SAS: Amendment 39–23256; Docket No. FAA–2025–1112; Project Identifier MCAI–2025–00027–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 30, 2026.

(b) Affected ADs

- (1) This AD replaces AD 2024–08–05, Amendment 39–22738 (89 FR 50505, June 14, 2024) (AD 2024–08–05).

(2) This AD affects AD 2022–17–08, Amendment 39–22146 (87 FR 54865, September 8, 2022) (AD 2022–17–08).

(c) Applicability

This AD applies to Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841, and –941 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 1, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new and more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated) that, in combination with one or more other specific failures or events, could result in hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (p) of AD 2024–08–05, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 2, 2023: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0199, dated November 17, 2023 (EASA AD 2023–0199). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0199, With No Changes

This paragraph restates the requirements of paragraph (q) of AD 2024–08–05, with no changes.

- (1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0199.

(2) Paragraph (3) of EASA AD 2023–0199 specifies revising “the AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after July 19, 2024 (the effective date of AD 2024–08–05).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0199 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2023–0199, or within 90 days after July 19, 2024 (the effective date of AD 2024–08–05), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0199.

(5) This AD does not adopt the “Remarks” section of EASA AD 2023–0199.

(6) Where the service information referenced in EASA AD 2023–0199 specifies the compliance time for tasks 282400–G0001–1–C and 282400–P0001–1–C as “24 Months from the Effective Date of the EASA Airworthiness Directive that is expected to be issued to mandate this change, without exceeding the current 29,000 FH,” this AD requires using within 24 months after July 19, 2024 (the effective date of AD 2024–08–05), without exceeding the current 29,000 flight hour interval.

(i) Retained Provisions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (r) of AD 2024–08–05, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2023–0199.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0012, dated January 13, 2025 (EASA AD 2025–0012). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraphs (g) of this AD.

(k) Exceptions to EASA AD 2025–0012

(1) This AD does not adopt paragraphs (1), (2), (4), and (5) of EASA AD 2025–0012.

(2) Where paragraph (3) of EASA AD 2025–0012 specifies revising “the AMP” within 12 months after its effective date, this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0012 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2025–0012, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the “Remarks” section of EASA AD 2025–0012.

(5) Where the Compliance Time column of the table in the service information referenced in EASA AD 2025–0012 refers to “01 December 2025 (Corresponding to the 24 Months from the Effective Date of the EASA Airworthiness Directive No.: 2023–0199), without exceeding the current 29 000 FH,” this AD requires using within 24 months after July 19, 2024 (the effective date of AD 2024–08–05), without exceeding the current 29,000 flight hour interval.

(6) Where the Compliance Time column of the table in the material referenced in EASA AD 2025–0012 refers to “the Effective Date of

the EASA Airworthiness Directive that is expected to be issued to mandate these changes,” this AD requires using the effective date of this AD.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the “Ref. Publications” section of EASA AD 2025–0012.

(m) Terminating Action for AD 2022–17–08

For Model A330–330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes: Accomplishing the actions required by paragraph (j) of this AD terminates the provisions in paragraphs (4) through (7) of EASA AD 2021–0281, dated December 17, 2021, that are required by paragraph (g) of AD 2022–17–08.

(n) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(o) Additional Information

For more information about this AD, contact Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 312–203–5670; email: Frank.Carreras@faa.gov.

(p) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on March 30, 2026.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0012, dated January 13, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on July 19, 2024 (89 FR 50505, June 14, 2024).

(i) EASA AD 2023–0199, dated November 17, 2023.

(ii) [Reserved]

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

(6) 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.

(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 February 2, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03503 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. FAA–2010–1060]

Policy Clarifying Definition of “Actively Engaged” for Purposes of Inspector Authorization; Correction

AGENCY: Federal Aviation Administration, Department of Transportation (DOT).

ACTION: Notice of policy; correction.

SUMMARY: This action corrects the description of the appeals process for applicants or holders of an Inspection Authorization (IA) set forth in a prior **Federal Register** notice of policy. On August 4, 2011, the Federal Aviation Administration published a document in the **Federal Register** concerning a notice of policy to clarify the definition of “Actively Engaged” for the purposes of applying for or renewing an IA. That notification contained incorrect information regarding the appeals process for the denial of an IA application for initial issuance or renewal.

DATES: February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Colby Barron, Airmen Section, AFS–320, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone (509) 389–1995; email: colby.barron@faa.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 4, 2011, at 76 FR 47058, on page 47059, in the fourth paragraph of the third column, the FAA incorrectly described the appeals process available to applicants that are denied issuance or renewal of an inspection authorization (IA) under 14 CFR part 65. The notification stated that the issuance or renewal of an IA is not a certificate action and that action on an IA application could be addressed through the Aviation Safety Consistency and Standardization Initiative. This information is incorrect; the notification should have stated that a denial of an IA application is appealable to the National Transportation Safety Board (NTSB). The NTSB has considered cases involving the denial of IA applications in the past. *See, e.g., Whetsel*, 4 N.T.S.B. 1863 (1984), *Petition of Deville*, NTSB Order NO. EA–5095 (2004).

This Notice of Policy is issued in accordance with 49 U.S. Code 44701 and 44703.

Issued in Washington, DC.

Hugh J. Thomas,

Acting Executive Director, Flight Standards Service.

[FR Doc. 2026–03483 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2616; Airspace Docket No. 25–ANM–135]

RIN 2120–AA66

Establishment of Class E Airspace; Providence Seaside Hospital Heliport, Seaside, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Providence Seaside Hospital Heliport, Seaside, OR. This action supports instrument flight rules (IFR) operations at the heliport.

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

FAA Order JO 7400.11K, 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: Bryantjay T. Toves, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3465.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published NPRM and an NPRM (90 FR 43580; September 10, 2025) and a supplement NPRM (SNPRM) (90 FR 57401; December 11, 2025) for Docket No. FAA-2025-2616 in the **Federal Register** and, proposing to establish Class E airspace at Providence Seaside Hospital Heliport, Seaside, OR. The SNPRM modified the proposed airspace based on corrected containment criteria. Interested parties

were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments to the NPRM were received.

One comment was received in support of the proposal.

The second comment requested the FAA to withdraw the Administrative Procedure Act findings, requesting an additional 30-day delay of the effective date, and requested additional technical information regarding the instrument flight procedures, safety, scheduling parameters, environmental policies, and Regulatory Flexibility Act findings.

The second comment was not germane, as the commentor had an incorrect understanding of the stage of the rulemaking at the time of commenting. Specifically, the comment criticized elements it believed were lacking from the rulemaking analysis as though the action were a final rule and not a proposed rule. Although premature at the NPRM stage, the FAA has now fulfilled its legal obligations for this final rule as demonstrated by the discussion in this preamble. Additionally, the comment criticized the FAA for allegedly bypassing notice and comment and shortening or eliminating its delayed effective date. However, the FAA did not bypass notice and comment and, in fact, provided two comment periods associated with the NPRM and SNPRM. Further, the FAA is not shortening or eliminating the rule's delayed effective date. Accordingly, because this comment was misinformed and not applicable to the stage of rulemaking, the FAA will not address the substance of the comment.

Incorporation by Reference

Class E airspace areas are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, 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 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Providence Seaside Hospital Heliport, Seaside, OR.

Class E airspace extending upward from 700 feet is established within an approximately 3.5 by 10-mile area to contain two special instrument flight procedures that were recently developed for the heliport. The northern boundary extends 8.3 miles to accommodate arriving IFR operations below 1,500 feet above the surface on the COPTER RNAV (GPS) Runway 17. Additionally, the southern boundary extends to 2.3 miles west to contain departing IFR operations until reaching 1,200 feet above the surface while on the CEKOG ONE (RNAV) DEPARTURE.

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 qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, "FAA National Environmental Policy Act Implementing Procedures," paragraph B-2.5. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

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

* * * * *

ANM OR E5 Seaside, OR [New]

Providence Seaside Hospital Heliport, OR
(Lat. 45°59'21" N, long. 123°54'47" W)

That airspace extending upward from 700 feet above the surface within an area 2.3 miles west and 1.4 miles east of the heliport's 360° bearing extending to 8 miles north of the heliport and within an area 2.3 miles west and 1.4 miles east of the heliport's 180° bearing extending to 2.3 miles south.

* * * * *

Issued in Des Moines, Washington, on February 18, 2026.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2026–03455 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 270 and 274

[Release No. IC–35963; File No. S7–16–22]

RIN 3235–AM72

Investment Company Names Form N–PORT Reporting; Extension of Compliance Date

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; extension of compliance date.

SUMMARY: The Securities and Exchange Commission (the “Commission”) is extending the compliance date for the amendments to Form N–PORT that were adopted on September 20, 2023 and relate to the rule under the Investment Company Act of 1940 (the “Investment Company Act”) that addresses certain broad categories of investment company names that are likely to mislead investors about an investment company’s investments and risks. The compliance dates for those Form N–PORT amendments are extended to November 17, 2027, for fund groups with net assets of \$10 billion or more as

of the end of their most recent fiscal year; and to May 18, 2028, for fund groups with less than \$10 billion in net assets as of the end of their most recent fiscal year.

DATES:

Effective date: The effective date for this release is March 25, 2026.

Compliance date: The compliance dates for the Form N–PORT amendments adopted on September 20, 2023 are extended to November 17, 2027, for fund groups with net assets of \$10 billion or more as of the end of their most recent fiscal year; and from to May 18, 2028, for fund groups with less than \$10 billion in net assets as of the end of their most recent fiscal year.

FOR FURTHER INFORMATION CONTACT:

Susan Ali, Counsel; Angela Mokodean, Senior Special Counsel; or Brian M. Johnson, Assistant Director, at (202) 551–6792, Investment Company Regulation Office, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The Commission is extending the compliance date for the Commission’s amendments to Form N–PORT [referenced in 17 CFR 274.150] adopted on September 20, 2023. The compliance dates for the other amendments contained in the same release published on September 20, 2023, will remain June 11, 2026, for fund groups with net assets of \$1 billion or more as of the end of their most recent fiscal year and December 11, 2026, for fund groups with less than \$1 billion in net assets as of the end of their most recent fiscal year.

I. Discussion

On September 20, 2023, the Commission adopted amendments to rule 35d–1 under the Investment Company Act, the “names rule,” designed to modernize and enhance the protections that the rule provides.¹ This rule addresses the names of registered investment companies and business development companies that the Commission defines as materially misleading or deceptive. The amendments broadened the scope of the requirement for certain of these funds to adopt a policy to invest at least 80% of the value of their assets in accordance with the investment focus that the fund’s name suggests (the “80%

basket”). The Commission also adopted amendments that updated other names-related regulatory requirements, including amendments to Form N–PORT. For a registered fund that is required to adopt an 80% investment policy under the names rule and that is subject to Form N–PORT reporting requirements, the amendments require the registered fund to report on Form N–PORT: (1) definitions of terms used in the fund’s name; (2) the value of the fund’s 80% basket, as a percentage of the value of the fund’s assets; and (3) whether each investment in the fund’s portfolio is in the fund’s 80% basket (collectively, the “Form N–PORT names rule requirements”).²

The Commission initially established tiered compliance dates for the names rule amendments: December 11, 2025 for larger fund groups, *i.e.*, those with net assets of \$1 billion or more as of the end of their most recent fiscal year; and June 11, 2026 for smaller fund groups, *i.e.*, those with less than \$1 billion in net assets as of the end of their most recent fiscal year.³ On March 14, 2025, the Commission extended the compliance dates from December 11, 2025, to June 11, 2026 for larger fund groups, and from June 11, 2026, to December 11, 2026 for smaller fund groups.⁴

In a separate, concurrent rulemaking, the Commission is proposing amendments to reporting requirements on Form N–PORT, including the proposed removal of the Form N–PORT names rule requirements.⁵ We are extending the compliance dates of the Form N–PORT names rule requirements to November 17, 2027, for fund groups with net assets of \$10 billion or more as of the end of their most recent fiscal year; and to May 18, 2028, for fund

² See Items B.11 and C.2.e of Form N–PORT. The Form N–PORT reporting requirements apply to registered management investment companies and exchange-traded funds organized as unit investment trusts, other than money market funds or small business investment companies. This release uses the term “registered fund” to refer to registered investment companies that are subject to both the names rule requirements and Form N–PORT reporting requirements.

³ For the purposes of this extended compliance period, fund group refers to investment companies in the same “family of investment companies,” as such term is defined in Item B.5 of Form N–CEN. The Commission’s prior extension of the compliance period for the names rule requirements used a similar definition of “group of related investment companies” in 17 CFR 270.0–10. See Adopting Release at n.434.

⁴ Investment Company Names; Extension of Compliance Date, Investment Company Act Release No. 35500 (Mar. 14, 2025) [90 FR 13076 (Mar. 20, 2025)].

⁵ See Form N–PORT Reporting, Investment Company Act Release No. 35962 (Feb. 18, 2026) (the “Form N–PORT Proposing Release”).

¹ Investment Company Names, Investment Company Act Release No. 35000 (Sept. 20, 2023) [88 FR 70436 (Oct. 11, 2023)], Investment Company Names; Correction, Investment Company Act Release No. 35000A (Oct. 24, 2023) [88 FR 73755 (Oct. 27, 2023)] (the “Adopting Release”).

groups with less than \$10 billion in net assets as of the end of their most recent fiscal year to provide time for the Commission to receive and consider comments on the proposed amendments and take any further action.⁶ The purpose of the compliance date extension is to allow registered funds to avoid certain costs associated with regulatory requirements that the Commission has proposed to eliminate and thus may determine are unnecessary. In addition, the compliance date extension is intended to provide registered funds with sufficient time to comply with the Form N-PORT names rule requirements in the event the Commission does not adopt the amendments. In that event, registered funds would be required to file Form N-PORT reports incorporating the names rule requirements as of the first fiscal-quarter-end month after the compliance date.⁷ The compliance dates for all other amendments to rule 35d-1 under the Investment Company Act, and related prospectus disclosure and reporting requirements, adopted on September 20, 2023 remain June 11, 2026 for fund groups with net assets of \$1 billion or more as of the end of their most recent fiscal year, and December 11, 2026 for fund groups with less than \$1 billion in net assets as of the end of their most recent fiscal year.

II. Economic Analysis

The Commission is mindful of the economic effects, including the costs and benefits, of the compliance date

extension. Section 2(c) of the Investment Company Act provides that, when the Commission is engaging in rulemaking under the Act and is required to consider or determine whether an action is consistent with the public interest, the Commission shall also consider whether the action will promote efficiency, competition, and capital formation, in addition to the protection of investors.

The baseline against which the costs, benefits, and the effects on efficiency, competition, and capital formation of the final rule are measured consists of the current state of the registered fund market, current practice as it relates to Form N-PORT reporting, and the current regulatory framework, including recently adopted rules. We also consider the economic effects if the Form N-PORT names rule requirements are removed as we have concurrently proposed.⁸ The Form N-PORT names rule requirements affect all registered investment companies that are required to adopt an 80% investment policy under the names rule and that report on Form N-PORT. They also affect current and prospective investors in those registered funds.

The extension of the compliance date will postpone the benefits and costs of the Form N-PORT names rule requirements. These requirements were intended to help the Commission and its staff understand the types of investments a registered fund includes in its 80% basket and increase the amount of information available for investors to determine whether a fund is appropriate for their investment goals. The extension will delay these benefits, including any concomitant increase in efficiency, competition, and capital formation that may arise from the increased transparency to investors.

The extension will also decrease costs for registered funds that would otherwise have had to come into compliance with the Form N-PORT names rule requirements and, indirectly, to investors in those funds. Regardless of whether the Commission adopts the proposed removal of the Form N-PORT names rule requirements, the delayed compliance date will save the affected registered funds the ongoing costs of complying with the Form N-PORT names rule requirements for a period of time equal to the duration of the extension. We estimate this cost savings to be about \$90 million in aggregate.⁹ If the

Commission does not adopt the removal of the Form N-PORT names rule requirements, the delayed compliance date in this release is also intended to provide advisers with sufficient time to comply with those requirements. Additionally, if the Commission does adopt the proposed removal of the Form N-PORT names rule requirements, then this extension would allow registered funds to avoid incurring any initial costs related to the Form N-PORT names rule requirements that have not yet been incurred.¹⁰

As an alternative, we could have provided a shorter or longer compliance extension (e.g., 1-year or 2-year extension). However, should the Commission not adopt the proposed amendments removing the Form N-PORT names rule requirements, a shorter extension likely would not provide registered funds with sufficient time to comply with these requirements after the Commission's consideration of comments and any further action on the proposed amendments. Conversely, a longer extension would further delay the benefits arising from the Form N-PORT names rule requirements if the Commission does not adopt the proposed removal of those provisions.

Additionally, we estimated annual internal costs of $9\frac{2}{3}$ hours per fund at an average wage rate of \$406: $9\frac{2}{3} \times \$406 = \$3,925$. $\$3,925 + \$2,260 = \$6,185$ in total annual costs per fund. $\$3,925 + \$2,260 = \$6,185$ in total annual costs per fund. In the Adopting Release, we estimated that 76% of funds (9,926) would be affected by the amended rule 35d-1. This extension is generally for 17 months, however, funds in fund groups with net assets of between \$1 billion and \$10 billion will see their compliance deadline shift from June 11, 2026 to May 18, 2028, or approximately 23 months, due to the change in the threshold for differentiating between larger and smaller funds. See *supra* note 6. We estimate that, as of Dec. 2022, there were 1,354 funds in such fund groups (960 mutual funds excluding money market funds, 234 ETFs organized as an open-end fund or as a share-class of an open-end fund, 153 registered closed-end funds, and 7 UITs). Assuming that these funds are no more or less likely to be subject to the rule than the entire population of funds, we estimate that there are $1,029 = 1,354 \times 76\%$ such funds affected by the rule and that will have a 23-month extension. The remaining $8,897 = 9,926 - 1,029$ funds will have a 17-month extension. The aggregate savings is the annual cost per fund times the number of funds times the duration of the extension in years. We thus estimate the aggregate savings to be $\$6,185 \times 1,029 \times 23/12 + \$6,185 \times 8,897 \times 17/12 = \$90,154,622$.

¹⁰ Absent this extension, registered funds likely would have had to incur costs to prepare for the possibility that the Commission preserved these requirements or did not finalize amendments to remove them before the compliance date. If the Commission adopts the removal of the Form N-PORT names rule requirements, this extension and that adoption combined could create additional savings of at most \$76,569,164. This estimate is calculated using the assumptions from the PRA in the Adopting Release, with an estimate of 19 initial hours per fund $\times \$406/\text{hr.} \times 9,926$ funds = \$76,569,164. This is an upper bound since some of these costs have likely already been incurred.

⁶ For the last several years, the Commission has used a threshold of \$1 billion in net assets for differentiating between larger and smaller registered investment companies when providing smaller entities with additional time to comply with new requirements. We are instead using a \$10 billion threshold for these purposes, based on an analysis of the distribution of assets across funds at different net asset thresholds. This \$10 billion threshold is designed to be a reasonable means of distinguishing larger and smaller entities for purposes of tiered compliance dates for the Form N-PORT names rule requirements. We estimate that, as of Dec. 2024, 22.9% of registered investment companies (holding approximately 2.13% of aggregate assets of registered investment companies) would qualify as smaller entities at the \$10 billion threshold. The Commission also recently proposed similar amendments to how it defines "small entity" under the Regulatory Flexibility Act for investment companies. See Amendments to the "Small Business" and "Small Organization" Definitions for Investment Companies and Investment Advisers for Purposes of the Regulatory Flexibility Act, Investment Company Act Release No. 35864 (Jan. 7, 2026) [91 FR 1107 (Jan. 12, 2026)].

⁷ For example, if a registered fund is part of a fund group with net assets of \$10 billion or more as of the end of the most recent fiscal year, and the fund has a fiscal quarter end in Dec., the registered fund would be required to include information under the names rule requirements in its Form N-PORT report for the month of Dec. 2027 (the first fiscal-quarter-end month after the Nov. 17, 2027 compliance date).

⁸ See *supra* note 5.

⁹ From the Paperwork Reduction Act (the "PRA") analysis in the Adopting Release, we estimated the annual external costs to be \$2,260 per fund.

III. Procedural and Other Matters

The Administrative Procedure Act (the “APA”) generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency “for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.”¹¹ The Commission, for good cause, finds that notice and solicitation of public comment to extend the compliance dates for the Form N–PORT names rule requirements are impracticable, unnecessary, or contrary to the public interest.¹² This notice does not impose any new substantive regulatory requirements on any person. Rather, it extends the compliance dates for the Form N–PORT names rule requirements.

For the reasons discussed above, an extension of the compliance dates to November 17, 2027 for larger fund groups and to May 18, 2028 for smaller fund groups is designed to provide the Commission sufficient time to receive and consider comments related to the Form N–PORT Proposing Release and take any further action. New reporting requirements, including new data tags, may entail systems and operational modification and the use of third-party service providers that would take time to plan and implement. Delaying the compliance dates should ease registered funds’ concerns about complying with the Form N–PORT names rule requirements in the short-term as the Commission receives comments on the Form N–PORT Proposing Release and considers whether to adopt the proposed amendments to remove the Form N–PORT names rule requirements. The delay therefore will reduce the possibility that, while the Form N–PORT names rule requirements are under review, registered funds would incur costs to take actions to come into compliance with requirements that may change. Given the implementation activities associated with the upcoming compliance dates, a notice and comment period could not reasonably be completed prior to registered funds incurring burdens associated with meeting the compliance dates.¹³

Pursuant to the Congressional Review Act, the Office of Information and Regulatory Affairs has designated these amendments as not a “major rule,” as defined by 5 U.S.C. 804(2). The Office of Management and Budget has determined that this action is not a significant regulatory action as defined in Executive Order 12866, as amended, and therefore it was not subject to Executive Order 12866 review.

By the Commission.

Dated: February 18, 2026.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–03459 Filed 2–20–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 8

RIN 0930–AA39

Medications for the Treatment of Opioid Use Disorder; Correction

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

ACTION: Correcting amendment.

SUMMARY: This document corrects two outdated references that should have been deleted and one outdated reference in the final rule that appeared in the February 2, 2024 **Federal Register** titled “Medications for the Treatment of Opioid Use Disorder,” specifying final modified and updated certain provisions related to Opioid Treatment Program (OTP) accreditation, certification, and standards for the treatment of Opioid Use Disorder with Medications for Opioid Use Disorders in OTPs. The effective date of the final rule was April 2, 2024, and the compliance date was October 2, 2024.

DATES: Effective on February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Baillieu, MD, DHSc, MPH, (240) 276–1244, or *Robert.Baillieu@samhsa.hhs.gov*, Center Substance Abuse Treatment.

SUPPLEMENTARY INFORMATION:

for rules required by the APA or other law to undergo notice and comment). Further, this rule does not contain any collection of information requirements, as defined by the Paperwork Reduction Act of 1995. 44 U.S.C. 3501 *et seq.* Accordingly, a PRA analysis is not required.

I. Background

In FR Doc. 2024–01693 of February 2, 2024, the Medications for the Treatment of Opioid Use Disorder final rule (89 FR 7528), there were two outdated references that should have been deleted and one outdated reference that is in this correcting document.

II. Summary of Errors

Section 8.3(b) of the regulation erroneously references Accreditation Body application form SMA–167. HHS is correcting the text to reference form SMA–163.

Section 8.11 of the regulation currently links to section 303(g)(1) of the Controlled Substances Act instead of section 303(h), which is the correct reference, and to 42 CFR 8.4(b)(1)(iii), a section which does not exist in the final rule, instead of 42 CFR 8.4(b). HHS is revising the section to replace the outdated text with the correct references.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (APA) (5 U.S.C. 553). The APA generally exempts rules from the requirements of notice and comment rulemaking when an agency “for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest” (5 U.S.C. 553(b)(B)).

HHS has determined that notice and public comment are unnecessary because this amendment to the regulation provides only technical or non-substantive changes to specify the location of cross-referenced regulations currently in effect. Such technical, non-substantive changes are “routine determination[s], 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)) (quotation marks and citation omitted). Accordingly, HHS for good cause finds that notice and public procedure thereon are unnecessary for changing this regulation.

In addition, HHS finds good cause for these amendments to become effective on the date of publication of this action. The APA allows an effective date of less than 30 days after publication as “provided by the agency for good cause found and published with the rule” (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties, and affected parties do not need

¹¹ 5 U.S.C. 553(b)(B).

¹² See *id.* (stating that an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are “impracticable, unnecessary, or contrary to the public interest”).

¹³ This rule does not require analysis under the Regulatory Flexibility Act. See 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only

time to “adjust to the new regulation” before the rule takes effect. (*Am. Federation of Government Emp., AFL-CIO v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981). Therefore, HHS finds good cause for these amendments to become effective on the date of publication of this action.

III. Waiver of Proposed Rulemaking

Section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 1871(e)(1)(B)(i) of the Act mandates a 30-day delay in effective date after issuance or publication of a rule. Section 1871(b)(2)(C) of the Act provides an exception from the notice and 60-day comment period and delay in effective date requirements of the Act, under the good cause standard set forth in 5 U.S.C. 553(b)(B).

Section 1871(e)(1)(B)(ii) of the Act provides an exception from the delay in effective date requirements of the Act as well. Section 553(b)(B) authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 1871(e)(1)(B)(ii) of the Act allows the agency to avoid the 30-day delay in effective date where the waiver is necessary to comply with statutory requirements, or such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects typographical errors in the Medications for the Treatment of Opioid Use Disorder final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the Medications for the Treatment of Opioid Use Disorder final rule. As a result, the corrections made through this document are intended to resolve inadvertent errors so that the Medications for the Treatment of Opioid Use Disorder final rule accurately reflects the policies adopted therein.

In addition, even if this were a rulemaking to which the notice and comment and delayed effective date

requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the Medications for the Treatment of Opioid Use Disorder final rule or delaying the effective date of the corrections are unnecessary because we are not making any substantive revisions to the Medications for the Treatment of Opioid Use Disorder final rule, but rather, we are simply correcting the Code of Federal Regulations to reflect the policies that we previously proposed, received public comment on, and subsequently finalized in the Medications for the Treatment of Opioid Use Disorder final rule. Further comment is not needed to inform our decision to rectify the ministerial errors noted in this final rule and correction. For these reasons, we believe there is good cause to waive notice and comment and delay in effective date, even if they were required.

List of Subjects in 42 CFR Part 8

Administrative practice and procedure, Health professions, Methadone, Reporting and recordkeeping requirements, Substance misuse.

Accordingly, 42 CFR part 8 is corrected by making the following correcting amendments:

PART 8—MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDER

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

Authority: 21 U.S.C. 823; 42 U.S.C. 257a, 290aa(d), 290dd–2, 300x–23, 300x–27(a), 300y–11.

- 2. Amend § 8.3 by revising paragraph (b) to read as follows:

§ 8.3 Application for approval as an Accreditation Body.

* * * * *

(b) *Application for initial approval.* Electronic copies of an Accreditation Body application form [SMA–163] shall be submitted to: <https://dpt2.samhsa.gov/sma163/>.

* * * * *

- 3. Amend § 8.11 by revising paragraphs (a)(1) and (5) and (c)(3) to read as follows:

§ 8.11 Opioid Treatment Program certification.

(a) * * *

(1) An OTP must be the subject of a current, valid certification from the Secretary to be considered qualified by

the Secretary under section 303(h) of the Controlled Substances Act (21 U.S.C. 823(h)(1)) to dispense MOUD in the treatment of OUD. An OTP must be determined to be qualified under section 303(h) of the Controlled Substances Act and must be determined to be qualified by the Attorney General under section 303(h), to be registered by the Attorney General to dispense MOUD to individuals for treatment of OUD.

* * * * *

(5) OTPs that are certified and are seeking certification renewal, and who have been granted accreditation for 1 year by an Accreditation Body as provided under § 8.4(b), may receive a conditional certification for one year unless the Secretary determines that such conditional certification would adversely affect patient health. An OTP must obtain a standard 3-year certification, as described in paragraph (a)(3) of this section, within the 1-year conditional certification period. If standard accreditation is not obtained by the OTP within the 1-year conditional certification period, the OTP's conditional certification will lapse, and the Attorney General will be notified that the OTP's registration should be revoked.

* * * * *

(c) * * *

(3) Within 5 days after it reaches a final determination that an OTP meets the requirements for certification in this section; the Secretary will notify the Drug Enforcement Administration that the OTP has been determined to be qualified to provide OUD treatment under section 303(h) of the Controlled Substances Act.

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–03577 Filed 2–20–26; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 412, 413, 415, 416, and 419

[CMS–1834–CN]

RIN 0938–AV51

Medicare Program; Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems; Quality Reporting Programs; Overall Hospital Quality Star Rating; Hospital Price Transparency; and Notice of Closure of a Teaching Hospital and Opportunity To Apply for Available Slots; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule with comment period; correction.

SUMMARY: This document corrects technical errors in the final rule with comment period that appeared in the November 25, 2025 issue of the **Federal Register** titled “Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems; Quality Reporting Programs; Overall Hospital Quality Star Rating; Hospital Price Transparency; and Notice of Closure of a Teaching Hospital and Opportunity To Apply for Available Slots” (hereinafter referred to as the “CY 2026 OPPS/ASC final rule with comment period”). The effective date of the CY 2026 OPPS/ASC final rule with comment period was January 1, 2026.

DATES: Effective February 23, 2026.

Applicability Date: This correcting document is applicable to January 1, 2026.

FOR FURTHER INFORMATION CONTACT:

For OPPS/ASC related questions, contact Gina Aughenbaugh via email at OutpatientPPS@cms.hhs.gov or (410) 786–7756.

For OPPS Addenda questions, contact Marina Kushnirova via email at Marina.Kushnirova@cms.hhs.gov.

For ASC Addenda questions, contact Scott Talaga via email at Scott.Talaga@cms.hhs.gov.

For New Technology APC questions, contact Nicole Marcos via email at Nicole.Marcos@cms.hhs.gov.

For Comprehensive Ambulatory Payment Classifications (C–APCs) questions, contact Elise Barringer via email at Elise.Barringer@cms.hhs.gov.

Ambulatory Surgical Center Quality Reporting (ASCQR) Program measures, contact Marsha Hertzberg via email at Marsha.Hertzberg@cms.hhs.gov.

Ambulatory Surgical Center Quality Reporting (ASCQR) Program policies, contact Anita Bhatia via email at Anita.Bhatia@cms.hhs.gov.

Hospital Outpatient Quality Reporting (OQR) Program policies, contact Kimberly Go via email at Kimberly.Go@cms.hhs.gov.

Hospital Outpatient Quality Reporting (OQR) Program measures, contact Kristina Rabarison via email at Kristina.Rabarison@cms.hhs.gov.

Rural Emergency Hospital Quality Reporting (REHQR) Program policies, contact Anita Bhatia via email at Anita.Bhatia@cms.hhs.gov.

Rural Emergency Hospital Quality Reporting (REHQR) Program measures, contact Melissa Hager via email at Melissa.Hager@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2025–20907 (90 FR 53448), the CY 2026 OPPS/ASC final rule with comment period, there were technical errors that are identified and corrected in this correcting document.

II. Summary of Errors

Summary of Errors in the Preamble

1. Hospital Outpatient Prospective Payment System (OPPS) Corrections

On page 53472, we are correcting a typographical error in the number of C–APCs.

On pages 53473 and 53474, in the table titled “TABLE 4: FINAL CY 2026 C–APCs” we are adding two C–APCs that were inadvertently omitted.

On page 53493, we are correcting two typographical errors in the wage index adjustment to the OPPS conversion factor.

On page 53586, in the table titled “TABLE 68: FINAL CY 2026 APC AND STATUS INDICATOR ASSIGNMENTS”, we are correcting an error in the HCPCS long descriptor for CPT code 0786T.

On page 53789, we are correcting an error in the final date of the elimination of the Inpatient Only list.

On page 53791, in the table titled “TABLE 119: FINAL PROCEDURES FOR REMOVAL FROM THE IPO LIST FOR CY 2026”, we are correcting an error in the long descriptors for CPT codes 20802 and 20805.

2. OPPS and Ambulatory Surgical Center (ASC) Payment System Corrections

On page 53905, in the table titled “TABLE 136: FINAL LIST OF

QUALIFYING PRODUCTS FOR SEPARATE PAYMENT IN CY 2026 UNDER SECTION 4135 OF THE CAA, 2023”, we are correcting an error in the long descriptor for HCPCS code C9810.

3. Cross-Program Measures for the Hospital Outpatient Quality Reporting (OQR) Program, Rural Emergency Hospital Quality Reporting (REHQR) Program, and Ambulatory Surgical Center Quality Reporting (ASCQR) Program Corrections

On page 53921, we inadvertently omitted language regarding the phrase “program determination” associated with the removal of the Hospital Commitment to Health Equity (HCHE) measure for the REHQR Program.

4. Hospital Outpatient Quality Reporting (OQR) Program Corrections

On pages 53927 and 53931, we are correcting URL links in footnotes 293, 310, and 311 (respectively) for accuracy.

On page 53934, we inadvertently omitted language regarding the description of numerator component (1) for the Emergency Care Access & Timeliness electronic clinical quality measure (eCQM).

On page 53937, we are correcting an in-text URL link for accuracy.

5. Rural Emergency Health Quality Reporting (REHQR) Program Corrections

On page 53945, we are correcting URL links in footnotes 348 and 351 (respectively) for accuracy.

On page 54031 and 54039, we are correcting in-text URL links for accuracy.

On page 54043, we are correcting a table references for accuracy.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (codified at 5 U.S.C. 553(b) and incorporated into section 1871(b) of the Social Security Act (the Act)). However, this notice and comment procedure does not apply if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA, similar to section 1871(e) of the Act, ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**.

However, this 30-day delay in effective date is not required under the APA if the agency finds good cause not to delay and incorporates a statement of the findings and its reasons in the rule issued. Similarly, the 30-day delay is not required under section 1871 if the Secretary finds that a waiver is necessary to comply with statutory requirements or that a delay is contrary to the public interest and states the reasons for such a finding.

Our policies for the wage index adjustment, the Inpatient Only List, and the applicable Healthcare Common Procedure Coding System (HCPCS) codes and descriptors in this correcting amendment were included in the CY 2026 OPPS/ASC final rule with comment period and have previously been subjected to notice and comment procedures. These corrections are consistent with the discussion of this policy in the CY 2026 OPPS/ASC final rule with comment period and do not make substantive changes to this policy. This correcting document corrects technical errors in the regulations text of the CY 2026 OPPS/ASC final rule with comment period. As a result, this correcting document is intended to ensure that the CY 2026 OPPS/ASC final rule with comment period accurately reflects the policy adopted in

the CY 2026 OPPS/ASC final rule with comment period. Therefore, we find for good cause that undertaking further notice and comment procedures to incorporate these corrections into the CY 2026 OPPS/ASC final rule with comment period is unnecessary and contrary to the public interest, such that section 553(b) of the APA does not apply, because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the CY 2026 OPPS/ASC final rule with comment period reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply correctly describing the policies that we previously proposed, requested comments on, and subsequently finalized.

For the same reasons, we are also waiving the 30-day delay in effective date for this correcting document. We find that it is in the public interest to ensure that the CY 2026 OPPS/ASC final rule with comment period accurately states our policies on the wage index adjustment, the Inpatient Only List, and the applicable HCPCS codes and descriptors referenced in this correcting document. Thus, we find that

delaying the effective date of these corrections would be contrary to the public interest. Therefore, we also find good cause to waive the 30-day delay in effective date.

IV. Correction of Errors in the Preamble

In FR Doc. 2025–20907 of November 25, 2025 (90 FR 53448), the CY 2026 OPPS/ASC final rule with comment period, make the following corrections:

1. On page 53472, third column, second full paragraph, the sentence “After consideration of the public comments we received, we are finalizing the C–APCs as proposed” is corrected to read “After consideration of the public comments we received, we are finalizing the C–APCs with modifications. As discussed in sections III.E.1.b and IX.C.2 of this final rule with comment period we are adding APC 5433 (Level 3 Nerve Procedures) and APC 5117 (Level 7 Musculoskeletal Procedures) to the list of C–APCs for CY 2026; thus the number of C–APCs for CY 2026 will increase from 72 to 74.”.

2. On page 53473, in the table titled “TABLE 4: FINAL CY 2026 C–APCs”, after the entry “5116, Level 6 Musculoskeletal Procedures, ORTHO” (row 12), add a new row to read as:

C-APC	CY 2026 APC Group Title	Clinical Family
5117	Level 7 Musculoskeletal Procedures	ORTHO

3. On page 53474, in the table titled “TABLE 4: FINAL CY 2026 C–APCs”, after the entry “5432, Level 2 Nerve

Procedures, NERVE” (row 10), add a new row to read as:

C-APC	CY 2026 APC Group Title	Clinical Family
5433	Level 3 Nerve Procedures	NERVE

4. On page 53493, in the table titled “TABLE 8: CALCULATION OF CY 2026 OPPS CONVERSION FACTOR”, row 5 labeled “Step 3”:

- a. Second line, the figure “0.9955” is corrected to read “0.9995”.
- b. Third line, the figure “\$91.456” is corrected to read “\$90.317”.

5. On page 53586, in the table titled “TABLE 68: FINAL CY 2026 APC AND STATUS INDICATOR ASSIGNMENTS”, row 5 for CPT code 0786T, column 2, the HCPCS long descriptor “Open implantation of cranial nerve (eg, vagus nerve) neurostimulator electrode array and pulse generator” is corrected to read “Insertion or replacement of

percutaneous electrode array, sacral, with integrated neurostimulator, including imaging guidance, when performed”.

6. On page 53789, second column, first line, the date “January 1, 2028” is corrected to read “January 1, 2029”.

7. On page 53791, in the table titled “TABLE 119: FINAL PROCEDURES FOR REMOVAL FROM THE IPO LIST FOR CY 2026”,

a. Row 9, column 2, in the long descriptor text for HCPCS code 20802, the text “Removal of total disc arthroplasty (artificial disc), anterior approach, each additional interspace, cervical (list separately in addition to

code for primary procedure)” is corrected to read “Replantation, arm (includes surgical neck of humerus through elbow joint), complete amputation”.

b. Row 10, column 2, in the long descriptor text for HCPCS code 20805, the text “Revision including replacement of total disc arthroplasty (artificial disc), anterior approach, each additional interspace, cervical (list separately in addition to code for primary procedure)” is corrected to read “Replantation, forearm (includes radius and ulna to radial carpal joint), complete amputation”.

8. On page 53905, in the table titled “TABLE 136: FINAL LIST OF QUALIFYING PRODUCTS FOR SEPARATE PAYMENT IN CY 2026 UNDER SECTION 4135 OF THE CAA, 2023”, row 12, in the long descriptor text for HCPCS code C9810, the text “cCAA 2023” is corrected to read “CAA, 2023”.

9. On page 53921, second column, second full paragraph, lines 7 and 8, the phrase “payment determination.” is corrected to read “payment or program determination.”

10. On page 53927, second column, second footnote (footnote 293), lines 3 and 4, the link “<https://www.jointcommission.org/en-us/standards/r3-report/r3-report-4>” is corrected to read “https://cdn2.hubspot.net/hubfs/3835765/BedWatch_August2017/Docs/R3_Report_Issue_4.pdf”.

11. On page 53931, first column, a. First footnote (footnote 310), lines 3 and 4, the URL link “<https://www.jointcommission.org/en-us/standards/r3-report/r3-report-4>” is corrected to read “https://cdn2.hubspot.net/hubfs/3835765/BedWatch_August2017/Docs/R3_Report_Issue_4.pdf”.

b. Second footnote (footnote 311), lines 3 and 4, the URL link “<https://www.acep.org/administration/crowdingboarding>” is corrected to read “<https://www.acep.org/administration/crowdingboarding>”.

12. On page 53934, second column, first full paragraph, line 22, add the word “during” before the phrase “history-taking and”.

13. On page 53937, first column, first full paragraph, lines 12 and 13, the URL link “<https://ecqi.healthit.gov/ecqm/eh/prerulemaking/2024/cms1074v1>” is corrected to read “<https://ecqi.healthit.gov/ecqm/hosp-inpt/2026/cms1074v3>”.

14. On page 53945, second column, a. Third footnote (footnote 348), lines 7 and 8, the URL link “<https://doi.org/10.1002/emp2.12401>” is corrected to read “<https://doi.org/10.1002/emp2.12401>”.

b. Sixth footnote (footnote 351), lines 7 and 8, the URL link “<https://doi.org/10.1002/emp2.12401>” is corrected to read “<https://doi.org/10.1002/emp2.12401>”.

15. On page 54031, second column, first partial paragraph, lines 5 and 6, the URL link “[Medicare.gov/Care Compare](https://www.medicare.gov/Care/Compare)” is corrected to read “<https://www.medicare.gov/care-compare/>”.

16. On page 54039, second column, first partial paragraph, line 1, the URL link “[Medicare.gov/Care Compare](https://www.medicare.gov/Care/Compare)” is

corrected to read “<https://www.medicare.gov/care-compare/>”.

17. On page 54043, second column, last partial paragraph, line 1, the phrase “Tables 154 through 158” is corrected to read “Tables 154 through 156”.

Liesl I. Fowler,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2026–03578 Filed 2–20–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260218–0050]

RIN 0648–BD32

Comprehensive Fishery Management Plans for Puerto Rico, St. Croix, and St. Thomas and St. John; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS corrects the final rule that implemented management measures described in the Puerto Rico, St. Croix, and St. Thomas and St. John Fishery Management Plans (collectively, island-based FMPs), which published in the **Federal Register** on September 13, 2022. Among other measures, the final rule revised and redesignated the species tables, but inadvertently did not include revisions to the applicable species table references. The purpose of this correcting amendment is to fix these inadvertent errors.

DATES: This correction is effective February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, Southeast Regional Office, NMFS, 727–824–5305, sarah.stephenson@noaa.gov.

SUPPLEMENTARY INFORMATION: On September 22, 2020, the Secretary of Commerce approved the island-based FMPs under section 304(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). On September 13, 2022, NMFS published a final rule in the **Federal Register** (87 FR 56204) to implement management measures in the island-based FMPs, pursuant to section 304(b)(3) of the Magnuson-Stevens Act, which became effective on October 13, 2022. Pursuant to section 305(d) of the

Magnuson-Stevens Act, NMFS is issuing a correcting amendment to the final rule.

Correction

The regulatory text of the final rule implementing the island-based FMPs revised and redesignated the species tables in Appendix A to part 622. The species tables that had been located in Appendix A were redesignated as follows: Table 1 to Appendix A to part 622 for Gulf Reef Fish; Table 2 to Appendix A to part 622 for South Atlantic Snapper-Grouper; and Table 3 to Appendix A to part 622 for Atlantic Dolphin and Wahoo. The regulatory text inadvertently did not include the necessary revisions to the corresponding table number in the definitions of “Gulf reef fish” and “South Atlantic snapper-grouper” contained in 50 CFR 622.2. Similarly, the regulatory text also inadvertently did not include revisions to the corresponding table number for South Atlantic snapper-grouper contained in 50 CFR 622.287(b)(8) (South Atlantic snapper-grouper bag and possession limits). Through this correcting amendment, NMFS corrects the references to the table numbers in each of these three locations to Table 1 in Appendix A for the definition of Gulf reef fish and Table 2 in Appendix A for the definition of South Atlantic snapper-grouper contained in 50 CFR 622.2, and Table 2 in Appendix A for the recreational bag limits for South Atlantic snapper-grouper contained in 50 CFR 622.287(b)(8). The island-based FMPs and the implementing final rule did not revise regulations for species managed by the Gulf Fishery Management Council or the South Atlantic Fishery Management Council.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. Pursuant to section 305(d), this action is necessary to be consistent with management of the Gulf reef fish fishery management unit under the FMP for the Reef Fish Resources of the Gulf and the South Atlantic snapper-grouper fishery management unit under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region and with the final rule for the island-based FMPs. The NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the island-based FMPs, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant under Executive Order 12866. This final rule is not an

Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under Executive Order 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of Executive Order 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of Executive Order 13175 is not required and has not been prepared.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds good cause to waive prior notice and opportunity for additional public comment because it would be unnecessary. This correcting amendment updates references to species tables in Appendix A to part 622 for both South Atlantic snapper-grouper and Gulf reef fish that were inadvertently not included in the final rule for the island-based FMPs. Providing prior notice and opportunity for public comment is unnecessary because the Caribbean island-based FMPs did not revise the specific species tables for South Atlantic snapper-grouper and Gulf reef fish and only changed their location in the regulations within Appendix A. The regulations that implemented the species tables for South Atlantic snapper-grouper and Gulf reef fish have already been subject to notice and public comment. Providing an additional opportunity for public comment would add unnecessary delay to the correct certain regulatory citations to these species tables. Further, retaining the incorrect references to tables in Appendix A will continue to cause confusion regarding accessing the applicable regulatory text for South Atlantic snapper-grouper and Gulf reef fish.

NMFS also finds good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date for this correcting amendment. It corrects an inadvertent error in the regulatory text by updating the table number references for “South Atlantic snapper-grouper” and “Gulf reef fish.” The incorrect references to the applicable species tables may cause confusion among the public who seek to refer to the tables after reviewing regulatory text with the Gulf reef fish and South Atlantic snapper-grouper regulations in 50 CFR 622.2 and 622.287(b)(8). This rule does not revise the species tables, or impose

a new burden or change policy. For these reasons, there is good cause to waive the 30-day delay in effective date for this final rule.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 622

Caribbean, Commercial, Fisheries, Fishing, Recreational.

Dated: February 19, 2026.

Sarah Malloy,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

Accordingly, 50 CFR part 622 is corrected by making the following correcting amendments:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

- 1. The authority citation for part 622 continues to read as follows:

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

- 2. In § 622.2, revise the definition of “Gulf reef fish” and “South Atlantic snapper-grouper” to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Gulf reef fish means one or more of the species, or a part thereof, listed in table 1 in appendix A of this part.

* * * * *

South Atlantic snapper-grouper means one or more of the species, or a part thereof, listed in table 2 in appendix A of this part.

* * * * *

- 3. In § 622.187, revise paragraph (b)(8) to read as follows:

§ 622.187 Bag and possession limits.

* * * * *

(b) * * *

(8) *South Atlantic snapper-grouper* (*whitebone porgy, jolthead porgy, knobbed porgy, saucereye porgy, scup, almaco jack, banded rudderfish, lesser amberjack, white grunt, margate, sailor's choice, Atlantic spadefish, gray triggerfish, bar jack*), combined—20. However, excluded from this 20-fish bag limit are tomtate, South Atlantic snapper-grouper ecosystem component species (specified in table 2 of appendix

A of this part), and those specified in paragraphs (b)(1) through (7) and paragraphs (b)(9) and (10) of this section. Within the 20-fish bag limit, no more than 10 fish can be of any one of these single snapper-grouper species.

* * * * *

[FR Doc. 2026–03507 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260218–0049; RTID 0648–XF362]

Fisheries of the Northeastern United States; Revised 2026 Atlantic Mackerel Specifications

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

ACTION: Interim final rule.

SUMMARY: NMFS is adjusting the specifications for the 2026 Atlantic mackerel fishery to reflect the results of an updated mackerel management track stock assessment. This in-season action is intended to continue rebuilding the mackerel stock, help the mackerel fishery achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Effective February 23, 2026. Public comments must be received by March 25, 2026.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2025–1594, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA–NMFS–2025–1594 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will

be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:
Maria Fenton, Fishery Policy Analyst,
(978) 281–9196.

SUPPLEMENTARY INFORMATION:

Background

NMFS and the Mid-Atlantic Fishery Management Council (Council) manage the Atlantic mackerel fishery pursuant to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). Regulations implementing the Mackerel, Squid, and Butterfish FMP appear at 50 CFR part 648, subpart B. Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1852(g)(1)(B)) states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its council with ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, maximum sustainable yield (MSY), and achieving rebuilding targets. The regulations at § 648.22(d)(1) set forth the process by which the Council recommends, and NMFS approves and implements, annual fishing specifications for the Atlantic mackerel fishery and provide that if annual specifications for mackerel are not published in the **Federal Register** prior to the start of the fishing year, the previous year’s annual specifications will remain in effect. By operation of this provision, the 2025 mackerel specifications will be in effect in fishing year 2026 until replaced with a new action. Additionally, the regulations at § 648.22(e) provide the Regional Administrator with the authority to adjust mackerel specifications in-season, after consulting with the Council, by publishing such an adjustment in the **Federal Register**.

Previous Stock Assessments and Regulatory Actions

In 2017, the Northeast Fisheries Science Center (Science Center) completed a benchmark stock assessment (Stock Assessment Workshop 64) that concluded that the mackerel stock was overfished and subject to overfishing. In response to these findings, the Council developed Framework Adjustment 13 (Framework 13) to the Mackerel, Squid, and Butterfish FMP to establish a rebuilding plan that would rebuild the mackerel stock within 5 years (*i.e.*, by 2023). NMFS published a final rule

implementing Framework 13 on October 30, 2019 (84 FR 58053).

In 2021, the Science Center completed a management track stock assessment that concluded that the mackerel stock remained overfished and subject to overfishing. The assessment also found that, because previous assumptions about recruitment had not come to fruition, the rebuilding plan that was implemented through Framework 13 was no longer adequate and rebuilding by 2023 was not possible. In light of this new information, the Council developed Amendment 23 to the Mackerel, Squid, and Butterfish FMP, which revised the rebuilding plan and established a new rebuilding timeline of 10 years (*i.e.*, by 2032). NMFS published a final rule implementing Amendment 23 on February 1, 2023 (88 FR 6665).

In 2023, the Science Center completed an updated management track stock assessment that concluded that the mackerel stock remained overfished but was no longer subject to overfishing. The assessment also found that the stock had unexpectedly failed to rebuild, and projections indicated that overfishing would occur in 2023 if the full quota was landed. In response to the preliminary assessment results, the Council requested that NMFS take emergency action to limit directed mackerel fishing for the remainder of 2023, and, on October 13, 2023, NMFS published a temporary rule implementing reduced trip limits of 20,000 pounds (lb) (9.08 mt) for all limited access permits and 5,000 lb (2.27 mt) for open access permits (88 FR 70909). Following a peer review of the 2023 assessment, the Council recommended reducing the mackerel ABC from 8,094 mt in 2023 to 3,200 lb in 2024–2025, which resulted in the domestic annual harvest (DAH; *i.e.*, commercial quota) decreasing by 76 percent from 3,639 mt in 2023 to 868 mt in 2024–2025. Because of the low commercial quota, the Council also recommended maintaining the trip limits that were set through NMFS’ October 2023 temporary rule. NMFS published a final rule implementing the Council’s recommended 2024 and projected 2025 mackerel specifications on April 12, 2024 (89 FR 25820), and later reaffirmed the 2025 specifications via a final rule published on September 23, 2025 (90 FR 45674).

Updated 2025 Management Track Stock Assessment and Council Recommendations for 2026 Specifications

In 2025, the Science Center completed a new updated management track stock assessment for mackerel. The results of

the 2025 assessment indicate that the stock remains not subject to overfishing and is no longer overfished and projected to reach its rebuilding target by 2025. This change in stock status is likely due to recent closures of the Canadian directed commercial mackerel fishery, reductions in U.S. mackerel catch, and increased recruitment. The assessment found that recruitment in 2022–2024 was above the time series average, with 2024 recruitment being the highest estimate since 1983.

The Council’s SSC met in October 2025 to review the 2025 assessment results and develop 2026–2027 mackerel ABC recommendations. The SSC expressed concern that the 2024 recruitment estimate was unreliable as it was based on only one year of fishery age composition data and would likely be revised downward in a future assessment, as has been the trend with mackerel assessments. Due to this uncertainty, the SSC recommended substituting a lower short-term (2009–2023) median recruitment for the assessment’s initial 2024 recruitment estimate when computing 2026–2027 ABCs, and maintaining an overfishing limit (OFL) coefficient of variation (CV) of 100 percent. Substituting the short-term median value reduced the 2024 recruitment estimate by 93 percent, which in turn altered future projected biomass and ABCs. Revised projections using the reduced 2024 recruitment value revealed that, relative to the 2025 spawning stock biomass (SSB) projection that was initially generated for the assessment, projected 2025 SSB decreased by 61 percent. However, even considering these uncertainties, the SSC agreed that all stock projections indicate increased biomass and the opportunity for higher catch limits.

The Council’s Mackerel, Squid, and Butterfish Committee met jointly with its River Herring and Shad Committee in November 2025 to discuss the 2025 assessment results, SSC recommendations, Advisory Panel input, and staff recommendations. The Mackerel, Squid, and Butterfish Committee considered four alternatives for rebuilding scenarios and fishery specifications for 2026–2027:

- **Alternative A1:** Maintaining the status quo, 2026–2027 ABCs = 3,200 mt;
- **Alternative A2:** Applying the Council’s standard P* risk policy, 2026 ABC = 10,714, 2027 ABC = 14,485 mt;
- **Alternative A3:** Applying a constant F of 0.12 (60-percent probability of rebuilding by 2032), 2026 ABC = 12,252, 2027 ABC = 14,164 mt; and
- **Alternative A4:** Applying a constant F of 0.15 (51-percent probability of

rebuilding by 2023), 2026 ABC = 15,134, 2027 ABC = 17,107 mt.

Because the SSC already built a significant scientific uncertainty buffer into its ABC recommendations with the use of a revised 2024 recruitment estimate and a 100 percent CV, the Mackerel, Squid, and Butterfish Committee determined that an adequate level of precaution was already incorporated into each alternative. Therefore, it recommended Alternative A4, which would result in the highest quotas for 2026–2027. Additionally, the River Herring and Shad Committee recommended maintaining a status quo 129-mt river herring/shad (RH/S) catch cap in 2026–2027.

During its December 2025 meeting, the Council took final action on a mackerel framework adjustment, which included recommendations for 2026 and projected 2027 mackerel fishery specifications. Consistent with the Mackerel, Squid, and Butterfish Committee, the Council recommended rebuilding and specifications Alternative A4. In accordance with the regulations at § 648.22(e), the Regional Administrator consulted with the Council during this meeting on a potential in-season adjustment to modify the rollover mackerel specifications at the start of fishing year 2026. In prior years when the total mackerel quota was higher, there was substantial fishing activity early in the year, especially in January and February. Between 2018 and 2021, the commercial fishery landed more than 3,600 mt each year between January 1 and February 28. Because completing notice-and-comment rulemaking for the framework will delay full implementation of the new 2026 specifications until after the start of the fishing year on January 1, 2026, absent an intervening action to adjust the 2026 specifications, the fishery would initially be constrained to the rollover

specifications from 2025, including a commercial quota of 868 mt. Therefore, the Council requested that NMFS use an in-season adjustment to increase the 2026 specifications as soon as possible in order to decrease the risk of the fishery failing to achieve optimum yield and avoid unnecessarily limiting economic opportunities.

In-Season Adjusted 2026 Specifications

Through this interim final rule, NMFS is implementing an in-season adjustment to increase the 2026 mackerel fishery specifications above the 2025 specifications that are in place by operation of the rollover provisions of § 648.22(e). In advance of considering the Council’s recommended 2026 mackerel specifications contained in the framework, here NMFS is implementing 2026 specifications consistent with those in Alternative A2 of the Council’s framework, which were calculated by applying the Council’s standard risk policy (85 FR 81152; December 15, 2020). The risk policy specifies the acceptable probability of overfishing (P*) when recommending ABCs. The acceptable P* for a stock is based on the ratio of current biomass (B) to the biomass target (B at maximum sustainable yield, or “B_{MSY}”) for that stock. Under the risk policy, a higher level of risk is acceptable for stocks that are healthy and at or above their biomass targets. The risk policy seeks to prevent stocks from being overfished by reducing the probability of overfishing under lower biomass conditions, while allowing for increased risk and greater economic benefits under higher biomass conditions. For mackerel in 2026, the B/B_{MSY} ratio was calculated as 0.67, which results in a P* of 0.231 and a fishing mortality rate (F) of 0.10. This approach results in the mackerel stock having a 51-percent probability of rebuilding by 2032.

The 2026 specifications being implemented through this in-season action are all increases relative to those that are currently in place with the exception of the RH/S catch cap which is remaining status quo (table 1). The 2026 mackerel ABC is 235 percent higher than the 2025 ABC. The 2026 specifications include a 500-mt deduction to account for expected Canadian mackerel catch, which is based on an announcement from the Department of Fisheries and Oceans Canada stating that the commercial mackerel fishery would remain closed, but there will be an annual total allowable catch of 500 mt for mackerel in 2026 (440 mt for the personal-use bait fishery, 20 mt for the bluefin tuna fishery, 20 mt for scientific sampling, and 20 mt of estimated bycatch). After subtracting the Canadian catch deduction from the ABC, the resulting 2026 ACL is 227 percent higher than the 2025 ACL. These 2026 in-season specifications also include a 2,500-mt deduction to account for expected recreational mackerel catch, which is 17 percent higher than it was in 2025. This increase reflects general variability in recreational catch and uncertainty in recreational catch estimates, as well as the fact that the Council recommended an increase to recreational possession limits as part of the pending mackerel framework adjustment. The 610-mt 2026 management uncertainty buffer was calculated based on one day of high-volume landings in a highly productive year for the mackerel fishery and is designed to help ensure that the commercial mackerel fishery can be closed in time to prevent overages of the commercial ACT and ACL. Commercial discards in 2026 (287 mt) were calculated based on average annual commercial discards over the most recent two years. Finally, the 2026 DAH (*i.e.*, commercial quota) is 685 percent higher than the 2025 DAH.

TABLE 1—CURRENT 2025 AND ADJUSTED 2026 MACKEREL SPECIFICATIONS IN METRIC TONS (mt)

Specification	Current 2025	New 2026
ABC	3,200	10,714
Canadian Catch Deduction	74	500
U.S. ABC/Annual Catch Limit	3,126	10,214
Recreational Catch Deduction	2,143	2,500
Management Uncertainty Buffer	0	610
Commercial Annual Catch Target	983	7,104
Commercial Discards	115	287
DAH/Domestic Annual Processing	868	6,817
RH/S Catch Cap	129	129

The new 2026 specifications being implemented through this interim final rule represent an incremental increase,

falling between the current 2025 mackerel specifications and the recommended 2026 specifications that

the Council voted on at its December 2025 Council meeting but are not yet under review by NMFS. The decision to

set the interim 2026 specifications at the level consistent with Alternative A2 does not prejudice NMFS' future consideration of the Council's recommendation to approve specifications based on Alternative A4. This action is intended to provide the fishing industry with access to a substantial quota increase as soon as possible in the 2026 fishing year. NMFS will consider the Council's recommendation for final 2026 specifications upon receipt of the framework document and proceed with notice-and-comment rulemaking after that review. The 2026 specifications being set through this action will remain in effect until they are replaced by final 2026 specifications contained in the pending framework action.

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act. The reason for using this regulatory authority is that in a previous action implemented under section 304(b) of the Magnuson-Stevens Act, the regulations at § 648.22(e) authorize NMFS to take this action under section 305(d).

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be contrary to the public interest. The mackerel fishing year started on January 1, 2026. Absent some intervening action to adjust mackerel specifications for 2026, the fishery will continue to be constrained to low rollover specifications from 2025. These specifications are based on an outdated 2023 stock assessment and therefore no longer reflect the best scientific information available. An updated 2025

stock assessment found that, relative to 2023, the status of the mackerel stock has improved and can support higher harvest levels. In prior years when mackerel catch limits were higher, there was substantial mackerel fishing activity early in the year. Between 2018 and 2021, the commercial fishery landed more than 3,600 mt of mackerel annually between January 1 and February 28, which is more than the commercial quota (868 mt) that would rollover from 2025. Providing for prior notice and an opportunity for public comment would delay the implementation of revised 2026 mackerel specifications, raising a significant risk that fishing opportunities would not be available when resource and market conditions would provide substantial economic opportunity for the fishery and communities that depend upon it. Additionally, a delay in implementing new, higher 2026 specifications would increase the risk that the fishery would fail to achieve optimum yield. We are inviting public comment on this interim final rule, and we will also seek public comment on the framework action once it has been submitted by the Council. Comments received from the public in response to this notice will be considered as part of the framework rulemaking, which will determine if the 2026 specifications will remain the same as set forth here or will be modified for the remainder of the year. For the same reasons, and because this action relieves a restriction for the mackerel fishery by providing a substantially higher commercial quota, waiver the 30-day delay in effective date is appropriate pursuant to 5 U.S.C. 553(d)(1) and 553(d)(3).

This interim final rule is exempt from the procedures of Executive Order (E.O.) 12866 because this action contains no implementing regulations.

This final rule is not an E.O. 14192 regulatory action because this action is not significant under E.O. 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 18, 2026.

Sarah Malloy,

*Acting Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2026-03504 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 91, No. 35

Monday, February 23, 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-2026-1336; Project Identifier MCAI-2025-00254-T]

RIN 2120-AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2025-06-01, which applies to all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. AD 2025-06-01 requires revising the existing airplane flight manual (AFM) to incorporate the procedures for the flightcrew to manually isolate the opposite functional engine in the event of an engine bleed duct large leak condition. Since the FAA issued AD 2025-06-01, an electronic engine control (EEC) software update has been developed to address the unsafe condition. This proposed AD would continue to require the actions in AD 2025-06-01 and would require installing a certain EEC software update on both engines. This proposed AD would also remove airplanes from the applicability. 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 9, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA-2026-1336; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2026-1336.

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

FOR FURTHER INFORMATION CONTACT:

Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 907-271-5844; email: erica.e.bayles@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-2026-1336; Project Identifier MCAI-2025-00254-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](https://www.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 Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 907-271-5844; email: erica.e.bayles@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2025-06-01, Amendment 39-22989 (90 FR 12457, March 18, 2025) (AD 2025-06-01), for all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. AD 2025-06-01 was prompted by an MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF-2024-30, dated August 27, 2024, to correct an unsafe condition.

AD 2025-06-01 requires revising the existing AFM to incorporate the procedures for the flightcrew to manually isolate the opposite functional engine in the event of an engine bleed duct large leak condition. The FAA issued AD 2025-06-01 to address

partially impaired software protection logic for potential large leaks from the engine bleed duct inside the engine core compartments. Under certain large leak conditions (e.g., a duct burst at a specific portion of the engine's bleed ducting), Pratt & Whitney's PW1500G engine's electronic engine control (EEC) would not transmit the necessary information to the aircraft controller to automatically isolate the opposite engine from the leak path in the bleed system. The unsafe condition, if not addressed, could result in dual engine failure.

Actions Since AD 2025–06–01 Was Issued

Since the FAA issued AD 2025–06–01, Transport Canada superseded AD CF–2024–30 and issued Transport Canada AD CF–2025–12, dated March 4, 2025 (Transport Canada AD CF–2025–12) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states that since Transport Canada AD CF–2024–30 was issued, Pratt & Whitney developed an EEC software update (version 2.12.1, part number 5324158–15), to address the detection and protection for potential large leaks. Installation of EEC software version 2.12.1 on both engines is a terminating action to the AFM revision specified in the MCAI. The MCAI also removes production airplanes from the applicability that will have an equivalent modification incorporated before delivery.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–1336.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2025–06–01, this proposed AD would retain all of the requirements of AD 2025–06–01. Those requirements are referenced in Transport Canada AD CF–2025–12, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–12, which specifies procedures for revising the “Non-Normal Procedure” of the AFM to incorporate the procedures for the flightcrew to manually isolate the opposite functional engine in the event of an engine bleed duct large leak condition, and the installation of a certain EEC software update on both engines, which terminates the AFM revision. The installation consists of updating the EEC software to version 2.12.1 by either replacing or modifying the EEC to include software version 2.12.1. 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.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2025–12 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Compliance With AFM Revisions

Transport Canada AD CF–2025–12 requires operators to “inform all flight crews” of revisions to the AFM, and thereafter to “operate the aeroplane accordingly.” However, this proposed

AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. Section 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–12 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–12 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–12 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–1336 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 152 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2025–06–01	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$12,920
New proposed actions (software upgrade)	10 work-hours × \$85 per hour = \$850	0	850	129,200

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Replace EEC	9 work-hours × \$85 per hour = \$765	\$1,291,050	\$1,291,815

The FAA has determined that it is not likely that operators would need to replace the EEC in order to complete the software upgrade; therefore, the rule is not significant.

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:
 - a. Removing Airworthiness Directive (AD) 2025–06–01, Amendment 39–22989 (90 FR 12457, March 18, 2025); and
 - b. Adding the following new AD:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2026–1336; Project Identifier MCAI–2025–00254–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 9, 2026.

(b) Affected ADs

This AD replaces AD 2025–06–01, Amendment 39–22989 (90 FR 12457, March 18, 2025) (AD 2025–06–01).

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–12, dated March 4, 2025 (Transport Canada AD CF–2025–12).

(d) Subject

Air Transport Association (ATA) of America Code 73, Engine fuel and control.

(e) Unsafe Condition

This AD was prompted by a design review that discovered software protection logic for potential large leaks from the engine bleed duct inside the engine core compartments was partially impaired. Under certain large leak conditions (e.g., a duct burst at a specific portion of the engine's bleed ducting), Pratt & Whitney's PW1500G engine's electronic

engine control (EEC) would not transmit the necessary information to the aircraft controller to automatically isolate the opposite engine from the leak path in the bleed system. In addition, since AD 2025–06–01 was issued, the FAA determined the installation of an engine EEC software update must be done to address the unsafe condition. The FAA is issuing this AD to address the unsafe condition which, if not addressed, could result in dual engine failure.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–12.

(h) Exceptions to Transport Canada AD CF–2025–12

(1) Where Transport Canada AD CF–2025–12 refers to September 10, 2024 (the effective date of Transport Canada AD CF–2024–30, dated August 27, 2024), this AD requires using April 22, 2025 (the effective date of AD 2025–06–01).

(2) Where Transport Canada AD CF–2025–12 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph B. of part I of Transport Canada AD CF–2025–12 specifies to "inform all flight crews of these changes in the AFM procedures and thereafter operate the aeroplane accordingly," this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 14 CFR 91.505, and 14 CFR 121.137).

(4) Where the material referenced in Transport Canada AD CF–2025–12 specifies to replace or modify the EEC to update the EEC software to version 2.12.1, this AD requires modifying the EEC to update the EEC software to version 2.12.1.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–12 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector

or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@faa.gov.

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

(ii) AMOCs approved previously for AD 2025–06–01 are approved as AMOCs for the corresponding provisions of Transport Canada AD CF–2025–12 that are required by paragraph (g) of this AD.

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

(k) Additional Information

For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 907–271–5844; email: erica.e.bayles@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 this AD specifies otherwise.

(i) Transport Canada AD CF–2025–12, dated March 4, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation.

(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 February 19, 2026.

Peter A. White,

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

[FR Doc. 2026–03549 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1337; Project Identifier MCAI–2025–01289–R]

RIN 2120–AA64

Airworthiness Directives; Airbus 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 all Airbus Helicopters Model H160–B helicopters. This proposed AD was prompted by reports of a fully discharged personal locator beacon (PLB) battery installed on an emergency life-raft system (ELRS), as well as a report where the ropes connecting the two ELRS to the PLB were not correctly attached. This proposed AD would require performing a functional test of the PLB and inspecting the rope connection to the ELRS. Depending on the results of the functional test, this proposed AD would require performing the functional test again or replacing affected parts, and depending on the results of the rope inspection, correctly attaching the wrist strap of the PLB to the ELRS rope. This proposed AD would also prohibit the installation of a certain part-numbered PLB and the rope connection to the ELRS, unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by April 9, 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–2026–1337; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, 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–2026–1337.

FOR FURTHER INFORMATION CONTACT:

Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: Steven.R.Warwick@faa.gov.

SUPPLEMENTARY INFORMATION:

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–2026–1337; Project Identifier MCAI–2025–01289–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 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 Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0162, dated July 29, 2025 (EASA AD 2025–0162) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Model H160–B helicopters. The MCAI states there have been reports of a fully discharged PLB battery that is installed on the ELRS. The MCAI further states an occurrence was reported where the connecting rope between the two ELRS and the PLB was not attached correctly. The FAA is proposing this AD to prevent operational failure of the PLB. The unsafe condition, if not addressed, could result in delayed arrival of the rescue services and timely medical assistance to injured crew members or passengers during an emergency use of the life-raft.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–1337.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0162, which specifies procedures for inspecting PLB part number (P/N) U256M30T1001, with manufacturer P/N 500–32–2Y–H and the connecting rope between the PLB and the ELRS and, depending on the results of this inspection, performing a functional test up to five times or replacing the PLB battery pack with a new battery pack; and if necessary, correctly connecting the rope attached to the ELRS. EASA AD 2025–0162 also prohibits installing an affected PLB or the rope between an affected PLB and ELRS 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.

FAA’s Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this 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

EASA AD 2025–0162, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0162 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0162 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0162 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0162. Material required by EASA AD 2025–0162 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–1337 after this AD is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 12 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
Perform functional test of each PLB	1 work-hours × \$85 per hour = \$85	\$0	\$85	\$1,020
Inspect the wrist strap	1 work-hour × \$85 per hour = \$85	0	85	1,020

The FAA estimates the following costs to do any replacements or corrections 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 replacements or corrections.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace battery pack	1 work-hours × \$85 per hour = \$85	\$2,173	\$2,258
Replace a PLB	1 work-hours × \$85 per hour = \$85	5,393	5,478
Attach wrist strap correctly	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 determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2026–1337; Project Identifier MCAI–2025–01289–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 9, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model H160–B helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2562, Emergency Locator Beacon.

(e) Unsafe Condition

This AD was prompted by reports of a fully discharged personal locator beacon (PLB) battery installed on an emergency life-raft system (ELRS), as well as a report where the ropes connecting the two ELRS to the PLB were not correctly attached. The FAA is issuing this AD to prevent operational failure of the PLB. The unsafe condition, if not addressed, could result in delayed arrival of rescue services and timely medical assistance to injured crew members or passengers during an emergency use of the life-raft.

(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 2025–0162, dated July 29, 2025 (EASA AD 2025–0162).

(h) Exceptions to EASA AD 2025–0162

(1) Where EASA AD 2025–0162 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0162 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2025–0162 specifies a "new", this AD requires replacing that text with "new (never installed) part".

(4) This AD does not adopt the "Remarks" section of EASA AD 2025–0162.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0162 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve

AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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 local flight standards district office/certificate holding district office.

(j) Additional Information

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

(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) European Union Aviation Safety Agency (EASA) AD 2025–0162, dated July 29, 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 the 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 19, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03576 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Census Bureau

15 CFR Part 50

[Docket Number: 260202–0037]

RIN 0607–AA65

Age Search Service Fee Structure

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Census Bureau provides an Age Search service of confidential records from the 1910 to 2020 decennial censuses and can issue an official transcript of the results to authorized individuals. With this rule, the Census Bureau is proposing to increase the fee for conducting an Age Search from \$65.00 to \$155.00. The Census Bureau is also proposing to increase the additional charge for expedited requests requiring search results within one day from \$20.00 per case to \$50.00 per case. These changes are needed to reflect the actual operating costs associated with processing an Age Search request which were last revised in 2004.

DATES: Written comments must be submitted on or before April 24, 2026.

ADDRESSES: Interested parties may submit comments to the Census Bureau by any of the following methods:

- Visit the *Regulations.gov* website at: <http://www.regulations.gov> and search for the Docket Number USBC–2025–0005. Please follow the instructions at that site for submitting comments.

- Email: fld.decennial.oversight@census.gov. You must include “Docket Number USBC–2025–0005” in the subject line of your message.

- Mail: Deputy Director, National Processing Center, U.S. Census Bureau, 1201 East 10th Street, Building 63A DO, Jeffersonville, IN 47132.

FOR FURTHER INFORMATION CONTACT:

Contact the Age Search service help line by telephone at 812–218–3046, or by mail at U.S. Census Bureau, P.O. Box 1545, Jeffersonville, IN 47131.

SUPPLEMENTARY INFORMATION:

Background

Age Search allows individuals to request transcripts of their confidential census records before they are released to the public. Historically, these records have been used by people who may not have had a birth certificate to prove their age as statewide registration and reporting of births did not happen consistently in all states until the early 1930s.

The Age Search census transcript provides proof of age to qualify individuals for Social Security or other retirements benefits; secondary proof of citizenship to apply for passports;¹ proof of family relationships for documentation related to rights of inheritance; or to satisfy other situations where a birth certificate is required but

not available. Individuals may request the Age Search service to access their own records. Census information is confidential and ordinarily will not be furnished to another person unless the person to whom it relates authorizes this on the application or if the record requested is that of a minor child, mentally incompetent person, or deceased person. In the latter two cases, the application must be accompanied by additional documentation, such as court orders naming the legal representative. The censuses in custody of the Census Bureau are confidential and protected from disclosure by 13 U.S.C. 9. No transcript of any record will be furnished that would violate statutes requiring that information furnished to the Census Bureau be held confidential and not used to the detriment of the person to whom it relates.

The Age Search service is designed to be a self-supporting operation, conducted in accordance with 13 U.S.C. 8(a). Under this statute, all expenses incurred in the retrieval of personal information from decennial census records and the preparation of decennial census transcripts are intended to be covered by fees paid by individuals who request this service. To help maintain the self-supporting financial status of this service as operating costs increase, the Census Bureau proposes an update to the August 2004 rule, 04–17359 (69 FR 45579), for the fee structure.

Program Requirements

The Census Bureau proposes the following amendment to 15 CFR part 50:

- Amend 15 CFR 50.5 to update the fee structure for age search and citizenship information. The Census Bureau proposes increasing the fee structure for searches of one census for one person and producing one transcript from \$65.00 to \$155.00. The Census Bureau also proposes increasing the additional charge per case for expedited requests requiring search results within one day from \$20.00 to \$50.00. The new fee structure was calculated using 1,614 average annual requests, the 2 hours on average needed to process each request, and the 2025 hourly rates of the two GS–5 employees who currently respond to these requests.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certifies to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Most, if not all, respondents affected by the proposed fee increase are

individuals, not small or large businesses. Those businesses who will be affected will only be impacted minimally. The projected number of individual Age Search cases is 1,614 for fiscal year 2025.

A unique characteristic of the Age Search service is its self-supporting design. Congress passed a law in 1954 that stipulated that this service be funded by the individuals requesting the service (13 U.S.C. 8[a]). The National Processing Center does not receive any federal appropriations or tax monies for the Age Search service. Consequently, the searching process of the census records and associated operating costs are designed to be funded by the fees received with the applications.

Due to increases in operating costs since the last Age Search fee increase in 2004, and to help maintain the self-supporting financial status, it has become necessary to propose a fee increase. The Census Bureau proposes increasing the fee structure for searches of one census for one person and producing one transcript from \$65.00 to \$155.00. The Census Bureau also proposes increasing the additional charge per case for expedited requests requiring search results within one day from \$20.00 to \$50.00. These changes are being made to reflect the actual operating costs associated with processing an Age Search request. The new fee structure was calculated using the average annual number of requests, the average number of hours needed to process each request, and the 2025 hourly rates of the employees responding to the requests.

Executive Orders

This rule has been determined to be significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132. This rule is not expected to be an E.O. 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice also announces the Census Bureau’s intent to reinstate an expired information collection under OMB Control Number 0607–0117. To access a copy of the expired collection, including all supporting materials, please see www.reginfo.gov/public/do/PRAMain and type in the OMB Control Number.

This proposed rule makes changes to the collection, including:

¹ See guidance provided by the U.S. Department of State at <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html>.

- A decrease in burden from 531 hours to 353.4 hours due to fewer annual respondents.

- A fee structure change per the changes proposed in the rule.

In addition, the Census Bureau is proposing to make minor updates to the forms such as adding the 2020 Census as a choice for a census record search.

Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this rule. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure and will be available via <http://www.regulations.gov>.

We are soliciting comments from the public concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, 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 information collection on those who are to respond.

Estimate of burden: Public reporting burden for this collection of information is estimated to average 12 minutes per response.

Estimated annual number of respondents: 1,920.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 1,920.

Estimated total annual burden on respondents: 353.4 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.)

List of Subjects in 15 CFR Part 50

Census data, Population census, Statistics.

George M. Cook, Chief of Staff to the Under Secretary for Economic Affairs, performing the non-exclusive functions and duties of the Director of the Census Bureau, approved the publication of this notice in the **Federal Register**.

For reasons set out in the preamble, the Census Bureau proposes to amend 15 CFR part 50 as follows:

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

■ 1. The authority citation for 15 CFR Part 50 is revised to read as follows:

Authority: 15 U.S.C. 1525–1527; and 13 U.S.C. 3 and 8.

■ 2. Revise § 50.5 to read as follows:

§ 50.5 Fee structure for age search and citizenship information.

Type of service	Fee
Searches of one census for one person and one transcript	\$155.00
Each additional copy of census transcript	2.00
Each full schedule requested ¹	10.00

¹The \$10.00 for each full schedule requested is in addition to the \$155.00 transcript fee.

Note: An additional charge of \$50.00 per case is charged for expedited requests requiring search results within one day.

Dated: February 18, 2026.

Shannon Wink,

Program Analyst, Policy Coordination Office, U.S. Census Bureau.

[FR Doc. 2026–03494 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2026–0100; EEEE500000–256E1700D2–ET1SF0000.EAQ000]

RIN 1014–AA63

Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the 2023 Blowout Preventer Systems and Well Control Rule

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior (DOI or Department), through the Bureau of Safety and Environmental Enforcement (BSEE), is revising certain regulatory provisions published in the 2023 final well control rule for drilling, workover, completion, and decommissioning operations. BSEE is proposing revisions to clarify certain reporting and recordkeeping requirements. This rule would reduce duplicative submissions and provide

consistency and clarity of information available for BSEE review.

DATES: To ensure your comments are considered, BSEE must receive your comments on this proposed rule by March 25, 2026. BSEE may not fully consider comments received after this date. Though this proposed rule does not affect the currently approved information collection, you may submit comments to the Office of Management and Budget (OMB) on the information collection burden under control number 1014–0028 by March 25, 2026. The deadline for comments on the information collection burden does not affect the deadline for the public to comment to BSEE on the proposed regulations.

ADDRESSES: You may submit comments on the proposed rulemaking by any of the following methods. Please use the regulation identifier number (RIN) 1014–AA63 as an identifier in your message.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the entry entitled, Enter Keyword or ID, enter BSEE–2026–0100 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this rulemaking. BSEE may post all comments submitted.

- Mail or hand-carry comments to the Department of the Interior, Bureau of Safety and Environmental Enforcement, Attention: Regulations and Standards Branch, 45600 Woodland Road, Sterling, Virginia 20166. Please reference “Revisions to the 2023 Blowout Preventer Systems and Well Control Rule, 1014–AA63” in your comments and include your name and return address.

Public Availability of Comments— 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. In order for BSEE to withhold from disclosure your personal identifying information, you must identify any information contained in your comment submittal that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequence(s) of the disclosure of the information, such as embarrassment, injury, or other harm. 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.

FOR FURTHER INFORMATION CONTACT: Kirk Malstrom, Regulations and Standards Branch, (202) 258–1518, or by email: regs@bsee.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

This proposed rule would revise certain regulatory provisions that were published in the 2023 final rule entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control Revisions,” 88 FR 57334 (August 23, 2023) (2023 WCR). On January 20, 2025, the President issued Executive Order (E.O.) 14154 “Unleashing American Energy,” which revoked E.O. 13990 “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” and directed the removal of regulations that impose an undue burden on the identification, development, or use of domestic energy resources.

In response to E.O. 14154, the Secretary of the Interior (Secretary) issued Secretary’s Order (S.O.) 3418 “Unleashing American Energy,” which directed all Assistant Secretaries to “review all agency actions and submit an action plan” that includes steps that “as appropriate, will be taken to suspend, revise, or rescind documents,” including the 2023 WCR, to address the potential burden to industry.¹

This proposed rule would revise select provisions of the 2023 WCR that, consistent with and as authorized by the Outer Continental Shelf Lands Act (OCSLA), would achieve the objectives of E.O. 14154 and S.O. 3418. BSEE proposes narrowly focused revisions that would streamline certain submission requirements and procedures for operators seeking BSEE approval to use a blowout preventer (BOP). The proposed rule would:

- Clarify the submittal requirements for failure data,
- Modify the timeframes for commencing a failure analysis, and
- Clarify the recordkeeping requirements for independent third-party qualifications.

BSEE will continue to evaluate the effectiveness of the 2023 WCR and all BSEE regulations for any necessary and appropriate rulemakings in the future.

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I. Background

A. BSEE Statutory and Regulatory Authority and Responsibilities

The Department’s authority for this rule is derived from OCSLA, codified at 43 U.S.C. 1331–1356a. OCSLA, enacted in 1953 and substantially revised in 1978, authorizes the Secretary to lease the Outer Continental Shelf (OCS) for mineral development and to regulate OCS oil and gas exploration, development, and production operations. The Secretary has delegated authority to perform certain of these functions to BSEE under S.O. 3299.²

To carry out its responsibilities, BSEE regulates OCS oil and gas operations to enhance the safety of exploration for and development of oil and gas, to ensure those operations protect the environment, and to implement advancements in technology. BSEE also conducts onsite inspections to ensure compliance with regulations, lease terms, and approved plans and permits. Detailed information concerning the BSEE-administered regulations and guidance to the OCS oil and gas industry may be found on BSEE’s website at: <https://www.bsee.gov/guidance-and-regulations>.

BSEE’s regulatory program covers a wide range of OCS facilities and activities—including drilling, completion, workover, production, pipeline, and decommissioning operations—that offshore operators³ perform throughout the OCS. See 30 CFR part 250. This rule is applicable to these listed operational activities (e.g., drilling, completion, and workovers)

² https://www.doi.gov/sites/doi.gov/files/elips/documents/3299a2-establishment_of_the_bureau_of_ocean_energy_management_the_bureau_of_safety_and_environmental_enforcement_and_the_office_of_natural_resources_revenue.pdf.

³ The BSEE-administered regulations at 30 CFR part 250 generally apply to “a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s)” (30 CFR 250.105 (definition of “you”)) and “the person actually performing the activity to which the requirement applies” (30 CFR 250.146(c)). For convenience, this preamble will refer to these regulated entities as “operators,” unless otherwise indicated.

that involve certain BOP operations, capabilities, or functionalities.

B. Purpose and Summary of the Rulemaking

After the *Deepwater Horizon* incident in 2010, BSEE adopted several recommendations from multiple investigation teams to improve the safety of offshore operations. Subsequently, on April 29, 2016, BSEE published the 2016 BOP and well control final rule, 81 FR 25888 (2016 WCR). The 2016 WCR consolidated the equipment and operational requirements for well control into one part of the regulations; enhanced BOP and well design requirements; modified well-control requirements; and incorporated certain industry technical standards.

Although the 2016 WCR addressed a significant number of issues that were identified during the analyses of the *Deepwater Horizon* incident, BSEE recognized that BOP equipment and systems continue to improve and that well control processes also evolve. Therefore, after the 2016 WCR took effect, BSEE continued to engage with the offshore oil and gas industry, standards development organizations, and other stakeholders. During these engagements, BSEE identified issues, and stakeholders expressed a variety of concerns regarding the implementation of the 2016 WCR. BSEE completed a review of the 2016 WCR and, on May 15, 2019, published the 2019 BOP and well control revisions, 84 FR 21908 (2019 WCR).

The 2019 WCR left most of the 2016 WCR unchanged, but revised certain BOP requirements for well design, well control, casing, cementing, real-time monitoring, and subsea containment. Following 2019 WCR publication, BSEE continued to engage with stakeholders to gather information to ensure that industry was effectively implementing the governing regulatory requirements.

On January 20, 2021, the President issued E.O. 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” The accompanying “President’s Fact Sheet: List of Agency Actions for Review” included the 2019 WCR on a list of rules the President instructed DOI to review for potential revisions to promote and protect public health and the environment. That review confirmed that the 2019 WCR contained many provisions that help ensure that federally regulated OCS oil and gas operations are conducted safely and in an environmentally responsible manner.

On January 20, 2025, the President issued E.O. 14154, which rescinded E.O.

¹ Secretary’s Order 3418, sec. 4., Feb. 3, 2025.

13990 and directed the removal of regulations that impose an undue burden on the identification, development, or use of domestic energy resources. The accompanying S.O. 3418 included the 2023 WCR on a list of rules that the President instructed DOI to review and revise, consistent with and as authorized by the OCSLA, to alleviate potential burdens on industry and to further E.O. 14154 objectives.

BSEE proposes narrowly focused revisions that would improve certain submission requirements and procedures for operators seeking BSEE approval to use a BOP. Specifically, the revisions would (1) clarify the submittal requirements for failure data; (2) modify the timeframes for commencing a failure analysis; and (3) clarify the recordkeeping requirements for independent third-party qualifications.

II. Section-by-Section Discussion of Proposed Changes

The Department is proposing to revise the following regulations:

Subpart G—Well Operations and Equipment

What are the general requirements for BOP systems and system components? (§ 250.730)

This section of the existing regulations includes requirements for the design, installation, maintenance, inspection, repair, testing, and use of BOP systems and system components. This section also requires compliance with certain provisions of API standard 53 and several related industry standards and requires operators to use failure reporting procedures.

Proposed revisions to paragraph (c): BSEE proposes to revise paragraph (c) by removing, throughout the paragraph, the requirement to submit the failure reports to BSEE if BSEE has designated a third party to collect the data and reports. BSEE also proposes to revise paragraph (c)(2) to ensure that the operator starts a failure investigation and analysis within 120 days of the failure instead of within 90 days.

Explanation of proposed revisions to paragraph (c): BSEE's proposed revisions to paragraph (c) would reduce the regulatory burden on operators by simplifying the failure reporting procedures. The proposed revisions would no longer require operators to submit certain duplicate written notices, failure analyses, reports, and data identified in paragraphs (c)(1)–(4). BSEE expects that the simplified reporting requirements will alleviate regulatory burdens on operators without any negative impact on safety and

environmental protection, while still allowing BSEE access to the equipment failure results and trends.

Additionally, BSEE proposes to extend the amount of time an operator has to start an investigation and a failure analysis by 30 days. This revision would still allow the operator to conduct the failure analysis within an appropriate timeframe while balancing safe operations and regulatory requirements. This revision does not affect the BOP equipment operational requirements. However, this revision would reduce the potential burden of bringing the BOP equipment to the surface prematurely. Based on BSEE's experience with the applicable BOP operations and routine interactions with the equipment operators since implementation of the 2023 WCR, BSEE is proposing to revise these provisions to be consistent with the 2019 WCR provisions.

What are the independent third-party requirements for BOP systems and system components? (§ 250.732)

This section of the existing regulations describes the required qualifications of an independent third party. It also identifies the circumstances in which an operator must use an independent third party to satisfy certification, verification, or reporting requirements.

Proposed revisions to paragraph (b): BSEE proposes to revise paragraph (b) by requiring the operator to keep the independent third-party qualifications for the life of the project and make them available to BSEE upon request so that BSEE may review the independent third-party accreditation and qualifications to ensure that it has sufficient capabilities to perform the required functions. In comparison, the current regulations require the operator to submit the qualifications to BSEE and states that BSEE will evaluate them.

Explanation of proposed revisions to paragraph (b): The proposed revision to paragraph (b) would remove the default requirement for operators to submit the independent third-party qualifications to BSEE and instead would require such submissions only in response to a request from BSEE. BSEE expects that the proposed revision would provide regulatory relief to the industry by significantly reducing the number of required administrative tasks. These revisions would not limit BSEE's oversight of the independent third parties, as BSEE would still be able to verify the qualifications as necessary. BSEE also anticipates that the regulatory change will not have negative impacts

on the safety of offshore operations or environmental protection.

III. Procedural Matters

Regulatory Planning and Review (E.O. 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. Under E.O. 12866, OIRA must determine whether a regulatory action is significant and, therefore, subject to E.O. 12866 requirements and review by OMB. Section 3(f) of E.O. 12866 defines a "significant regulatory action" as one that is likely to result in a rule that:

- Has an annual effect on the economy of \$100 million or more, or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as "economically significant");

- Creates serious inconsistency or otherwise interferes with an action taken or planned by another agency;

- Materially alters the budgetary impacts of entitlement grants, user fees, loan programs, or the rights and obligations of recipients thereof; or

- Raises novel legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles set forth in E.O. 12866.

BSEE retained an outside contractor to prepare an economic analysis to assess the anticipated economic impact of this proposed rule, including the potential costs and benefits. The following discussion summarizes the economic analysis; a complete copy of the economic analysis can be viewed at www.regulations.gov (use the keyword/ID "BSEE–2026–0100").

Economic Analysis

This economic analysis evaluates the expected impacts of the proposed rule compared with the baseline. Thus, the analysis evaluates only activities, expenditures, and capital investments representing a change from the baseline that would result if the provisions of the proposed rule are finalized. BSEE expects the proposed rule would provide cost relief to industry because it would simplify certain submission requirements and procedures for operators seeking BSEE approval to use a BOP. BSEE quantified and monetized the expected cost savings using 2024 data.

This proposed rule would streamline certain submission requirements and

procedures for operators seeking BSEE approval of operations that use a BOP. Table 1 presents the total cost savings

per year of the proposed rule. As shown in the table, the estimated savings over the 10-year period are \$434,412

undiscounted, \$381,679 discounted at 3-percent, and \$326,471 discounted at 7-percent.

TABLE 1—TOTAL 10-YEAR COST SAVINGS ASSOCIATED WITH AMENDMENTS TO BOP AND WC REGULATIONS
[2025 dollars]

Year	Undiscounted	Discounted at 3%	Discounted at 7%
2026	\$43,441	\$43,441	\$43,441
2027	43,441	42,176	40,599
2028	43,441	40,948	37,943
2029	43,441	39,755	35,461
2030	43,441	38,597	33,141
2031	43,441	37,473	30,973
2032	43,441	36,381	28,947
2033	43,441	35,322	27,053
2034	43,441	34,293	25,283
2035	43,441	33,294	23,629
Total	434,412	381,679	326,471
Annualized	43,441	38,168	32,647

Note: Annualized costs are calculated by the annuity method.

BSEE welcomes comments on this analysis, including potential sources of data or information on the costs and benefits of this proposed rule.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. BSEE developed this proposed rule in a manner consistent with these requirements.

OIRA determined this proposed rule is not a significant regulatory action under E.O. 12866.

Regulatory Flexibility Act and the Congressional Review Act

DOI certifies that this rule, if finalized, is unlikely to have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA).

The RFA requires agencies to analyze the economic impact of regulations when there is likely to be a significant economic impact on a substantial number of small entities. Consideration must be given to regulatory alternatives that could achieve the agency's goals

while minimizing burdens on small entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the regulation will not have a significant economic impact on a substantial number of small entities. Further, the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (March 29, 1996), as amended, requires agencies to produce compliance guidance for small entities if the rule has a significant economic impact on a substantial number of small entities. The Acting Assistant Secretary, Land and Minerals Management, certifies that this rule, if finalized, will not have a significant economic impact on a substantial number of small entities as defined under the RFA.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The proposed rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this proposed rule would not have significant takings implications. The rule is not a governmental action capable of interference with constitutionally protected property rights. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this proposed rule would not have federalism implications. This proposed rule would not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this proposed rule would not affect that role. A federalism assessment is not required.

Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of E.O. 12988.

Specifically, this rule:

- (1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

BSEE strives to strengthen its government-to-government relationships with federally recognized Indian Tribes through a commitment to consultation with the Tribes and recognition of Tribal right to self-governance and sovereignty. BSEE is also respectful of its responsibilities for consultation with Alaska Native Claims Settlement Act (ANCSA) corporations. BSEE is committed to compliance with DOI's policy on consultation with Indian Tribes and Alaska Native Claims Settlement Act corporations (512 Departmental Manual 4, dated November 30, 2022, and 512

Departmental Manual 6, dated November 30, 2022, respectively), and DOI's procedures for consultation with Indian Tribes and Alaska Native Claims Settlement Act corporations (512 Departmental Manual 5, dated November 30, 2022, and 512 Departmental Manual 7, dated November 30, 2022, respectively) to determine whether this proposed rule would have substantial direct effects on federally recognized Indian Tribes.

Based on BSEE's preliminary evaluation, BSEE determined that this rule would not have substantial direct effects on federally recognized Indian Tribes, on the relationship between the Federal government and federally recognized Indian Tribes, or on the distribution of power and responsibilities between the Federal government and federally recognized Indian Tribes. Therefore, DOI's procedures for consultations with Tribal Nations and ANCSA corporations do not require consultation.

Paperwork Reduction Act (PRA) of 1995

This proposed rule contains no changes to the existing information collection requirements approved by OMB control number 1014-0028 for regulations at 30 CFR part 250, subpart G. Consequently, BSEE is not required to submit an information collection request to OMB for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act of 1969 (NEPA)

BSEE is analyzing the provisions of the proposed rule in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) to determine whether it could have a significant impact on the quality of the human environment. Environmental assessments were prepared for the 2016 WCR, 2019 WCR, and 2023 WCR. Those prior NEPA analyses informed the drafting process for this proposed rule, which primarily proposes to restore provisions whose potential environmental impacts BSEE analyzed in connection with those prior rules (some of which were purely administrative in nature with no potential for environmental impacts). Accordingly, BSEE anticipates that the environmental assessments associated with the 2016 WCR, 2019 WCR, and 2023 WCR will substantially inform the NEPA process and compliance for this rulemaking. We invite comments on this subject.

Data Quality Act

In developing this rule, BSEE did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554, app. C, sec. 515, 114 Stat. 2763, 2763A-153-154).

Effects on the Nation's Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in E.O. 13211. The rule is not a significant regulatory action under E.O. 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. A statement of energy effects is therefore not required.

Clarity of This Regulation

We are required by E.O. 12866, E.O. 12988, and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that BSEE has not met these requirements, send comments by one of the methods listed in the **ADDRESSES** section. To help improve this rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, or the sections where you feel lists or tables would be useful.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral resources, Oil and gas exploration, Penalties, Pipelines, Outer Continental Shelf-mineral resources, Outer Continental Shelf-rights-of-way, Reporting and recordkeeping requirements, Sulfur.

Lanny E. Erdos,

Director, Office of Surface Mining, Reclamation, and Enforcement Exercising Authority of the Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Department of the Interior amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

- 1. The authority citation for part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

- 2. Amend § 250.730 by revising paragraph (c) to read as follows:

§ 250.730 What are the general requirements for BOP systems and system components?

* * * * *

(c) You must follow the failure reporting procedures contained in API standard 53 (incorporated by reference in § 250.198) and:

(1) You must provide a written notice of equipment failure to the Office of Offshore Regulatory Programs (OORP) chief, unless BSEE has designated a third party, as provided in paragraph (c)(4) of this section, and to the manufacturer of such equipment, within 30 days after discovery and identification of the failure. If BSEE has designated a third party, you must provide the written notice of equipment failure to that third party, instead of sending it to the OORP chief, and also to the manufacturer of such equipment within 30 days after the discovery and identification of the failure. A failure is any condition that prevents the equipment from meeting the functional specification.

(2) You must start an investigation and a failure analysis within 120 days of the failure to determine the cause of the failure and complete the investigation and the failure analysis within 120 days after initiation. You also must document the results and any corrective action. You must submit the analysis report to the OORP chief, unless BSEE has designated a third party as provided in paragraph (c)(4) of this section, and the manufacturer. If you cannot complete the investigation and analysis within the specified time, you must submit an extension request detailing when and how you will complete the investigation and analysis and submit it to BSEE for approval. You must submit the extension request to the OORP chief.

(3) If the equipment manufacturer notifies you that it has changed the design of the equipment that failed or if you have changed operating or repair procedures as a result of a failure, then you must, within 30 days of such changes, report the design change or modified procedures in writing to the OORP Chief, unless BSEE has designated a third party as provided in paragraph (c)(4) of this section.

(4) Submit notices and reports to the Chief, Office of Offshore Regulatory Programs; Bureau of Safety and Environmental Enforcement; 45600 Woodland Road, Sterling, Virginia 20166. BSEE may also designate a third party to receive the data and reports. If BSEE designates a third party, you must submit the data and reports to the designated third party.

* * * * *

■ 3. Amend § 250.732 by revising paragraph (b) to read as follows:

§ 250.732 What are the independent third-party requirements for BOP systems and system components?

* * * * *

(b) The independent third party must be a technical classification society, a licensed professional engineering firm, or a registered professional engineer capable of providing the required

certifications and verifications. You must retain the independent third-party qualifications for the life of the project and make them available to BSEE upon request. BSEE may evaluate the independent third-party qualifications to ensure they meet the regulatory requirements for permit approval.

* * * * *

[FR Doc. 2026–03476 Filed 2–20–26; 8:45 am]

BILLING CODE 4310–VH–P

Notices

Federal Register

Vol. 91, No. 35

Monday, February 23, 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

[Docket No: ERS–2026–0001]

Request for Information on Opportunities, Challenges, and Emerging Areas in Statistical Data, Analysis, and Research at the U.S. Department of Agriculture

AGENCY: Economic Research Service, National Agricultural Statistical Service, and Office of the Chief of Economist, U.S. Department of Agriculture.

ACTION: Request for information.

SUMMARY: The U.S. Department of Agriculture (USDA) requests information on opportunities, challenges, and emerging areas in statistical data, analysis, and research produced by the Economic Research Service (ERS), the National Agricultural Statistics Service (NASS), and the Office of the Chief Economist's World Agricultural Outlook Board (OCE–WAOB). This information will help inform USDA as we consider future program direction, new initiatives, and potential funding opportunities.

DATES: All comments must be received on or before April 9, 2026.

ADDRESSES: USDA invites the submission of the requested information through one of the following methods:

- *Federal eRulemaking Portal* (preferred method): Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Send written comments to Economic Research Service, 1400 Independence Avenue SW, Mail Stop 1800, Washington, DC 20250–1800, Attention: Nisha Murray.

All items submitted by mail or electronic mail must include the Agency name and docket number ERS–2026–0001. All comments submitted in response to this request for information will be included in the record and will be made available to the public. Please be advised that the substance of the

comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. All responses will become part of the public record and will not be held confidential. USDA will make the comments publicly available via <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Michele Esch, ERS Chief of Staff (michele.esch@usda.gov; 301–367–9891), LaKeya Jones Smith, NASS Chief of Staff (lakeya.jones@usda.gov; 202–720–2707), or Meghan Radtke, OCE Operations Manager (meghan.radtke@usda.gov).

SUPPLEMENTARY INFORMATION:

Background

USDA's mission to provide accurate, timely, and relevant economic and statistical information is carried out primarily through the Economic Research Service (ERS), the National Agricultural Statistics Service (NASS), and the Office of the Chief Economist's World Agricultural Outlook Board (OCE–WAOB). ERS and NASS are designated by OMB as Recognized Statistical Agencies and Units, responsible for producing relevant, timely, credible, accurate, and objective statistical data under established quality and transparency standards. NASS reports include monthly crop production, July cattle, Quarterly Hogs and Pigs, and more.¹ ERS produces reports and briefings by subject matter experts that provide context for informing policy discussions. OCE–WAOB oversees the U.S. Department of Agriculture's production of the World Agricultural Supply and Demand Estimates (WASDE) report.

Together, these agencies produce a broad portfolio of products ranging from high-frequency crop and livestock statistics, market intelligence assessing supply and demand for major agricultural commodities, situation and outlook reports, and farm income forecasts to data products, interactive

dashboards, and data visualizations. These resources are widely used by farmers and ranchers, agribusinesses, researchers, industry organizations, local and federal agencies, and international partners. The scale and diversity of these products vary in scope, geographic resolution, delivery method, and frequency as USDA works to balance informational needs within budgetary and technical constraints. To help inform our decision-making, we seek information on how well we are meeting the needs of users.

For details on the current roles and responsibilities of these agencies and office, refer to their respective websites ERS <https://ers.usda.gov/>, NASS <https://www.nass.usda.gov/>, and OCE–WAOB <https://www.usda.gov/about-usda/general-information/staff-offices/office-chief-economist/world-agricultural-outlook-board>. Specific information on USDA's statistical products, data, and analysis for which specific feedback is requested can be found on the following sites:

- NASS Guide to Products and Services: <https://www.nass.usda.gov/Publications/2025-Guide-to-Products-and-Services.pdf> including methodology and quality measures: https://www.nass.usda.gov/Publications/Methodology_and_Data_Quality/index.php.
- *ERS Products:*
 - *Data Products and Methodology:* <https://www.ers.usda.gov/data-products>.
 - *Research Reports:* <https://www.ers.usda.gov/publications?series=research-reports>.
 - *Outlook Reports:* <https://www.ers.usda.gov/publications?series=outlook-reports>.
- *OCE–WAOB: World Agricultural Supply and Demand Estimates (WASDE):* <https://www.usda.gov/about-usda/general-information/staff-offices/office-chief-economist/commodity-markets/wasde-report> including methodology documentation: <https://www.usda.gov/oce/commodity-markets/wasde/faqs>.

Questions

USDA is issuing this request for information (RFI) to ensure USDA's economic and statistical products continue to meet the evolving needs of users. Respondents are encouraged to identify their field (e.g., research, agricultural industry, farm operator) and

¹ The federal statistical system (FSS) is a decentralized institution comprising more than 100 agencies, organizational units, and programs across the U.S. government that engage in statistical activities. Sixteen recognized statistical agencies and units (RSAUs) represent the largest proportion of the system. The RSAUs are entities whose principal missions are conducting activities related to the collection, compilation, processing, analysis, and dissemination of data for statistical purposes. 44 U.S. Code § 3563.

area of interest (e.g., statistics, data, forecasting, commodity markets), and provide relevant information regarding the USDA economic and statistical programs. Respondents need not reply to all questions listed. Please ensure that you identify your answers as responses to a specific question(s).

Data Products and Data Sets

The following questions relate to official agricultural statistics produced through data collected from surveys, censuses, and other sources published by ERS and NASS.

1. Which NASS or ERS data (e.g., releases, reports, datasets) are most valuable to your work, and why?
2. What gaps exist in the agricultural data produced?
3. What new topic areas should USDA prioritize for data products?
4. How often should data and information be released or updated (e.g., annually, quarterly)?
5. What geographic granularity (e.g., national, state, county) for data best supports your work?
6. Are there NASS or ERS data products, data sets, and other relevant information that are duplicative, outdated, or underutilized? What improvements, changes or consolidations could be made (e.g., more timely, different data collection methods)?
7. Do you use non-USDA data to supplement data elements or variables of interest that are missing from NASS or ERS products? If yes, please specify which data sets you supplement and why. Do you use non-USDA data as a proxy for data elements that are missing from NASS or ERS products? If yes, please specify why you are using non-USDA data in conjunction with USDA data.
8. How could ERS and OCE-WAOB improve transparency about data sources, assumptions, or models used in data products?

Economic Research, Outlook, and Forecasts

The following questions relate to the economic research and outlook reports produced by ERS and the WASDE coordinated by OCE-WAOB.

9. Which ERS or OCE-WAOB research or analytical products (e.g., farm income, situation and outlook reports, ERS research reports, WASDE) are most valuable to your work, and how do you use them?
10. What emerging policy or economic issues should be addressed in ERS or OCE-WAOB economic analysis, outlook, and forecasts?
11. When using ERS or OCE-WAOB forecasts or research, are you more

likely to use raw data files, written analysis, or both? If you use one product type more than another, why?

12. How can ERS and OCE-WAOB better tailor the content to your needs?
13. How could ERS and OCE-WAOB improve transparency of the data sources, assumptions, methodology, or models used in economic forecasts?

Access, Tools, and Outreach

The following questions apply to all the products developed by ERS, NASS, and OCE-WAOB.

14. How do you currently access ERS, NASS, or OCE-WAOB data (e.g., Quick Stats, website, Application Programming Interfaces)? What challenges do you face when accessing data or research? What improvements would you suggest?
15. What tools or formats would improve usability of ERS, NASS, and OCE-WAOB products (e.g., dashboards, machine-readable files, visualizations, downloadable tables)?
16. Are there groups (e.g., beginning farmers, small businesses) that face challenges using ERS, NASS, and OCE-WAOB data and analytical products? How can we improve access?
17. USDA produces a number of products associated with outlook and research output intended to increase the digestibility or access to statistical and research products. How useful are these associated products? These include NASS' QuickStats tool for accessing data, ERS products like the ERS Farm Income and Wealth Statistics, Agricultural Resource Management Survey (ARMS) data dissemination tool, Amber Waves or Charts of Note, WASDE data visualization, or other documents? What formats or presentation styles work best for your intended purpose?
18. How do you assess the credibility and relevance of ERS, NASS, and OCE-WAOB data and analytical products compared to other providers (e.g., land-grant or private universities, commercial vendors)?
19. Are there other data or analytical products or reports produced by other parts of USDA that you consider highly valuable, duplicative, or redundant? Are there any improvements that you would suggest to these data or analytical products or reports produced by other parts of USDA?
20. What is the best way for ERS, NASS, and OCE-WAOB to receive ongoing feedback on its data and analysis? Are there groups or forums we should engage with more regularly?

Responses to this RFI are voluntary. Each individual or institution is requested to submit only one response.

Responses should include the name of the person(s) or organization(s) filing the response. Please identify your answers by referring to a specific question number within the response. In order to best serve consumers of ERS, NASS, or OCE-WAOB data, please be sure to specify which program you would wish to provide feedback on and when discussing data, please be sure to indicate which data set you are referring to. This information is critical to improving the quality of information and data produced by these programs.

Responses to this RFI may be posted without change online. No proprietary information, copyrighted information, or personally identifiable information (PII) should be submitted in response to this RFI.

This RFI is issued solely for information and planning purposes and does not constitute a solicitation. There will be no response to individual submissions. Please note that the United States Government will not pay for response preparation, or for the use of any information contained in a response. If submitting a response by mail, please allow sufficient time for mail processing.

Scott H. Hutchins,

Under Secretary, Research, Education, and Economics Mission Area.

Justin R. Benavidez,

Chief Economist, Office of the Chief Economist.

[FR Doc. 2026-03497 Filed 2-20-26; 8:45 am]

BILLING CODE 3410-18-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Comments regarding this information collection received by March 25, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Approval of Laboratories for Conducting Aquatic Animal Tests for Export Health: Certificates

OMB Control number: 0579–0429.

Summary of Collection: The Animal Health Protection Act (APHA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA 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 is the most effective method for maintaining a healthy animal population and enhancing the ability of U.S. producers to compete in the global market of animal and animal product trade. Animal and Plant Health Inspection Service (APHIS) regulations do not require approval or certification for laboratories conducting disease tests for the export of aquaculture animals. However, as a condition of entry, some countries require testing results from a laboratory approved by the competent authority, in this case APHIS. States, universities, and private laboratories can voluntarily seek approval to test for specific diseases. APHIS provides laboratory approval as a service to U.S. exporters who ship aquaculture animals to countries requiring this certification. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

Need and Use of the Information: The approval of laboratories to conduct tests for the export of aquaculture animals requires the use of certain information collection activities including notification of intent to request approval, application for APHIS approval, protocol statement, submission and recordkeeping of sample copies of diagnostic reports, quality assurance/control plans and their recordkeeping, notification of proposed changes to assay protocols, recordkeeping of supporting assay documentation, and request for removal of approved status. If APHIS did not collect this information, U.S. producers would be prevented from exporting aquaculture animals and products to countries that specifically require APHIS approved laboratories to certify they have performed aquatic animal pathogen detection procedures.

Description of Respondents: Business or other for-profits; State, Local or Tribal.

Number of Respondents: 9.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,806.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–03553 Filed 2–20–26; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New York Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the New York Advisory Committee to the U.S. Commission on Civil Rights will hold a series of public meetings via Zoom. The purpose of these meeting is to discuss the committee's project, *Discrimination Against Jews on College and University Campuses Since October 7, 2023*.

DATES:

Thursday, March 12, 2026, from 11:00 a.m.–12:30 p.m. Eastern Time.

Thursday, March 19, 2026, from 11:00 a.m.–12:30 p.m. Eastern Time

Wednesday, April 1, 2026, from 12:00 p.m.–1:30 p.m. Eastern Time

ADDRESSES: The meetings will be held via Zoom Webinar.

Registration Link (Audio/Visual):

March 12, 2026: https://www.zoomgov.com/webinar/register/WN_cB8cRub9QS2G2T39ND2gHw

March 19, 2026: https://www.zoomgov.com/webinar/register/WN_l-nHRRQSzue9Bly7olZSA

April 1, 2026: https://www.zoomgov.com/webinar/register/WN_AzPjGE3ZSoCDgAOG8si7_Q

Join by Phone (Audio Only) for all Meetings: 1–833 435 1820 USA Toll Free

March 12, 2026, Webinar ID: 160 465 0430

March 19, 2026, Webinar ID: 160 532 3407

April 1, 2026, Webinar ID: 161 143 2993

Agendas: <https://usccr.box.com/s/o2cgyzphy5zvbbq6bm3mi8usab44el44> (Note: a final meeting agenda will be available prior to each meeting date).

FOR FURTHER INFORMATION CONTACT:

David Barreras, Designated Federal Officer at dbarreras@usccr.gov, or (202) 656–8937.

SUPPLEMENTARY INFORMATION: These virtual committee meetings are available to the public through the registration links above. Any interested member of the public may join at the links to listen to these meetings. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of people who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls when they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the Zoom meeting platform. To request additional accommodation, please email dbarreras@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to dbarreras@usccr.gov. People who desire additional information may contact the Designated Federal Officer at (202) 656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of

the meetings will be available via the file sharing website, www.box.com, as well as at www.facadatabase.gov. People interested in the work of this Committee are directed to the Commission's website, www.usccr.gov, or may contact the Designated Federal Officer at (202) 656-8937.

Dated: February 18, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026-03436 Filed 2-20-26; 8:45 am]

BILLING CODE: P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Wisconsin Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting via Zoom at 3:30 p.m. CT on Thursday, February 26, 2026. The purpose of this meeting is to discuss civil rights topics for the Committee's first study.

DATES: Thursday, February 26, 2026, from 3:30 p.m.–5:00 p.m. Central Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_t2Y-cvHqSAut67ubJV112w.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 160 507 5914.

Agenda: <https://usccr.box.com/s/dtsck2uqrxw344zo55bd6bmore61vid> (Note: Final meeting agenda will be available prior to the meeting date.)

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can

expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls when they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Corrine Sanders, Support Specialist, at csanders@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681-0857.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, www.box.com, as well as at www.facadatabase.gov. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Dated: February 18, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026-03433 Filed 2-20-26; 8:45 am]

BILLING CODE: P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-19-2026]

Foreign-Trade Zone (FTZ) 216, Notification of Proposed Production Activity; Essex Laboratories LLC; (Mint Oil Blends); Chehalis, Washington

The Port of Olympia, grantee of FTZ 216, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Essex Laboratories LLC (Essex Laboratories) for Essex Laboratories' facilities in Chehalis, Washington within FTZ 216. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on February 18, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: Mentha Piperita Oil Blend; Mentha Spearmint Oil Blend; Spearmint Terpenes Oil Blend; Mentha Citrata Oil Blend; Oils containing Blends of Mentha Piperita, Mentha Arvensis, and Natural Mint Isolates; Oils containing Blends of Mentha Spearmint, Carvone Laevo, and Natural Mint Isolates; and Oils containing Blends of Mentha Piperita, Mentha Arvensis, and Natural Mint Isolates (duty rate ranges from duty-free to 4.2%).

The proposed foreign-status materials/components include: Beta Caryophyllene; L-Limonene; Pinene Alpha; 3-Octanol; Menthol; Menthol (Synthetic); Neomenthol; Carvone Laevo; Menthone; Menthyl Acetate; Menthofuran Isolate from Peppermint Oil; Mentha Piperita Oil; Mentha Spearmint Oil; Peppermint Terpenes; Spearmint Terpenes; Mentha Arvensis; Dementholised Cornmint Oil; and Mentha Citrata Oil (duty rate ranges from duty-free to 5.5%).

The request indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702 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 6, 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 John Frye at John.Frye@trade.gov.

Dated: February 18, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026-03510 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-553-001]

Silicon Metal From the Lao People's Democratic Republic: Final Affirmative Determination of Sales at Less Than Fair Value and Classification of the Lao People's Democratic Republic as a Non-Market Economy

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that silicon metal from the Lao People's Democratic Republic (Laos) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2024, through March 31, 2025. Commerce has also determined to treat Laos as a non-market economy (NME) in forthcoming proceedings.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Caroline Carroll, 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) 482-4948.

SUPPLEMENTARY INFORMATION:**Background**

On September 30, 2025, Commerce published the *Preliminary Determination* of sales at LTFV of silicon metal from Laos and invited interested parties to comment.¹ No interested party submitted comments on the *Preliminary Determination*. Accordingly, the final determination remains unchanged from the *Preliminary Determination* and, thus, there is no decision memorandum accompanying this notice.

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 Access System (ACCESS) during the Federal Government shutdown, on November 24, 2025,

Commerce tolled all deadlines in administrative proceedings by an additional 21 days.³ Accordingly, the deadline for these final results is now February 17, 2026.

On February 5, 2026, Commerce solicited surrogate country and surrogate value information from interested parties,⁴ and we received comments from the petitioners, Ferroglobe USA, Inc. and Mississippi Silicon LLC.⁵

Scope of the Investigation

The product covered by this investigation is silicon metal from Laos. For a complete description of the scope of this investigation, *see* the appendix to this notice.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, we made no changes to the scope of the investigation.

Verification

As Commerce had no participating respondents in this investigation, no on-site verification was conducted.

Use of Adverse Facts Available (AFA)

As discussed in the *Preliminary Determination*, Commerce preliminarily assigned to Lao Silicon Co., Ltd. (Lao Silicon) an estimated weighted-average dumping margin on the basis of AFA pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act).⁶ There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination*. Accordingly, for this final determination, we continue to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act, is warranted with respect to Lao Silicon in this investigation.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and/or exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding

rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

In the *Preliminary Determination*, we assigned an estimated weighted-average dumping margin of 94.44 percent as the all-others rate, pursuant to section 735(c)(5)(B) of the Act.⁷ As noted above, we received no comments on the *Preliminary Determination*; thus, we continue to assign an estimated weighted-average dumping margin of 94.44 percent as the all-others rate for this final determination.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer or exporter	Estimated weighted-average dumping margin (percent)
Lao Silicon Co., Ltd	* 94.44
All Others	94.44

* This rate is based on facts available with adverse inferences.

Laos' Market Economy Status

For this final determination, Commerce has determined to treat Laos as an NME in forthcoming proceedings.⁸ Consistent with Commerce's practice,⁹ this determination will apply to future segments of this proceeding, and Commerce has relied on its market economy methodology in determining the estimated weighted-average dumping margins for this final determination. A detailed explanation of this determination along with discussion of the comments and factual information submitted concerning this determination can be found in the NME Analysis Report, issued concurrently with this memorandum.

Commerce intends to use its NME methodology to calculate antidumping duty (AD) rates in future segments of AD proceedings involving Laos.¹⁰

⁷ *Id.*

⁸ See Memorandum, "Review of Angola's Status as a Market Economy Country," dated concurrently with this notice (NME Analysis Report).

⁹ See *Emulsion Styrene-Butadiene Rubber from the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value and Classification of the Russian Federation as a Non-Market Economy*, 87 FR 69002 (November 17, 2022) (finding Russia's NME status effective for subsequent proceedings).

¹⁰ This includes the LTFV investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules, from Laos. See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from India, Indonesia, and the Lao People's Democratic Republic: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 38736 (August 12, 2025).

¹ See *Silicon Metal from Laos: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 46807 (September 30, 2025) (*Preliminary Determination*).

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 Commerce's Letter, "Request for Surrogate Country and Surrogate Value Information," dated February 5, 2026.

⁵ See Petitioners' Letter, "Response to Request for Surrogate Country and Surrogate Value Information," dated February 10, 2026.

⁶ See *Preliminary Determination*, 90 FR at 46810.

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with a final 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 the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce received no comments on the *Preliminary Determination*, it is adopting the *Preliminary Determination* as the final determination in this investigation. Consequently, there are no new calculations to disclose.

Continuation of Suspension of Liquidation and Cash Deposit Requirements

As a result of our *Preliminary Determination*, and pursuant to sections 733(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise from Laos that were entered, or withdrawn from warehouse, for consumption, on or after September 30, 2025, the date of the publication of the *Preliminary Determination* in the **Federal Register**.¹¹ In accordance with section 733(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 28, 2026, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 27, 2026.

If the U.S. International Trade Commission (ITC) issues an affirmative final injury determination, we will issue an AD order, reinstate the suspension of liquidation under section 736(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. Pursuant to section 735(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited as a result of the suspension of liquidation will be refunded.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce

has made a final affirmative determination for countervailable export subsidies, Commerce offsets the estimated weighted-average dumping margin by the appropriate CVD rate. However, because Commerce is basing its final CVD determination on AFA, we do not find that there are any export subsidies in the companion CVD investigation to use as an offset.

ITC Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silicon metal. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the "Continuation of Suspension of Liquidation and Cash Deposit Requirements" section above.

Administrative Protective Order (APO)

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: February 17, 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 Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

[FR Doc. 2026–03478 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–118]

Wood Mouldings and Millwork Products From the People's Republic of China: 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 countervailable subsidies were provided to producers and/or exporters of wood mouldings and millwork products (millwork products) from the People's Republic of China (China) during the period of review (POR) January 1, 2023, through December 31, 2023.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Brandon James or Joshua Nixon, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7472 or (202) 482–8361, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 2025, Commerce published the *Preliminary Results of*

¹¹ See *Preliminary Determination*, 90 FR at 46811.

this administrative review and invited interested parties to comment.¹ For a detailed description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.² On September 23, 2025, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until December 9, 2025.³ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁴ 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.⁵ Accordingly, the deadline for the final results of this administrative review is now February 17, 2026.⁶

Scope of the Order⁷

The merchandise subject to the *Order* is millwork products from China. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the

¹ See *Wood Mouldings and Millwork Products from the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*; 2023, 90 FR 24778 (June 12, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Wood Mouldings and Millwork Products from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2023 Countervailing Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, "Extension of Deadline for the Final Results of Countervailing Duty Administrative Review; 2023," dated September 23, 2025.

⁴ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁵ See Memorandum, "Tolling of All Case Deadlines," dated November 24, 2025.

⁶ The deadline falls on February 15, 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. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁷ See *Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order*, 86 FR 9484 (February 16, 2021) (*Order*).

issues addressed in the Issues and Decision Memorandum is provided in Appendix I of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each subsidy program found countervailable, Commerce finds 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.⁸ For a description of the methodology underlying all of Commerce's conclusions, including any determination that relied upon the use of adverse facts available, pursuant to section 776(a) and (b) of the Act, see the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on our analysis of the case and rebuttal briefs and the evidence on the record, we made certain changes to the ocean freight benchmarks and import duty rates used in certain input for less than adequate remuneration (LTAR) analyses, certain free-on board sales denominators, and the purchases countervailed in the cut timber for LTAR program from the *Preliminary Results*. These changes are explained in the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

There are 13 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. See Appendix II. The Act 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. Generally, Commerce looks to section 705(c)(5) of the Act, which provides instructions for determining the all-others rate in an investigation, for guidance when calculating the rate for companies which were not selected for individual

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

examination in an administrative review. Under section 705(c)(5)(A) of the Act, the all-others rate is normally an amount 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.

Accordingly, to determine the rate for companies not selected for individual examination, Commerce's practice is to weight average the net subsidy rates for the selected mandatory respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available.⁹ For the 13 non-selected companies, because the rates calculated for mandatory respondents Zhejiang Senya Board Industry Co., Ltd. (Senya Board) and Fujian Yinfeng Imp & Exp Trading Co., Ltd. (Yinfeng) were above *de minimis* and not based entirely on facts available, we applied a final subsidy rate based on a weighted average of the rates calculated for the two mandatory respondents using the publicly ranged sales data they submitted on the record. This methodology is consistent with our practice for establishing an all-others subsidy rate pursuant to section 705(c)(5)(A) of the Act. For a list of the non-selected companies, see Appendix II to this notice.

Final Results of Review

We find that, for the period January 1, 2023, through December 31, 2023, the following total net countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Zhejiang Senya Board Industry Co., Ltd. ¹⁰	26.51
Fujian Yinfeng Imp & Exp Trading Co., Ltd. ¹¹	20.32
Rate for Non-Selected Companies Under Review ¹²	21.39

Disclosure

Commerce intends to disclose its calculations and analysis performed to

⁹ See, *e.g.*, *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review*, 75 FR 37386, 37387 (June 29, 2010).

¹⁰ As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds Longquan Jiefeng Trade Co., Ltd. to be cross-owned with Senya Board. Longquan Jiefeng Trade Co., Ltd. was listed separately in the *Initiation Notice*.

¹¹ As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds the following company to be cross-owned with Yinfeng:

Continued

interested parties for these preliminary results within five days of any public announcement or, in accordance with 19 CFR 351.224(b).

Assessment Requirements

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed for the POR. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the POR for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of the final results of review, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is

Fujian Province Youxi City Mangrove Wood Machining Co., Ltd. and Fujian Province Youxi City Mangrove Wood Machining Co., Ltd. Youxi Xicheng Branch.

¹² See Appendix II for a list of the non-selected companies under review.

hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: February 17, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Subsidies Valuation Information
- VI. Analysis of Programs
- VII. Discussion of the Issues
 - Comment 1: Whether Commerce Accounted for the Full Cooperation of Respondents
 - Comment 2: Whether Commerce Appropriately Applied AFA to Determine Certain Input Suppliers Are Government Authorities
 - Comment 3: Whether Commerce Should find Market Distortion and Specificity based on AFA
 - Comment 4: Whether Commerce Should Revise the Paint Benchmark
 - Comment 5: Whether Commerce Conflated Stumpage and Cut Timber Benchmarks
 - Comment 6: Whether Commerce Should Revise the Land Benchmark
 - Comment 7: Whether Commerce Should Revise the Electricity and Water Benchmarks
 - Comment 8: Whether the Provision of Water for LTAR Confers a Benefit
 - Comment 9: Whether Commerce Should Countervail Mangrove's Cut Timber Purchases
 - Comment 10: Whether Commerce Should Make Changes to its Benchmark Calculations for Ocean Freight
 - A. Whether Commerce Should Rely on Xeneta Ocean Freight
 - B. Whether Commerce Should Exclude Certain Charges from the Descartes Data
 - C. Whether Commerce Should Revise Aspects of Its Ocean Freight Calculations
 - Comment 11: Whether Commerce Should Rely on Respondents' Reported Inland Freight Data
 - Comment 12: Whether Commerce Should Revise Certain Import Duty Rates
 - Comment 13: Whether Commerce Should Exclude Sales Related To Non-Production Activities
- VIII. Recommendation

Appendix II

Non-Selected Companies Under Review

1. Anji Huaxin Bamboo & Wood Products Co., Ltd.
2. Bel Trade Wood Industrial Co.
3. Bel Trade Wood Industrial Co., Ltd. Youxi Fujian.
4. Cao County Hengda Wood Products Co., Ltd
5. Fotiou Frames Limited
6. Fujian Hongjia Craft Products Co., Ltd.
7. Fujian Jinquan Trade Co., Ltd.; Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd.¹³
8. Fujian Wangbin Decorative Material Co., Ltd.
9. Nanping Huatai Wood & Bamboo Co., Ltd.
10. Shaxian Hengtong Wood Industry Co., Ltd.
11. Shenzhen Xinjintai Industrial Co., Ltd.
12. Zhangzhou Wangjiamei Industry & Trade Co., Ltd.
13. Zhangzhou Yihong Industrial Co., Ltd.

[FR Doc. 2026–03500 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–045, C–570–046]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Final Affirmative Determination of Circumvention

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid, in solid or powder form (acidic solid HEDP) from the People's Republic of China (China) are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on HEDP from China.

DATES: Applicable February 23, 2026

FOR FURTHER INFORMATION CONTACT: Charles Vannatta, Office of Policy,

¹³ In past reviews, Commerce has found these entities to be cross-owned. See *Wood Mouldings and Millwork Products from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2020–2021*, 88 FR 62319 (September 11, 2023) and *Wood Mouldings and Millwork Products from the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2022*, 89 FR 15816 (March 5, 2024). Absent information to the contrary, we intend to continue to treat these entities as cross-owned for the purpose of this administrative review.

Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4036.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 2025, Commerce published in the **Federal Register** its *Preliminary Determination*¹ that imports of acidic solid HEDP produced in China are circumventing the *Orders*.² Commerce conducted this circumvention inquiry pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(j). On May 23, 2025, Jiangshan America, LLC (Jiangshan America) and Uniphos, Inc. (Uniphos) (collectively, the U.S. Importers) submitted a case brief.³ On May 30, 2025, Compass Chemical International LLC (Compass, a domestic interested party) submitted a rebuttal brief.⁴

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁵ 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.⁶ On December 18, 2025, Commerce extended the deadline for issuing the final determination in this circumvention inquiry by 35 days.⁷ On January 14, 2026, Commerce extended the deadline for issuing the

final determination in this circumvention inquiry by an additional 23 days.⁸ Accordingly, the deadline for this final determination is now February 18, 2026.

For a summary of events that occurred since the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for consideration in the final determination, see the Issues and Decision Memorandum.⁹

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). All issues raised in this inquiry are addressed in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached to this notice at Appendix II. 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 at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Orders

The merchandise covered by the *Orders* includes all grades of aqueous acidic (non-neutralized) concentrations of HEDP from China. For a complete description of the scope of the *Orders*, see Appendix I of this notice.

Merchandise Subject to the Circumvention Inquiry

The merchandise subject to the circumvention inquiry (inquiry merchandise) includes all grades of acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-disphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid, in solid or powder form (acidic solid HEDP), produced in China and exported to the United States. The Chemical Abstract Service (CAS) registry number for acidic solid HEDP is 2809-21-4. The solid or powder form of acidic HEDP subject to this circumvention inquiry is typically entered into the United States under Harmonized Tariff Schedule of the

United States (HTSUS) subheadings 2931.49.0080, 2931.90.9052, and 2811.19.6190.

Analysis of Comments Received

Based on our analysis of the comments received, we made no changes to the *Preliminary Determination*, as described below, and at the Comment of the Issues and Decision Memorandum.

Methodology and Final Circumvention Determination

Commerce conducted this circumvention inquiry in accordance with section 781(c) of the Act and 19 CFR 351.226. For this final determination, Commerce continues to rely on facts available under section 776(a) of the Act, including facts available with adverse inferences (AFA) under section 776(b) of the Act with respect to all known Chinese producers and exporters of acidic solid HEDP, due to their failure to respond to Commerce's requests for information. For further explanation of Commerce's decision to rely on AFA with respect to all known Chinese producers and exporters of acidic solid HEDP, see the Issues and Decision Memorandum. As a result, in accordance with section 781(c) of the Act, Commerce determines that the inquiry merchandise produced in and exported from China is circumventing the *Orders*. Furthermore, Commerce is applying this affirmative determination of circumvention of the *Orders* on a country-wide basis.

Suspension of Liquidation and Cash Deposit Requirements

Based on the affirmative country-wide determinations of circumvention, in accordance with 19 CFR 351.226(l)(3) and (m)(1)(ii), we will direct CBP to suspend liquidation of all unliquidated entries of acidic solid HEDP produced in and exported from China that were entered, or withdrawn from warehouse, for consumption on or after December 19, 2024, the date of publication of the initiation of this circumvention inquiry in the **Federal Register**.¹⁰

In addition, we will direct CBP to collect a cash deposit for estimated antidumping duties. For exporters of acidic solid HEDP that have a company-specific separate AD cash deposit rate under the *AD Order*, the cash deposit rate will be the exporter-specific or producer/exporter-specific separate AD cash deposit rate established for that

¹ See *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Preliminary Affirmative Determination of Circumvention*, 90 FR 19668 (May 9, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 82 FR 22807 (May 18, 2017) (*AD Order*); see also *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Countervailing Duty Order*, 82 FR 22809 (May 18, 2017) (*CVD Order*) (collectively, *Orders*).

³ See U.S. Importers' Letter, "Case Brief," dated May 23, 2025 (U.S. Importers' Case Brief).

⁴ See Compass' Letter, "Rebuttal Comments in Response to Comments on the Preliminary Determination," dated May 30, 2025 (Compass' Rebuttal Comments).

⁵ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁶ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁷ See Memorandum, "Extension of Deadline for the Final Determination in the Circumvention Inquiry," dated December 18, 2025.

⁸ See Memorandum, "Second Extension of Deadline for the Final Determination in the Circumvention Inquiry," dated January 14, 2026.

⁹ See Memorandum, "Issues and Decision Memorandum for the Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹⁰ See *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 89 FR 103779 (December 19, 2024).

company in the most recently completed segment of this proceeding. For exporters of acidic solid HEDP that do not have an exporter-specific or producer/exporter-specific separate AD cash deposit rate, the AD cash deposit rate will be equal to the cash deposit rate for the China-wide entity.¹¹

Further, we will direct CBP to collect a cash deposit for estimated countervailing duties. If the acidic solid HEDP was produced and exported by the same company, the cash deposit rate will be equal to the company-specific CVD cash deposit rate established for that company in the most recently completed segment of this proceeding. If both the producer and the exporter of the subject merchandise have company-specific CVD cash deposit rates, and their rates differ, the cash deposit rate will be the higher of these two rates. If either the producer or the exporter, but not both, have company-specific cash deposit rates, the cash deposit rate will be that company's CVD cash deposit rate. For companies that do not have a company-specific CVD cash deposit rate, the CVD cash deposit rate will be the cash deposit rate for all other producers and exporters.¹²

These suspension of liquidation and cash deposit requirements will remain in effect until further notice.

Administrative Protective Order

This notice will serve as the only reminder to all parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing this determination in accordance with section 781(c) of the Act and 19 CFR 351.226(g)(2).

Dated: February 18, 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 Orders

The merchandise covered by the *Orders* includes all grades of aqueous acidic (non-

neutralized) concentrations of 1-hydroxyethylidene-1, 1-disphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The Chemical Abstract Service (CAS) registry number for HEDP is 2809–21–4.

The merchandise subject to the *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.90.9043. It may also enter under HTSUS subheadings 2811.19.6090, 2931.90.9041, 2931.90.9051, 2811.19.6190, 2931.39.0018, 2931.49.0050 and 2931.49.0080. While HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes only, the written description of the scope of the *Orders* is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of Circumvention Inquiry
- VI. Use of Facts Available and Adverse Inferences
- VII. Discussion of the Issue
Comment: Submission of New Factual Information from U.S. Importers
- VIII. Recommendation

[FR Doc. 2026–03538 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Request; Applications for Inclusion on the Lists of Arbitrators Under the Data Privacy Framework Program

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed

information collection must be received on or before April 24, 2026.

ADDRESSES: Interested persons are invited to submit written comments to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov. Please reference OMB Control Number 0625–0281 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov, or by phone at 202–482–1512.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States, the European Union (EU), the United Kingdom (UK), and Switzerland share a commitment to enhancing privacy protection, the rule of law, and a recognition of the importance of transatlantic data flows to our respective citizens, economies, and societies, but take different approaches to doing so. Given those differences, the Department of Commerce (DOC) developed the EU–U.S. Data Privacy Framework (EU–U.S. DPF), the UK Extension to the EU–U.S. Data Privacy Framework (UK Extension to the EU–U.S. DPF), and the Swiss–U.S. Data Privacy Framework (Swiss–U.S. DPF) in consultation with the European Commission, the UK Government, the Swiss Federal Administration, industry, and other stakeholders. These arrangements were respectively developed to provide U.S. organizations reliable mechanisms for personal data transfers to the United States from the European Union/European Economic Area, the United Kingdom (and, as applicable, Gibraltar), and Switzerland while ensuring data protection that is consistent with EU, UK, and Swiss law.

The DOC issued the EU–U.S. DPF Principles and the Swiss–U.S. DPF Principles, including the respective sets of Supplemental Principles (collectively the Principles) and Annex I of the Principles, as well as the UK Extension to the EU–U.S. DPF under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. 1512). The International Trade Administration (ITA) administers and supervises the Data Privacy Framework program, including by maintaining and

¹¹ See *AD Order*, 82 FR at 22808.

¹² See *CVD Order*, 82 FR at 22810.

making publicly available the Data Privacy Framework List, an authoritative list of U.S. organizations that have self-certified to the DOC and declared their commitment to adhere to the Principles pursuant to the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF. While the decision by an organization to self-certify its compliance pursuant to the EU–U.S. DPF and, as applicable the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF and by extension participate in the Data Privacy Framework program is voluntary; effective compliance is compulsory: organizations that self-certify to the DOC and publicly declare their commitment to adhere to the Principles must comply fully with the Principles. Such commitments to comply with the Principles are legally enforceable under U.S. law. On the basis of the Principles, Executive Order 14086, 28 CFR part 201, and accompanying letters and materials, including ITA’s commitments regarding the administration and supervision of the Data Privacy Framework program, the European Commission, the UK Government, and the Swiss Federal Administration have respectively recognized the adequacy of the protection provided by the EU–U.S. DPF, the UK Extension to the EU–U.S. DPF, and the Swiss–U.S. DPF thereby enabling personal data transfers from each respective jurisdiction to U.S. organizations participating in the relevant part of the Data Privacy Framework program.

As respectively described in Annex I of the EU–U.S. DPF Principles, the UK Extension to the EU–U.S. DPF, and Annex I of the Swiss–U.S. DPF Principles the DOC commits separately with the European Commission, the UK Government, and the Swiss Federal Administration to implement an arbitration mechanism to provide EU, UK, and Swiss individuals with the ability under certain circumstances to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Principles as to those individuals. Organizations that self-certify their compliance pursuant to the EU–U.S. DPF, including those that also elect to participate in the UK Extension to the EU–U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the EU–U.S. DPF Principles, provided that an EU or UK (as applicable) individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to

the conditions set forth in Annex I of the EU–U.S. DPF Principles. Organizations that self-certify their compliance pursuant to the Swiss–U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the Swiss–U.S. DPF Principles, provided that a Swiss individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to the conditions set forth in Annex I of the Swiss–U.S. DPF Principles. An individual’s decision to invoke this binding arbitration option is entirely voluntary. Arbitral decisions will be binding on all parties to the arbitration. Under this binding arbitration option, a panel (consisting of one or three arbitrators, as agreed by the parties) has the authority to impose individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual’s data in question) necessary to remedy the violation of the Principles only with respect to the individual. No damages, costs, fees, or other remedies are available. The parties will select the arbitrators from the list(s) of arbitrators described below.

Pursuant to the EU–U.S. DPF and the UK Extension to the EU–U.S. DPF, the DOC and the European Commission has developed and will seek to maintain a list of at least 10 arbitrators. The parties, including the EU or UK individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from that list of arbitrators developed under the EU–U.S. DPF (EU–U.S. DPF List of Arbitrators). To be eligible for inclusion on the EU–U.S. DPF List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in EU data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the EU–U.S. DPF List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the European Commission for additional 3-year terms.

Pursuant to the Swiss–U.S. DPF the DOC and the Swiss Federal Administration has developed and will seek to maintain a list of up to five arbitrators to supplement the list of arbitrators developed under the EU–U.S. DPF. The parties, including the Swiss

individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from the list of arbitrators developed under the EU–U.S. DPF, as supplemented by the list of arbitrators developed under the Swiss–U.S. DPF (Swiss–U.S. DPF Supplemental List of Arbitrators). To be eligible for inclusion on the Swiss–U.S. DPF Supplemental List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in European or Swiss data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, Switzerland, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the Swiss–U.S. DPF Supplemental List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the Swiss Federal Administration for additional 3-year terms.

To be considered for inclusion on the EU–U.S. DPF List of Arbitrators or the Swiss–U.S. DPF Supplemental List of Arbitrators, eligible individuals will be respectively evaluated by the DOC and the European Commission and the DOC and the Swiss Federal Administration on the basis of independence, integrity, and expertise:

Independence:

—Freedom from bias and prejudice.

Integrity:

—Held in the highest regard by peers for integrity, fairness, and good judgment.
—Demonstrates high ethical standards and commitment necessary to be an arbitrator.

Expertise:

—Required expertise:
—Admission to practice law in the United States.
—Level of demonstrated expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable).
—Other expertise that may be considered includes any of the following:
—Relevant educational degrees and professional licenses.
—Relevant professional or academic experience or legal practice.
—Relevant training or experience in arbitration or other forms of dispute resolution.

The DOC has agreed with the European Commission to the adoption of arbitration rules that govern arbitration proceedings and a code of

conduct for arbitrators under the EU–U.S. DPF (and similarly agreed with the UK Government as relates to arbitration proceedings under the UK Extension to the EU–U.S. DPF), and the Swiss Federal Administration to the adoption of arbitration rules that govern arbitration proceedings and a code of conduct for arbitrators under the Swiss–U.S. DPF. In the event that the rules governing the proceedings and/or the code of conduct for arbitrators need to be changed, the DOC and the European Commission and the Swiss Federal Administration will agree to amend those rules or adopt a different set of existing, well-established U.S. arbitral procedures, and/or amend the code of conduct for arbitrators (as applicable).

The DOC has selected the International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association (AAA) (collectively ICDR–AAA) to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU–U.S. DPF Principles, including as relates to the UK Extension to the EU–U.S. DPF, and Annex I of the Swiss–U.S. DPF Principles. Among other things, the ICDR–AAA facilitates arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses. The DOC and the European Commission (and the UK Government, as appropriate, with regard to the UK Extension to the EU–U.S. DPF) agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the EU–U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles. The DOC and the Swiss Federal Administration agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the Swiss–U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles.

Applications: Applications must be typewritten, electronically submitted, and headed “Application for Inclusion on the EU–U.S. DPF List of Arbitrators” or “Application for Inclusion on the Swiss–U.S. DPF Supplemental List of Arbitrators” (as applicable). Applications must include the following information, and each section of the application should be labeled and numbered as indicated below:

—Applicant’s name.

—Applicant’s mailing address, telephone number, and email address.

1. Independence

—Description of the applicant’s affiliations with any organization that has self-certified under the EU–U.S. DPF or the Swiss–U.S. DPF, or the United States, European Union, any EU Member State, Switzerland, or any other governmental authority, public authority, or enforcement authority.

2. Integrity

—The respective names, job titles (as applicable), mailing addresses, telephone numbers, and email addresses of three individuals willing to provide information concerning the applicant’s qualifications for service, including the applicant’s character, reputation, reliability, and judgment.

—Description of the applicant’s willingness and ability to make time commitments necessary to be an arbitrator.

3. Expertise

—Demonstration of admittance to practice law in the United States.

—Relevant academic degrees and professional training and licensing.

—Current employment, including job title and description of responsibility, as well as name and mailing address of employer, and name, job title, telephone number, and email address of supervisor or other reference.

—Employment history, including the dates and mailing addresses of each prior position and a summary of responsibilities.

—Description of expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable), and, as appropriate, any other European data protection law.

—Description of training or experience in arbitration or other forms of dispute resolution, if applicable.

—A list of publications, testimony, and speeches, if any, concerning U.S. privacy law and EU and/or Swiss data protection law (as applicable).

II. Method of Collection

Individuals interested in being considered for inclusion on the EU–U.S. DPF List of Arbitrators or the Swiss–U.S. DPF Supplemental List of Arbitrators would submit their applications to the DOC online via email at dpf.program@trade.gov.

The DOC previously requested and obtained approval of this information collection, which has allowed the DOC, as represented by ITA, to collect information from applicants for inclusion on the EU–U.S. DPF List of Arbitrators and from applicants for inclusion on the Swiss–U.S. DPF Supplemental List of Arbitrators (OMB

Control Number 0625–0281). More information on the binding arbitration option under the Data Privacy Framework program is available on the DOC’s Data Privacy Framework program website (<https://www.dataprivacyframework.gov/>).

III. Data

OMB Control Number: 0625–0281.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Private individuals.

Estimated Number of Respondents: 30.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 120 hours.

Estimated Total Annual Cost to Public: \$0.

Respondent’s Obligation: Voluntary.

Legal Authority: The DOC’s statutory authority to foster, promote, and develop the foreign and domestic commerce of the United States (15 U.S.C. 1512).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request (ICR). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–03470 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–865, C–570–185, C–533–935, C–552–848]

Hard Empty Capsules From Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and U.S. International Trade Commission (ITC), Commerce is issuing countervailing duty (CVD) orders on hard empty capsules (capsules) from Brazil, the People's Republic of China (China), India, and the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Seth Brown at (202) 482–0029 (Brazil), Laura Delgado at (202) 482–1468 and John Conniff at (202) 482–1009 (the People's Republic of China (China)), Gordon Struck at (202) 482–8151 (India), and Jonathan Schueler at (202) 482–9175 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act) on December 29, 2025, Commerce published in the **Federal Register** its affirmative final determinations in the countervailing duty investigations of capsules from Brazil, China, India and Vietnam.¹ On

February 12, 2026, the ITC notified Commerce of its final affirmative determinations, pursuant to sections 705(b)(1)(A)(i) and 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of capsules from China, India, and Vietnam, and that an industry in the United States is threatened with material injury by reason of subsidized imports from Brazil.²

Scope of the Orders

The products covered by these orders are hard empty capsules from Brazil, China, India, and Vietnam. For a full description of the scope of these orders, see the appendix to this notice.

Countervailing Duty Orders

Based on the above-referenced affirmative final determinations by the ITC that an industry in the United States is materially injured by reason of subsidized imports of capsules from China, India, and Vietnam, and is threatened with material injury by reason of subsidized imports of capsules from Brazil,³ and in accordance with sections 705(c)(2) and 706 of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of capsules from China, India, and Vietnam are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, India, and Vietnam entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of capsules from China, India, and Vietnam. With the exception of entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final affirmative injury determinations, as further described below, countervailing duties will be assessed on unliquidated entries of capsules from China, India, and Vietnam entered, or withdrawn from warehouse, for consumption on or after

Countervailing Duty Determination, 90 FR 60618 (December 29, 2025) (*India Final Determination*); and *Hard Empty Capsules from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 90 FR 60620 (December 29, 2025) (*Vietnam Final Determination*) (collectively, *Final Determinations*).

² See ITC's Letter, "Notification of ITC Final Determinations," dated February 12, 2026 (ITC Notification Letter).

³ *Id.*

March 31, 2025, the date of publication of the *Preliminary Determinations* in the **Federal Register**.⁴

Pursuant to section 706(b)(2) of the Act, countervailing duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination if that determination is based on the threat of material injury and is not accompanied by a finding that injury would have resulted without the imposition of suspension of liquidation of entries since Commerce's preliminary determination. Additionally, section 706(b)(2) of the Act requires CBP to refund any cash deposits or bonds of estimated countervailing duties posted since the preliminary countervailing duty determination if the ITC's final determination is threat-based.

Because the ITC's final determination for Brazil is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the *Brazil Preliminary Determination*, section 706(b)(2) of the Act is applicable.⁵ Therefore, Commerce will instruct CBP to assess duties on entries of capsules from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination of threat of material injury in the **Federal Register**, in accordance with the subsidy rates listed in the rate chart below for Brazil.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will direct CBP to reinstitute the suspension of liquidation

⁴ See *Hard Empty Capsules from Brazil: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14235 (March 31, 2025) (*Brazil Preliminary Determination*); *Hard Empty Capsules from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14244 (March 31, 2025) (*China Preliminary Determination*); *Hard Empty Capsules from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14237 (March 31, 2025) (*India Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM); and *Hard Empty Capsules from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14240 (March 31, 2025) (*Vietnam Preliminary Determination*) (collectively, *Preliminary Determinations*).

⁵ See ITC Notification Letter.

¹ See *Hard Empty Capsules from Brazil: Final Affirmative Countervailing Duty Determination*, 90 FR 60607 (December 29, 2025) (*Brazil Final Determination*); see also *Hard Empty Capsules from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 90 FR 60628 (December 29, 2025) (*China Final Determination*); *Hard Empty Capsules from India: Final Affirmative*

of capsules from Brazil, China, India, and Vietnam, effective the date of publication of the ITC's notice of final determinations in the **Federal Register**, and to assess, upon further instruction by Commerce pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the

net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determinations in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below. These instructions

suspending liquidation will remain in effect until further notice.

Estimated Countervailable Subsidy Rates

The estimated countervailable subsidy rates are as follows; all-others rate applies to all producers or exporters not specifically listed below.

Company	Subsidy rate (percent <i>ad valorem</i>)
Brazil	
ACG do Brasil S.A	10.67
All Others	10.67
China	
Jiangsu Lefan Capsule Co., Ltd	3.14
Shanxi JC Biological Co. Ltd	8.81
All Others	6.90
India	
ACG Associated Capsules Private Limited; ACG Pam Pharma Technologies Private Limited; ACG Universal Capsules Private Limited ⁶	7.06
All Others	7.06
Vietnam	
Suheung Vietnam Co., Ltd	2.45
All Others	2.45

Provisional Measures

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigations, Commerce published the *Preliminary Determinations* on March 31, 2025.⁷ Therefore, entries of capsules from Brazil, China, India, and Vietnam made on or after July 29, 2025, and prior to the date of publication of the ITC's final determinations in the **Federal Register**, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

In accordance with section 703(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, certain unliquidated entries of capsules from Brazil, China, India, and Vietnam entered, or withdrawn from warehouse, for consumption on or after July 29, 2025, the date on which the provisional

CVD measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC final injury determinations in the **Federal Register**.

Establishment of the Annual Inquiry Service List

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.⁸ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.⁹ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any

companion order covering the same merchandise from the same country of origin.¹⁰

In accordance with the Procedural Guidance, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹¹

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry

¹⁰ *Id.*

¹¹ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

⁶ Commerce found the following companies to be cross owned: ACG Associated Capsules Private Limited; ACG Pam Pharma Technologies Private Limited; and ACG Universal Capsules Private Limited. See *India Preliminary Determination* PDM at 4–6.

⁷ See *Preliminary Determinations*.

⁸ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

⁹ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*, the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹² Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the CVD orders with respect to capsules from Brazil, China, India, and Vietnam, pursuant to section 706(a) of the Act. Interested parties can find a list of CVD orders currently in effect at <https://www.trade.gov/data-visualization/adcvd-proceedings>.

These CVD orders are published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: February 17, 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 Orders

The merchandise subject to the scope of these orders is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in hard empty capsules are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard empty capsules may also be imprinted or otherwise decorated with markings.

Hard empty capsules are covered by the scope of these orders regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of these orders regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of these orders regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of these orders are those that disintegrate in water, simulated intestinal fluid, simulated gastric fluid, or other similar water-based (*i.e.*, aqueous) fluids within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 and 9602.00.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition, hard empty capsules may be imported under HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience

and customs purposes, the written description of the merchandise covered by these orders is dispositive.

[FR Doc. 2026–03485 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–833]

Citric Acid and Certain Citrate Salts From Thailand: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and exporters subject to this administrative review did not make sales of subject merchandise at prices below normal value (NV) during the period of review (POR), July 1, 2023 through June 30, 2024.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or Anjali Mehindiratta, 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) 482–1168 or (202) 482–9127, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 2025, Commerce published the preliminary results of the 2023–2024 administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Thailand¹ in the **Federal Register** and invited interested parties to comment.² We received no comments from interested parties on the *Preliminary Results*, and we have made no changes to the *Preliminary Results*. Accordingly, no decision memorandum accompanies this **Federal Register** notice. The *Preliminary Results* are hereby adopted in these final results. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

¹ See *Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders*, 83 FR 35214 (July 25, 2018) (*Order*).

² See *Citric Acid and Certain Citrate Salts from Thailand: Preliminary Results and Partial Recission of Antidumping Duty Administrative Review; 2023–2024*, 90 FR 40561 (August 20, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

¹² See *Final Rule*, 86 FR at 52335.

Due to the lapse in appropriations and Federal Government shutdown, Commerce tolled all deadlines in administrative proceedings by 47 days.³ Further, 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.⁴ Accordingly, the deadline for these final results is now February 24, 2026.

Scope of the Order

The merchandise covered by this Order includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. For a full description of the scope of the Order, see the *Preliminary Results* PDM.

Rate for Non-Selected Company

The Act and Commerce's regulations do not directly address the establishment of a rate to be applied to individual companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual review in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "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 {on the basis of facts available}."

In this administrative review, we calculated dumping margins of zero percent for both mandatory respondents: COFCO Biochemical (Thailand) Co., Ltd. (COFCO) and Sunshine Biotech International Co., Ltd. (Sunshine). Thus, in accordance with the expected method, and consistent with the U.S. Court of Appeals for the Federal Circuit's decision in

Albemarle,⁵ we assign to Xitrical Group Co. LTD., the sole non-selected company under review, a zero percent rate, based on the rates calculated for the two mandatory respondents.

Final Results of Review

We determine that the following estimated weighted-average dumping margins exist for the period July 1, 2023, through June 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
COFCO Biochemical (Thailand) Co., Ltd	0.00
Sunshine Biotech International Co., Ltd	0.00
Xitrical Group Co. LTD	0.00

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes to the *Preliminary Results*, there are no calculations to disclose.

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered this review. Because the respondents' weighted-average dumping margins or importer-specific assessment rates are zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.⁶ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this

review and for future deposits of estimated duties, where applicable.⁷

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent which did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.*, 11.25 percent)⁸ if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results of administrative review for all shipments of citric acid from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review (*i.e.*, 0.00 percent); (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the company-specific rate established for the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.25 percent, the all-others rate established in the less-than-fair-value investigation.⁹ These cash deposit requirements, when

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ See *Albemarle Corp. v. United States*, 821 F.3d 1345, 1352 (Fed. Cir. 2016) (*Albemarle*) (holding that Commerce may only use "other reasonable methods" if it reasonably concludes that the expected method is "not feasible" or "would not be reasonably reflective of potential dumping margins").

⁶ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102–03 (February 14, 2012); see also 19 CFR 351.106(c)(2).

⁷ See section 751(a)(2)(C) of the Act.

⁸ See Order, 83 FR at 35215.

⁹ *Id.*

imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: February 13, 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.

[FR Doc. 2026-03487 Filed 2-20-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-762-001]

Silicon Metal From Angola: Final Affirmative Determination of Sales at Less Than Fair Value and Classification of Angola as a Non-Market Economy

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that silicon metal from Angola is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is April 1, 2024, through March 31, 2025. Commerce has also determined to treat Angola as a non-

market economy (NME) in forthcoming proceedings.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Doyle, 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) 482-5882.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2025, Commerce published the *Preliminary Determination* of sales at LTFV of silicon metal from Angola and invited interested parties to comment.¹ No interested party submitted comments on the *Preliminary Determination*.

Accordingly, the final determination remains unchanged from the *Preliminary Determination* and, thus, there is no decision memorandum accompanying this notice.

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 Access System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.³ Accordingly, the deadline for the final determination is now February 17, 2026.

On February 5, 2026, Commerce solicited surrogate country and surrogate value information from interested parties,⁴ and we received comments from the petitioners, Ferroglobe USA, Inc. and Mississippi Silicon LLC.⁵

¹ See *Silicon Metal from Angola: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 46810 (September 30, 2025) (*Preliminary Determination*); see also *Silicon Metal from Angola: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value; Correction*, 90 FR 52913 (November 24, 2025) (correcting the end date of the POI listed in the *Preliminary Determination*).

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 Commerce's Letter, "Request for Surrogate Country and Surrogate Value Information," dated February 5, 2026; see also Commerce's Letter, "Revised Request for Surrogate Country and Surrogate Value Information," dated February 6, 2026.

⁵ See Petitioners' Letter, "Response to Request for Surrogate Country and Surrogate Value Information," dated February 10, 2026.

Scope of the Investigation

The product covered by this investigation is silicon metal from Angola. For a complete description of the scope of this investigation, see the appendix to this notice.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, we made no changes to the scope of the investigation.

Verification

As Commerce had no participating respondents in this investigation, no on-site verification was conducted.

Use of Adverse Facts Available (AFA)

As discussed in the *Preliminary Determination*, Commerce preliminarily assigned to PC Silicon Co. Limited (PC Silicon) and Wanhongda International Limited (Wanhongda), two companies that did not respond to our quantity and value questionnaire, estimated weighted-average dumping margins on the basis of AFA pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act).⁶ There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination*. Accordingly, for this final determination, we continue to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act, is warranted with respect to PC Silicon and Wanhongda in this investigation.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

In the *Preliminary Determination*, we assigned an estimated weighted-average dumping margin of 68.45 percent as the all-others rate, pursuant to section 735(c)(5)(B) of the Act.⁷ As noted above, we received no comments on the *Preliminary Determination*; thus, we continue to assign an estimated weighted-average dumping margin of

⁶ See *Preliminary Determination*, 90 FR at 46810.

⁷ *Id.*

68.45 percent as the all-others rate for this final determination.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer or exporter	Estimated weighted-average dumping margin (percent)
PC Silicon Co. Limited	* 68.45
Wanhongda International Limited	* 68.45
All Others	68.45

* This rate is based on facts available with adverse inferences.

Angola's Market Economy Status

For this final determination, Commerce has determined to treat Angola as an NME in forthcoming proceedings.⁸ Consistent with Commerce's practice,⁹ this determination will apply to future segments of this proceeding, and Commerce has relied on its market economy methodology in determining the estimated weighted-average dumping margins for this final determination. A detailed explanation of this determination along with discussion of the comments and factual information submitted concerning this determination can be found in the NME Analysis Report, issued concurrently with this memorandum.

Commerce intends to use its NME methodology to calculate antidumping duty (AD) rates in future segments of AD proceedings involving Angola.

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with a final 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 the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce received no comments on the *Preliminary Determination*, it is adopting the *Preliminary Determination* as the final determination in this investigation. Consequently, there are no new calculations to disclose.

⁸ See Memorandum, "Review of Angola's Status as a Market Economy Country," dated concurrently with this notice (NME Analysis Report).

⁹ See *Emulsion Styrene-Butadiene Rubber from the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value and Classification of the Russian Federation as a Non-Market Economy*, 87 FR 69002 (November 17, 2022) (finding Russia's NME status effective for subsequent proceedings).

Continuation of Suspension of Liquidation and Cash Deposit Requirements

As a result of our *Preliminary Determination*, and pursuant to sections 733(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise from Angola that were entered, or withdrawn from warehouse, for consumption, on or after September 30, 2025, the date of the publication of the *Preliminary Determination* in the **Federal Register**.¹⁰ In accordance with section 733(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 28, 2026, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 27, 2026.

If the U.S. International Trade Commission (ITC) issues an affirmative final injury determination, we will issue an AD order, reinstate the suspension of liquidation under section 736(a) of the Act, and require a cash deposit of estimated antidumping duties for entries of subject merchandise in the amounts indicated above. Pursuant to section 735(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited as a result of the suspension of liquidation will be refunded.

ITC Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silicon metal. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective

¹⁰ See *Preliminary Determination*, 90 FR at 46811.

date of the suspension of liquidation, as discussed in the "Continuation of Suspension of Liquidation and Cash Deposit Requirements" section above.

Administrative Protective Order (APO)

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: February 17, 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 Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-836]

Light-Walled Rectangular Pipe and Tube From Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2023-2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on light-walled rectangular pipe and tube (LWRPT) from Mexico. We preliminarily determine that Perfiles LM, S.A. de C.V. (Perfiles) and Regiomontana de Perfiles y Tubos S. de R.L. de C.V. (Regiopytsa) made sales of subject merchandise at less than normal value during the period of review (POR) August 1, 2023, through July 31, 2024. Interested parties are invited to comment on these preliminary results.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: John Conniff or Charles Doss, 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) 482-1009 or (202) 482-4474, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2008, Commerce published in the **Federal Register** the AD order on LWRPT from Mexico.¹ On September 20, 2024, based on timely requests for review, Commerce published a notice of initiation for this administrative review covering 17 companies.²

On December 9, 2024, we tolled the deadline for the preliminary results by 90 days.³ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁴ 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.⁵ On July 16, 2025, and January 23, 2026, Commerce extended the deadline for the preliminary results until February 5, 2026.⁶

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.⁷ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The products covered by the *Order* are light-walled rectangular pipe and tube from Mexico. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). We calculated export price in accordance with section 772 of the Act. We calculated normal value in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when 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 AD assessment rate calculated for the review period.⁹ Therefore, for an administrative review of a company to be conducted, there must be a suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.¹⁰

On September 18, 2025, we notified parties of our intent to rescind this administrative review regarding the companies listed in Appendix II because there were no suspended entries of subject merchandise produced or exported by these companies during the POR, and we invited interested parties to comment.¹¹ No parties commented on our intent to rescind the review, in part. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Rate for Companies Not Selected for Individual Examination

For the rate for companies not selected for individual examination in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “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 {on the basis of facts available}.” In this administrative review, we calculated weighted-average dumping margins for Perfiles and Regiopytsa that are not zero, *de minimis*, or based entirely on total facts available. For the respondents that were not selected for individual examination in this administrative review, we have assigned to them the weighted-average dumping margins based on the publicly-ranged versions of the net U.S. quantities calculated for Perfiles and Regiopytsa, consistent with the

Administrative Review; 2020–2021, 88 FR 4157 (January 24, 2023).

⁹ See 19 CFR 351.212(b)(2).

¹⁰ See 19 CFR 351.213(d)(3).

¹¹ See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated September 18, 2025.

¹ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China and Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (Order).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 77079 (September 20, 2024) (*Initiation Notice*).

³ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” December 9, 2024.

⁴ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

⁵ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

⁶ See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty and Administrative Review,” dated July 16, 2025; *see also* Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty and Administrative Review,” dated January 23, 2026.

⁷ See Memorandum, “Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from Mexico; 2023–2024,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁸ See, e.g., *Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut- to Length Plate from the Federal Republic of Germany: Rescission of Antidumping*

guidance in section 735(c)(5)(B) of the Act.¹²

Commerce preliminarily determines the following estimated weighted-

average dumping margins exist for the POR:

Preliminary Results of the Review

Producer/exporter	Weighted-average dumping margin (percent)
Perfiles LM, S.A. de C.V.	11.77
Regiomontana de Perfiles y Tubos S. de R.L. de C.V.	7.70
Aceros Cuatro Caminos S.A. de C.V./Productos Laminados de Monterrey S.A. de C.V. ¹³	9.66
Maquilacero S.A. de C.V./Técnicas de Fluidos S.A. de C.V. ¹⁴	9.66
Ternium Mexico S.A. de C.V.	9.66

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs and other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of publication of this notice. 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.¹⁵ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁶ An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time (ET) on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁷ Further, we request that interested parties limit their public executive summary of each issue to no

more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. ET within 30 days after the date of publication of this notice.¹⁹ Hearing requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised by each party in their respective case and rebuttal briefs. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days of the publication date of this notice. If a request for a hearing is made, parties will be notified of the time and date of the hearing.²⁰

Monterrey S.A. de C.V. to comprise a single entity. See, e.g., *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2015–2016*, 83 FR 10664 (March 12, 2018).

¹⁴ Commerce has previously found Maquilacero and TEFLU to comprise a single entity. See, e.g., *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR 33646 (June 25, 2021), and accompanying Issues and Decision Memorandum at Comment 9.

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any case briefs, not later than 120 days after the date of publication of this notice.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register** in accordance with 19 CFR 356.8(a).

If the weighted-average dumping margin for Perfiles or Regiopytsa is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made during the POR to each importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of

¹² See Preliminary Decision Memorandum at “Companies Not Selected For Individual Examination;” see also Memorandum, “Calculation of Non-Selected Rate in Preliminary Results,” dated concurrently with this notice; and *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).

¹³ Commerce has previously found Aceros Cuatro Caminos S.A. de C.V./Productos Laminados de

¹⁵ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁸ See *APO and Service Final Rule*.

¹⁹ See 19 CFR 351.301(c).

²⁰ See 19 CFR 351.310(d).

dumping calculated for the importer's examined sales to the total quantity of those sales.²¹ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*, i.e., “{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis*, no antidumping duties will be assessed.”²² For entries of subject merchandise during the POR produced by Perfiles or Regiopytsa for which the producer did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company (or companies) involved in the transaction.²³

For the companies which were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the company-specific weighted-average dumping margin determined in these final results. For the companies for which this review is being rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping 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 for the companies listed in Appendix II to this notice no earlier than 41 days after the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each company listed above will be that established in the final results of this administrative review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 3.76 percent, the rate established in the investigation of this proceeding.²⁴ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

Appendix II

Companies Rescinded From Review

1. Acro Metal S.A. de C.V.
2. Fabricaciones y Servicios de Mexico
3. Galvak, S.A. de C.V.
4. Grupo Estructuras y Perfiles
5. Industrias Monterrey S.A. de C.V.
6. Internacional de Aceros, S.A. de C.V.
7. Nacional de Acero S.A. de C.V.
8. PEASA-Productos Especializados de Acero
9. Talleres Acero Rey S.A. de C.V.
10. Tuberia Laguna, S.A. de C.V.
11. Tuberias Aspe S.A. de C.V.
12. Tuberias y Derivados S.A. de C.V.

[FR Doc. 2026-03515 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-851-806, A-533-940]

Certain Freight Rail Couplers and Parts Thereof From the Czech Republic and India: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Sofia Pedrelli at (202) 482-4310, or Andrew Hart at (202) 482-1058, Office II (the Czech Republic), Eliza DeLong (202) at 482-3878, or Colin Thrasher at (202) 481-3004, Office V (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2025, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain freight rail couplers and parts thereof (freight rail couplers) from the Czech

²¹ See 19 CFR 351.212(b)(1).

²² See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

²³ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁴ See *Order*, 73 FR at 45405.

Republic and India.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 Currently, the preliminary determinations are due no later than March 9, 2026.⁴

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On December 9, 2025, the petitioner⁵ submitted a timely request that Commerce postpone the preliminary determinations in these LTFV

investigations.⁶ The petitioner stated that it requests postponement so that Commerce can fully analyze the forthcoming questionnaire responses of the mandatory respondents and issue supplemental questionnaires, as necessary.⁷

For the reasons stated above and because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated plus an additional 68 days from tolling).⁸ As a result, Commerce will issue its preliminary determinations no later than April 27, 2026. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 17, 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.

[FR Doc. 2026–03481 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–815]

Carbon Steel Flanges From Spain: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that carbon steel flanges from Spain were sold in the United States at prices below normal value during the period of review (POR) is June 1, 2023, through May 31, 2024.

DATES: Applicable February 23, 2026.

⁶ See Petitioner's Letter, "Request to Postpone Preliminary Determination," dated December 9, 2025.

⁷ *Id.*

⁸ See Memoranda, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025; and "Tolling of All Case Deadlines," dated November 24, 2025.

FOR FURTHER INFORMATION CONTACT:

George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** 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 Accordingly, the current deadline for the final results of this review is now February 26, 2026.

We received no comments from interested parties on the *Preliminary Results*, and we made no changes from the *Preliminary Results*. Accordingly, no decision memorandum accompanies this notice and the *Preliminary Results* are hereby adopted as these final results. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁴

The product covered by this *Order* is finished carbon steel flanges from Spain. For a complete description of the scope of the *Order*, see the *Preliminary Results*.⁵

Final Results of Review

We determine that the following estimated weighted-average dumping margin exists for the period June 1, 2023, through May 31, 2024:

¹ See *Carbon Steel Flanges from Spain: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2023–2024*, 90 FR 41059 (August 22, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

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 *Finished Carbon Steel Flanges from Spain: Antidumping Duty Order*, 82 FR 27229 (June 14, 2017) (*Order*).

⁵ See *Preliminary Results* PDM at 2.

¹ See *Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 40059 (August 18, 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 Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁵ The petitioner is the Coalition of Freight Coupler Producers.

Producer/exporter	Weighted-average dumping margin (percent)
ULMA Forja, S.Coop	0.00

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes to the *Preliminary Results*, there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined in these final results of this review, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise during the POR. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates on the basis of the ratio of the total amount of dumping calculated for examined sales to each importer to the total entered value of those sales. Where an importer-specific assessment rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise that entered the United States during the POR that were produced by ULMA for which it did not know its merchandise was destined for the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.*, 18.81 percent),⁶ if there is no rate for the intermediate company(ies) involved in the transaction.⁷

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the

time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for ULMA will be zero, the rate established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate established in the less-than-fair-value investigation (*i.e.*, 18.81 percent).⁸ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the destruction or return of APO materials or conversion to judicial protective order is hereby

requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are being 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: February 13, 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.

[FR Doc. 2026-03482 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-553-002]

Silicon Metal From the Lao People's Democratic Republic: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and/or exporters of silicon metal from the Lao People's Democratic Republic (Laos). The period of investigation (POI) is January 1, 2024, through December 31, 2024.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Shane Subler or Laurel Smalley, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6241 and (202) 482-3456, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 2025, Commerce published the *Preliminary Determination* in the **Federal Register**.¹ In the *Preliminary Determination*, and in accordance with section 701(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4), Commerce aligned the final countervailing duty (CVD)

¹ See *Silicon Metal from the Lao People's Democratic Republic: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 46384 (September 26, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

⁶ See Order, 82 FR 27230.

⁷ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁸ See Order, 82 FR at 27229.

determination with the final determination in the companion less-than-fair-value investigation of silicon metal from Laos.²

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ 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.⁴ Accordingly, the deadline for this final determination is now February 17, 2026.⁵

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.⁶ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is silicon metal from Laos. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

Verification

Because the sole mandatory respondent (*i.e.*, Lao Silicon Co., Ltd.

² *Id.*, 90 FR at 46385.

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ Because the current deadline falls on a weekend (*i.e.*, February 14, 2026), the deadline became the next business day (*i.e.*, February 17, 2026). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Silicon Metal from the Lao People's Democratic Republic," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

(Lao Silicon)) did not participate in this investigation and because the Government of Laos (GOL) did not respond to Commerce's requests for cooperation to coordinate verification, Commerce did not conduct verification in this investigation. See Issues and Decision Memorandum.

Analysis of Comments Received

The subsidy programs under investigation and the issue raised in the letter in lieu of case brief filed by Ferroglobe USA, Inc. and Mississippi Silicon LLC (collectively, the petitioners) in this investigation are discussed in the Issues and Decision Memorandum. For a list of the topics discussed, and the issue raised to which we responded in the Issues and Decision Memorandum, see Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available, see the "Use of Facts Otherwise Available and Application of Adverse Inferences" section in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

For this final determination we made certain changes to the selection of the adverse facts available (AFA) rate and the countervailable subsidy rate calculation for Lao Silicon and for all other producers/exporters. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the

⁷ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined entirely under section 776, Commerce may use any reasonable method to establish the estimated subsidy rate for all other producers and/or exporters. Commerce in this investigation has determined the subsidy rate for the individually examined respondent under section 776 of the Act. This is the only rate available in this proceeding for deriving the all-others rate. Consequently, as a reasonable method, pursuant to sections 703(d) and 705(c)(5)(A)(ii) of the Act, Commerce established the all-others rate by applying the countervailable subsidy rate assigned to Lao Silicon, the mandatory respondent in this investigation, as determined under section 776 of the Act.⁸ For a full description of the methodology underlying Commerce's analysis, see the Issues and Decision Memorandum.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Lao Silicon Co., Ltd ..	* 69.10
All Others	69.10

* This rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement, or if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and

⁸ See *e.g.*, *Melamine from Germany: Final Affirmative Countervailing Duty Determination*, 89 FR 97586 (December 9, 2024); see also *Overhead Door Counterbalance Torsion Springs from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination in Part*, 90 FR 39374 (August 15, 2025).

Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after September 26, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 24, 2026, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 23, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited, or securities posted, as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and/or exporters of silicon metal from Laos. Because the final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silicon metal from Laos. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be

refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section, *supra*.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only 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/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: February 17, 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 scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*

- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Analysis of Programs
- VI. Discussion of the Issue
Comment: Whether Commerce Should Apply Total AFA to the GOL
- VII. Recommendation

[FR Doc. 2026–03480 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–813]

Citric Acid and Certain Citrate Salts From Belgium: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Citribel nv. (Citribel) did not make sales of subject merchandise at prices below normal value during the July 1, 2023, through June 30, 2024, period of review (POR).

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen, 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) 482–4521.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, Commerce published the preliminary results of the 2023–2024 administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Belgium¹ in the **Federal Register** and invited interested parties to comment.² We received no comments from interested parties on the *Preliminary Results*, and we have made no changes to the *Preliminary Results*. Accordingly, no decision memorandum accompanies this **Federal Register** notice and the *Preliminary Results* are hereby adopted in these final results. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Due to the lapse in appropriations and Federal Government shutdown,

¹ See *Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders*, 83 FR 35214 (July 25, 2018) (Order).

² See *Citric Acid and Certain Citrate Salts from Belgium: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024*, 90 FR 41037 (August 22, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

Commerce tolled all deadlines in administrative proceedings by 47 days.³ Further, 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.⁴ Accordingly, the deadline for these final results is now February 26, 2026.

Scope of the Order

The merchandise covered by this Order includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. For a full description of the scope of the Order, see the Preliminary Decision Memorandum.

Final Results of the Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period July 1, 2023, through June 30, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Citribel nv.	0.00

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the Federal Register, in accordance with 19 CFR 351.224(b). However, because we have made no changes to the Preliminary Results, there are no calculations to disclose.

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered this review. Because the respondent's weighted-

average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.⁵ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.⁶

For entries of subject merchandise during the POR produced by Citribel for which the producer did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.*, 19.30 percent)⁷ if there is no rate for the intermediate company (or companies) involved in the transaction.⁸

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the Federal Register. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the Federal Register of the notice of final results of administrative review for all shipments of citric acid from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Citribel will be equal to the weighted-average dumping margin established in the final results of this administrative review (*i.e.*, 0.00 percent); (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or another

completed segment of this proceeding, but the producer is, then the cash deposit rate will be the company-specific rate established for the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 19.30 percent, the all-others rate established in the less-than-fair-value investigation.⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 13, 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.
[FR Doc. 2026-03489 Filed 2-20-26; 8:45 am]
BILLING CODE 3510-DS-P

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.
⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102-03 (February 14, 2012); see also 19 CFR 351.106(c)(2).
⁶ See section 751(a)(2)(C) of the Act.
⁷ See *Order*, 83 FR at 35215.
⁸ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).
⁹ See *Order*.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of and Final Rescission of Review, in Part, of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers/exported subject to this administrative review made sales of certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) at prices below normal value (NV) during the period of review (POR), February 1, 2023, through January 31, 2024. Additionally, Commerce determines that 24 exporters are eligible for separate rates, and is rescinding the review with respect to Trang Khanh Seafood Co., Ltd.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Jonathan Schueler or Matthew Lipka, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9175 or (202) 482–7976, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On June 11, 2025, Commerce published the *Preliminary Results* of this administrative review.¹ On July 11, 2025, Commerce cancelled its planned verification of Soc Trang Seafood Joint Stock Company (STAPIMEX).² On July 25, 2025, Commerce issued its Post-Preliminary Analysis to make certain changes to its differential pricing analysis in this administrative review, and invited interested parties to comment.³

On August 26, 2025, Commerce extended the deadline to issue the final

results by 60 days.⁴ Further, due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁵ 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.⁶ Accordingly, the deadline for these final results is now February 17, 2026.⁷

For the events subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.⁸ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Commerce is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁹

The merchandise subject to the *Order* is certain frozen warmwater shrimp from Vietnam. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.¹⁰

⁴ See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated August 26, 2025.

⁵ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

⁶ See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

⁷ See Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

⁸ See Memorandum, “Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam; 2023–2024,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁹ See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam, 70 FR 5152 (February 1, 2005) (*Order*).

¹⁰ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2023–2024 Antidumping Duty Administrative Review: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum); see also *Preliminary Results* PDM at 3–4.

Analysis of Comments Received

All issues raised by interested parties in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in Appendix I to this notice.

Changes Since the Preliminary Results and Post-Preliminary Analysis

Based on a review of the record and our analysis of comments received from interested parties, and for the reasons explained in the Issues and Decision Memorandum, we made certain changes to the weighted-average dumping margins applied to the two mandatory respondents, STAPIMEX and Thong Thuan Company Limited (Thong Thuan)/Thong Thuan Cam Ranh Seafood Joint Stock Company (TTCR) (collectively, Thong Thuan/TTCR),¹¹ and the weighted-average dumping margin applicable to the non-examined companies that are eligible for a separate rate. For reasons explained in the Issues and Decision Memorandum, Commerce applied facts available with adverse inference (AFA), in accordance with sections 776(a) and (b) of the Act to STAPIMEX and Thong Thuan/TTCR.

Use of Adverse Facts Available

Because STAPIMEX's and Thong Thuan/TTCR's questionnaire responses could not be verified, we are unable to use their respective data to calculate an accurate weighted-average dumping margin for either company. Therefore, as stated above, for these final results we are relying on AFA, pursuant to sections 776(a) and (b) of the Act, to assign a weighted-average dumping margin to each mandatory respondent, STAPIMEX and Thong Thuan/TTCR because these companies failed to cooperate by not acting to the best of their abilities to comply with our requests for information. In applying AFA, we assigned STAPIMEX and Thong Thuan/TTCR a weighted-average dumping margin of 25.76 percent, a rate which previously has been applied as AFA in the *Final Determination* for the Vietnam-wide entity.¹²

¹¹ In the *Preliminary Results*, Commerce preliminarily determined that Thong Thuan and TTCR are affiliated within the meaning of section 771(33) of the Act and comprise a single entity pursuant to 19 CFR 351.401(f). We find no evidence to change our decision so continue to treat these companies as a single entity pursuant to 19 CFR 351.401(f) for these final results.

¹² See *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004) (*Final Determination*), and accompanying IDM at 21–22.

¹ See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results, Notice of Intent To Rescind, in part, and Final Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024*, 90 FR 24583 (June 11, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Commerce's Letter, “Denial of Request to Re-submit Section C Questionnaire Response a Soc Trang Seafood Joint Stock Company Verification,” dated July 11, 2025.

³ See Memorandum, “Post-Preliminary Analysis,” dated July 25, 2025 (Post-Preliminary Analysis).

Final Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce’s practice to rescind an administrative review of an AD order when there are no entries of subject merchandise during the POR for which liquidation is suspended.¹³ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.¹⁴ Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate and assess antidumping duties at an AD assessment rate calculated for the review period.¹⁵

In the *Preliminary Results*, we notified all interested parties of our intent to rescind this review with respect to Trang Khanh Seafood Co., Ltd. (Trang Khanh) for the final results.¹⁶ We invited parties to comment, and received comments from the Shrimp Committee of Vietnam Association of Seafood Exporters and Producers (VASEP).¹⁷ After an analysis of record evidence and the comments received, we continue to find Trang

Khanh had no suspended entries during the POR, and accordingly we are rescinding this administrative review with respect to Trang Khanh, in accordance with 19 CFR 351.213(d)(3).

Separate Rates

Commerce received comments from VASEP and the American Shrimp Processors Association (ASPA) on Commerce’s preliminary separate rate determinations.¹⁸ Commerce addressed these comments in the Issues and Decision Memorandum and continues to find that the 24 companies listed in Appendix II are eligible for a separate rate, including the two mandatory respondents, STAPIMEX and Thong Thuan/TTCR. While Commerce is relying on AFA to determine the weighted-average dumping margins for STAPIMEX and Thong Thuan/TTCR, it did not find deficiencies with either respondents’ Section A questionnaire responses. Therefore, both STAPIMEX and Thong Thuan/TTCR continue to be eligible for a separate rate.

As the separate rate assigned to the qualifying companies, except for the mandatory respondents, we have relied on the weighted-average dumping margin assigned to non-examined

separate rate companies based on the most recent, non-zero rate calculated in a completed prior segment for non-examined separate rate companies (*i.e.*, 4.58 percent *ad valorem*).¹⁹ See the Issues and Decision Memorandum for a further discussion.

Vietnam-Wide Entity

In our *Preliminary Results*, we found that 146 companies failed to establish their eligibility for a separate rate and are considered to be part of the Vietnam-wide entity.²⁰ Because no party requested a review of the Vietnam-wide entity, and Commerce no longer considers the Vietnam-wide entity as an exporter conditionally subject to administrative reviews,²¹ we did not conduct a review of the Vietnam-wide entity. Thus, the weighted-average dumping margin for the Vietnam-wide entity (*i.e.*, 25.76 percent), is not subject to change as a result of this review.

Final Results of Administrative Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period February 1, 2023, through January 31, 2024:

Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent) ²²
Separate Rate Companies ²³	4.58	4.28

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce applied AFA to the individually examined companies Thong Thuan/TTCR and STAPIMEX, in this administrative review, in accordance with section 776

of the Act, and the applied AFA rate is based on a previously applied weighted-average dumping margin, there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For the 24 companies, including the mandatory respondents, listed in

Appendix II to this notice, which have been assigned a weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.50 percent), Commerce will instruct, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise at a rate equal to the weighted-average dumping margin assigned to it. Mandatory respondents Soc Trang Seafood Joint Stock Company and Thong Thuan Company Limited; Thong Thuan Cam Ranh Seafood Joint Stock Company²⁴ have been assigned a weighted-average dumping margin of

¹³ See, e.g., *Diethyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

¹⁴ See 19 CFR 351.212(b)(1).

¹⁵ See 19 CFR 351.213(d)(3).

¹⁶ See *Preliminary Results* PDM at 4–6.

¹⁷ See VASEP’s Letter, “Case Brief,” dated November 17, 2025.

¹⁸ *Id.*; see also ASPA’s Letter, “American Shrimp Processors Association’s Rebuttal Brief,” dated December 9, 2025.

¹⁹ See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2016–2017*, 83 FR 46704 (September 14, 2018).

²⁰ See *Preliminary Results*.

²¹ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy*

Entity in NME Antidumping Duty Proceedings, 78 FR 65963, 65969–70 (November 4, 2013).

²² See *Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 89 FR 85500 (October 28, 2024); see also Issues and Decision Memorandum at Comment 7.

²³ Excluding the two mandatory respondents. See Appendix II.

²⁴ Commerce has determined that these two entities are affiliated within the meaning of section 771(33) of the Act and comprise a single entity pursuant to 19 CFR 351.401(f).

25.76 percent. The other 22 companies receiving a separate rate have been assigned a weighted-average dumping margin of 4.58 percent. In addition, for Trang Khanh, for which we are rescinding this administrative review, Commerce will instruct CBP to assess any suspended entries of subject merchandise associated with Trang Khanh at a rate equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). With regard to the 146 companies identified in Appendix III to this notice as part of the Vietnam-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 25.76 percent to all POR entries of subject merchandise which were exported by those companies.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the 22 companies, excluding the two mandatory respondents, granted separate rate status in this administrative review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review and listed in the table above; (2) for the two mandatory respondents, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review, *i.e.*, 25.46 percent;²⁵ (3) for previously-examined Vietnamese and non-Vietnamese exporters not listed in Appendix II that received a separate rate in a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (4) for all non-Vietnamese exporters of subject merchandise which have not received their own separate rate, the cash deposit

rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter; and (5) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the Vietnam-wide entity, (*i.e.*, 25.76 percent). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 17, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rescission of Administrative Review, in Part
- V. Adjustment to Cash Deposit Rate for Export Subsidies
- VI. Separate Rates
- VII. Changes Since the Preliminary Results and Post-Preliminary Analysis

VIII. Application of Facts Available and Use of Adverse Inference

IX. Discussion of the Issues

Comment 1: Whether Commerce Should Apply AFA to Thong Thuan/TTTCR

Comment 2: Whether Commerce Should Make Certain Corrections to the Margin Calculation for Thong Thuan/TTTCR

Comment 3: Whether to Apply Partial AFA to STAPIMEX

Comment 4: Whether to Apply Total AFA to STAPIMEX

Comment 5: Whether Commerce Should Make Certain Corrections to the Margin Calculation for STAPIMEX

Comment 6: Whether to Use the Expected Method to Determine the Weighted-Average Dumping Margin for the Non-Examined Separate Rate Companies

Comment 7: Whether to Apply a CVD Offset

Comment 8: Whether to Implement Certain Separate Rate Requests from Vietnamese Exporters

X. Recommendation

Appendix II

Companies Eligible for Separate Rate Status²⁶

1. Camau Seafood Processing and Service Joint-Stock Corporation; CASES; Camau Seafood Processing and Service Joint Stock Corporation
2. C.P. Vietnam Corporation
3. Cantho Import Export Fishery Limited Company; CAFISH
4. Camimex Group Joint Stock Company; Camimex Group
5. Cuulong Seaproducts Company; Cuulong Seapro
6. Sao Ta Foods Joint Stock Company; FIMEX VN/Sao Ta Seafood Factory²⁷
7. Frozen Seafoods Factory No. 32
8. Hai Viet Corporation; HAVICO
9. Kim Anh Company Limited; Kim Anh Co., Ltd.
10. Minh Hai Jostoco; Minh Hai Export Frozen Seafood Processing Joint-Stock Company
11. Ngoc Tri Seafood Joint Stock Company; Ngoc Tri Seafood Company
12. Nha Trang Seafoods F89 Joint Stock Company; Nha Trang Seaproduct Company; NT Seafoods Corporation; NTSF Seafoods Joint Stock Company; Nha Trang Seafoods Group²⁸

²⁶ We have included in this list certain name variations that are included in the SRA/SRC, and, thus are included in the separate rate, but were not listed in the *Initiation Notice*.

²⁷ As noted in the *Initiation Notice*, Commerce has previously determined that these two entities are affiliated within the meaning of section 771(33) of the Act and comprise a single entity pursuant to 19 CFR 351.401(f). See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2017–2018*, 84 FR 44859 (August 27, 2019).

²⁸ As noted in the *Initiation Notice*, Commerce has previously determined that these entities are affiliated within the meaning of section 771(33) of the Act and comprise a single entity pursuant to 19 CFR 351.401(f). See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request*

Continued

²⁵ Cash deposit rate adjusted for subsidy offsets.

13. Q N L Company Limited; QNL Company Limited
14. Minh Hai Joint-Stock Seafoods Processing Company; Sea Minh Hai; Seaprodex Minh Hai
15. Seaprimexco Vietnam; Seaprimexco
16. Soc Trang Seafood Joint Stock Company; STAPIMEX²⁹
17. Tai Kim Anh Seafood Joint Stock Corporation; TAIKA Seafood Corporation
18. Thong Thuan Company Limited; Thong Thuan Cam Ranh Seafood Joint Stock Company;³⁰
19. Thuan Phuoc Seafoods and Trading Corporation; Thuan Phuoc Corp
20. Trong Nhan Seafood Co., Ltd.; Trong Nhan Seafood
21. UTXI Aquatic Products Processing Corporation; UTXICO
22. Viet I-Mei Frozen Foods Co., Ltd.; Viet I-Mei
23. Vietnam Clean Seafood Corporation; Viet Nam Clean Seafood Corporation; Vina Cleanfood
24. Vietnam Fish One Co., Ltd.; Viet Hai Seafood Co., Ltd
25. Caseamex
26. CJ Cau Tre Foods Joint Stock Company
27. Coastal Fisheries Development Corporation
28. COFIDEC
29. Cuu Long Seapro
30. Dai Phat Tien Seafood Co., Ltd.
31. Danang Seafood Import Export
32. Danang Seaproducts Import-Export Corporation
33. Dong Hai Seafood Limited Company
34. Dong Phuong Seafood Co., Ltd.
35. Duc Cuong Seafood Trading Co., Ltd.
36. Duong Hung Seafood
37. FAQUIMEX
38. FFC
39. Fine Foods Company
40. Gallant Dachan Seafood Co., Ltd.
41. Gallant Ocean (Vietnam) Co. Ltd.
42. Gallant Ocean (Vietnam) Joint Stock Company
43. GN Foods Joint Stock Company
44. Go Dang Joint Stock Company
45. GODACO Seafood
46. Green Farms Seafood Joint Stock Company
47. HaiViet Corporation
48. Hanh An Trading Service Co., Ltd.
49. Hoang Anh Fisheries Trading Company Limited
50. Hoang Phong Seafood Co.
51. Hong Ngoc Seafood Co., Ltd.
52. Hung Bang Company Limited
53. Hung Dong Investment Service Trading Co., Ltd.
54. HungHau Agricultural Joint Stock Company
55. INCOMFISH
56. Investment Commerce Fisheries Corporation
57. JK Fish Co., Ltd.
58. Khang An Foods Joint Stock Company
59. Khanh Hoa Seafoods Exporting Company
60. KHASPEXCO
61. Long Toan Frozen Aquatic Products Joint Stock Company
62. MC Seafood
63. Minh Bach Seafood Company Limited
64. Minh Cuong Seafood Import Export Processing Joint Stock Company
65. Minh Hai Joint Stock Seafoods
66. Minh Phat Seafood Company Limited³²
67. Minh Phu Hau Giang Seafood³³
68. Minh Phu Seafood Corporation³⁴
69. Minh Qui Seafood Co., Ltd.³⁵
70. My Son Seafoods Factory
71. Nam Hai Foodstuff and Export Company Ltd.
72. Nam Phuong Foods Import Export Company Limited
73. Nam Viet Seafood Import Export Joint Stock Company
74. Namcan Seaproducts Import Export Joint Stock Company
75. NAVIMEXCO
76. New Generation Seafood Joint Stock Company
77. New Wind Seafood Company Limited
78. Ngoc Tri
79. Ngoc Trinh Bac Lieu Seafood Co., Ltd.
80. Nguyen Chi Aquatic Product Trading Company Limited
81. Nhat Duc Co., Ltd.
82. Nigico Co., Ltd.
83. Phuong Nam Foodstuff Corp.
84. QAIMEXCO
85. QNL One Member Company
86. Quang Minh Seafood Co., Ltd
87. Quoc Ai Seafood Processing Import Export Co., Ltd.
88. Quoc Toan PTE
89. Quoc Toan Seafood Processing Factory
90. Quy Nhon Frozen Seafoods Joint Stock Company
91. Safe And Fresh Aquatic Products Joint Stock Company
92. Saigon Aquatic Product Trading Joint Stock Company
93. Saigon Food Joint Stock Company
94. Saota Seafood Factory
95. SEADANANG
96. Seafood Direct 2012 One Member Limited
97. Seafood Joint Stock Company No. 4
98. Seafood Travel Construction Import Export Joint Stock Company
99. SeafoodDirect2012 One Member Limited Liability Company
100. Seanamico
101. Seaprodex Min Hai
102. Seaprodex Minh Hai Factory No. 69
103. Seaprodex Minh Hai Workshop 1
104. Seaprodex Minh Hai-Factory No. 78
105. Seaproducts Joint Stock Company
106. Seaproducts Joint Stock Company No. 5
107. Seaspmex Vietnam

Appendix III

Companies Under Review Determined To Be Part of the Vietnam-Wide Entity³¹

1. AFoods
2. Amanda Seafood Co., Ltd.
3. An Nguyen Investment Production and Group
4. Anh Khoa Seafood
5. Anh Minh Quan Corp.
6. APT Co.
7. Au Vung One Seafood
8. Bac Lieu Fis
9. Baclieufis
10. Bentre Forestry and Aquaproduct Import Export Joint Stock Company
11. Bentre Seafood Joint Stock Company
12. Beseaco
13. Bien Dong Seafood Co., Ltd.
14. Binh Dong Fisheries Joint Stock Company
15. Binh Thuan Import-Export Joint Stock Company
16. Blue Bay Seafood Co., Ltd.
17. Ca Mau Seafood Processing and Service Joint Stock Corporation
18. Ca Mau Frozen Seafood Processing Import Export Corporation
19. Ca Mau Seafood Joint Stock Company
20. Cadovimex
21. Cadovimex II Seafood Import Export and Processing Joint Stock Company
22. Cadovimex Seafood Import-Export and Processing Joint Stock Company
23. Camimex
24. Camimex Foods Joint Stock Company

for Revocation, In Part, of the Fifth Administrative Review, 76 FR 12054, 12056 (March 4, 2011), unchanged in *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 56158 (September 12, 2011).

²⁹ Assigned rate based on AFA (i.e., 25.76 percent).

³⁰ Assigned rate based on AFA (i.e., 25.76 percent).

³¹ See Memorandum, "Names Not Granted Separate Rate Status at the Preliminary Determination," dated June 16, 2025.

³² Shrimp produced and exported by Minh Phat Seafood Company Limited were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order*, 81 FR 47756, 47757–58 (July 22, 2016). Accordingly, this administrative review covers this exporter only with respect to subject merchandise produced by another entity.

³³ Shrimp produced and exported by Minh Phu Hau Giang Seafood were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order*, 81 FR 47756, 47757–58 (July 22, 2016). Accordingly, this administrative review covers this exporter only with respect to subject merchandise produced by another entity.

³⁴ Shrimp produced and exported by Minh Phu Seafood Corporation were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order*, 81 FR 47756, 47757–58 (July 22, 2016). Accordingly, this administrative review covers this exporter only with respect to subject merchandise produced by another entity.

³⁵ Shrimp produced and exported by Minh Qui Seafood Co., Ltd. were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order*, 81 FR 47756, 47757–58 (July 22, 2016). Accordingly, this administrative review covers this exporter only with respect to subject merchandise produced by another entity.

108. Simmy Seafood Company Limited
 109. South Ha Tinh Seaproducts Import-Export Joint Stock Company
 110. South Vina Shrimp
 111. Southern Shrimp Joint Stock Company
 112. Special Aquatic Products Joint Stock Company
 113. SVS
 114. T & P Seafood Company Limited
 115. T&T
 116. T&T Cam Ranh
 117. Tai Nguyen Seafood Co., Ltd.
 118. Tan Phong Phu Seafood Co., Ltd.
 119. Tan Thanh Loi Frozen Food Co., Ltd.
 120. Tay Do Seafood Enterprise
 121. THADIMEXCO
 122. Thai Hoa Foods Joint Stock Company
 123. Thai Minh Long Seafood Company Limited
 124. Thaimex
 125. Thanh Doan Fisheries Import-Export Joint Stock Company
 126. Thanh Doan Sea Products Import & Export Processing Joint-Stock Company
 127. Thanh Doan Seafood Import Export Trading Joint-Stock Company
 128. The Light Seafood Company Limited
 129. Thien Phu Export Seafood
 130. Thinh Hung Co., Ltd.
 131. Thinh Phu Aquatic Products Trading Co., Ltd.
 132. Thuan Thien Producing Trading Ltd. Co.
 133. TPP Co. Ltd.
 134. Trang Corporation (Vietnam)
 135. Trung Son Seafood Processing Joint Stock Company
 136. VAFCO
 137. Van Duc Food Company Limited
 138. Viet Asia Foods Company Limited
 139. Viet Phu Foods and Fish Corp.
 140. Viet Shrimp Corporation
 141. Vietrosco
 142. VIFAFOOD
 143. Vinh Hoan Corp.
 144. Vinh Phat Food Joint Stock Company
 145. VIFAFOOD
 146. XNK Thinh Phat Processing Company
- [FR Doc. 2026–03511 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–864, A–570–184, A–533–934, A–552–847]

Hard Empty Capsules From Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty orders on hard empty capsules (capsules) from Brazil, the People's Republic of China (China), India, and

the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT:

Gemma Larsen at (202) 482–8125 (Brazil); Rebecca Janz or Jerry Xiao at (202) 482–2972 and (202) 482–2273, respectively (China); Luke Caruso or Joseph Molokwu at (202) 482–2081 and (202) 482–8043, respectively (India); and Jinny Ahn or Harrison Tanchuck at (202) 482–0339 and (202) 482–7421, respectively (Vietnam), AD/CVD Operations, Offices I, II, IV, and VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2025, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of capsules from Brazil, China, India, and Vietnam, in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act).¹ On February 12, 2026, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of capsules from China, India, and Vietnam, within the meaning of section 735(b)(1)(A)(i) of the Act, and threatened with material injury by reason of dumped imports of capsules from Brazil, within the meaning of 735(b)(1)(A)(ii) of the Act.²

Scope of the Orders

The products covered by these orders are capsules from Brazil, China, India, and Vietnam. For a complete description of the scope of these orders, see the appendix to this notice

Antidumping Duty Orders

Based on the above-referenced affirmative final determinations by the ITC that an industry in the United States

is materially injured by reason of LTFV imports of capsules from China, India, and Vietnam, and that an industry in the United States is threatened by reason of such imports from Brazil, and in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing these antidumping duty orders. Because the ITC determined that an industry in the United States is materially injured by reason of capsules from China, India, and Vietnam, and that an industry in the United States is threatened with material injury by reason of imports of capsules from Brazil, unliquidated entries of such merchandise from these countries entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duty deposits equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, on all relevant entries of capsules from Brazil, China, India and Vietnam. Antidumping duties will be assessed on unliquidated entries of capsules from China, India, and Vietnam entered, or withdrawn from warehouse, for consumption on or after May 29, 2025, the date of publication of the *Preliminary Determinations*,³ but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Pursuant to section 736(b)(2) of the Act, antidumping duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination if that determination is based on the threat of material injury and is not accompanied by a finding that injury would have resulted without the suspension of liquidation of entries

¹ See *Hard Empty Capsules from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 60610 (December 29, 2025) (*Brazil Final Determination*); see also *Hard Empty Capsules from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 60623 (December 29, 2025) (*China Final Determination*); *Hard Empty Capsules from India: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 60613 (December 29, 2025) (*India Final Determination*); and *Hard Empty Capsules from the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 FR 60626 (December 29, 2025) (*Vietnam Final Determination*).

² See ITC's Letter, "Notification of ITC Final Determinations," dated February 12, 2026 (ITC Notification Letter).

³ See *Hard Empty Capsules from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 90 FR 22704 (May 29, 2025); *Hard Empty Capsules from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures*, 90 FR 22699 (May 29, 2025) (*India Preliminary Determination*); and *Hard Empty Capsules 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*, 90 FR 22708 (May 29, 2025) (collectively, *Preliminary Determinations*).

since Commerce's preliminary determination. In addition, section 736(b)(2) of the Act requires CBP to refund any cash deposits of estimated antidumping duties posted before the date of publication of the ITC's final affirmative determination, if the ITC's final determination is based on threat other than the threat described in section 736(b)(1) of the Act.

Because the ITC's final determination with respect to Brazil is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since publication of the *Brazil Preliminary Determination*, section 736(b)(2) of the Act is applicable.⁴ Therefore, Commerce will instruct CBP to assess, upon further instruction by Commerce, antidumping duties on entries of capsules from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determinations of threat of material injury in the **Federal Register**, in accordance with the dumping margins listed in the rate chart below for Brazil.

Suspension of Liquidation and Cash Deposits

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of capsules from Brazil,

China, India, and Vietnam, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 736(a)(1) of the Act, antidumping duties on each entry of subject merchandise equal to the amount by which normal value of the merchandise exceeds the export price or constructed export price of the merchandise. These instructions will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below, adjusted by the relevant subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the tables below. The relevant all-others rate (for Brazil and India), the rate for the China-wide entity (for China), or the rate for the Vietnam-wide entity (for Vietnam), as applicable, apply to all producers and exporters not specifically listed.

With respect to China, Commerce determined a weighted-average dumping margin of zero percent for subject merchandise produced and

exported by Shanxi JC Biological Technology Co., Ltd. As such, we are excluding this producer/exporter combination from the antidumping duty order on capsules from China. On the basis of the negative *China Final Determination*⁵ for this producer/exporter combination, we instructed CBP to discontinue the suspension of liquidations and to refund all cash deposits collected for this producer/exporter combination. Such exclusion will not be applicable to merchandise exported to the United States by any other producer/exporter combinations or by third-country exporters that sourced from the excluded producer/exporter combination(s). The China-wide entity rate applies to all exporter/producer combinations not specifically listed below.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Brazil

Producer/exporter	Weighted-average dumping margin (percent)
ACG do Brasil S.A	77.63
All Others	77.63

China

Producer	Exporter	Weighted-average dumping margin (percent)
Shandong Healsee Capsule Ltd	Shandong Healsee Capsule Ltd	18.71
Shanxi JC Biological Technology Co., Ltd	Shanxi JC Biological Technology Co., Ltd	⁶ 0.00
Guizhou Guang De Li Pharmaceuticals Co., Ltd	Guizhou Guang De Li Pharmaceuticals Co., Ltd	18.71
Hebei Kangxin Plant Capsule Co., Ltd	Hebei Kangxin Plant Capsule Co., Ltd	18.71
Hubei Kornnac Pharmaceutical Co., Ltd	Hubei Kornnac Pharmaceutical Co., Ltd	18.71
Jiangsu Lefan Capsule Co., Ltd	Jiangsu Lefan Capsule Co., Ltd	18.71
Jiujiang Angtai Capsule Co., Ltd	Jiujiang Angtai Capsule Co., Ltd	18.71
Qingdao Yiqing Biotechnology Co., Ltd	Qingdao Yiqing Biotechnology Co., Ltd	18.71
Shaanxi Genex Bio-Tech Co., Ltd	Shaanxi Genex Bio-Tech Co., Ltd	18.71
Shanghai Guang De Li Capsule Co., Ltd	Shanghai Guang De Li Capsule Co., Ltd	18.71
Shanxi Guangsheng Medicinal Capsule Co., Ltd; Shanxi Guangsheng Capsule Co., Ltd.	Shanxi Guangsheng Medicinal Capsule Co., Ltd; Shanxi Guangsheng Capsule Co., Ltd.	18.71
Shaoxing Kangke Capsule Co., Ltd	Shaoxing Kangke Capsule Co., Ltd	18.71
Shaoxing Renhe Capsule Co., Ltd	Shaoxing Renhe Capsule Co., Ltd	18.71
Xinchang County Hexin Capsule Co., Ltd	Xinchang County Hexin Capsule Co., Ltd	18.71
Xinchang County No.6 Capsule Factory	Xinchang Paulo Import And Export Co., Ltd	18.71
Shaoxing Kangke Capsule Co., Ltd	Xinchang Paulo Import And Export Co., Ltd	18.71
Zhejiang Huaguang Capsule Co., Ltd	Xinchang Paulo Import And Export Co., Ltd	18.71
Shanxi Guangsheng Capsule Co., Ltd	Xinchang Paulo Import And Export Co., Ltd	18.71
Zhejiang Pujiang Enerkang Capsule Co., Ltd	Xinchang Paulo Import And Export Co., Ltd	18.71
Yantai Oriental Pharmacap Co., Ltd	Yantai Oriental Pharmacap Co., Ltd	18.71
Ningbo Capsulcn Capsule Co., Ltd	Zhejiang Capsulcn Machinery Co., Ltd	18.71
Shaoxing Zhongya Capsules Industry Co., Ltd	Zhejiang Capsulcn Machinery Co., Ltd	18.71
Shandong Healsee Capsule Ltd	Zhejiang Capsulcn Machinery Co., Ltd	18.71
Zhejiang Guangjiuyuan Biotechnology Co., Ltd	Zhejiang Capsulcn Machinery Co., Ltd	18.71

⁴ See *Hard Empty Capsules from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional*

Measures, 90 FR 22688 (May 29, 2025) (*Brazil Preliminary Determination*).

⁵ See *China Final Determination*, 90 FR at 60624–25.

⁶ Entries of subject merchandise that were produced and exported by Shanxi JC Biological Technology Co., Ltd are excluded from the AD order on capsules from China.

Producer	Exporter	Weighted-average dumping margin (percent)
Zhejiang Huaguang Capsule Co., Ltd	Zhejiang Capsule Machinery Co., Ltd	18.71
Zhejiang Huaguang Capsule Co., Ltd	Zhejiang Huaguang Capsule Co., Ltd	18.71
Zhejiang Huili Capsules Co., Ltd	Zhejiang Huili Capsules Co., Ltd	18.71
Zhejiang Lujian Capsule Co., Ltd	Zhejiang Lujian Capsule Co., Ltd	18.71
China-Wide Entity		18.71

India

Producer/exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset(s)) (percent)
ACG Associated Capsules Private Limited; ACG Universal Capsules Private Limited; and Custom Capsules Private Limited ⁷	26.69	19.71
HealthCaps India Limited	10.66	3.68
All Others	18.68	11.70

Vietnam

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset) (percent)
Suheung Vietnam Co., Ltd	Suheung Vietnam Co., Ltd	47.12	46.24
Vietnam-Wide Entity	47.12	46.24	

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of capsules from Brazil, China, India and Vietnam, Commerce extended the four-month period to six months.⁸

In the underlying investigations, Commerce published the *Preliminary Determinations* on May 29, 2025. As such, the six-month period beginning on the date of the publication of the *Preliminary Determinations* ended on November 24, 2025. Therefore, entries of capsules from Brazil, China, India, and Vietnam made on or after November 24, 2025, and prior to the date of publication of the ITC's final determinations in the **Federal Register**,

are not subject to the assessment of antidumping duties.

Therefore, in accordance with section 733(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of capsules from Brazil, China, India and Vietnam entered, or withdrawn from warehouse, for consumption on or after November 25, 2025, the day on which the provisional antidumping duty measures expired. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.⁹ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.¹⁰ The *Final Rule* and

Procedural Guidance provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 21, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL—Annual Inquiry Service List."¹¹

¹¹ This segment will be combined with the ACCESS Segment Specific Information (SSI) field that will display the month in which the notice of the order or suspended investigation was published

⁷ In the *India Preliminary Determination*, 90 FR 22700, and unchanged in the *India Final Determination*, 90 FR 60615, Commerce determined that these companies are a single entity.

⁸ See *Preliminary Determinations*.

⁹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁰ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹² the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for the Petitioner and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹³ Accordingly, as stated above, the petitioner and foreign governments should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioner and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry

service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to capsules from Brazil, China, India, and Vietnam, pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty and countervailing duty orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

Dated: February 17, 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 Orders

The merchandise covered by the scope of these orders is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in hard empty capsules are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard empty capsules may also be imprinted or otherwise decorated with markings.

Hard empty capsules are covered by the scope of these orders regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of these orders regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of these orders regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of these orders are those that disintegrate in water, simulated intestinal fluid, simulated gastric fluid, or other similar water-based (i.e., aqueous) fluids within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 and 9602.00.5010 of the Harmonized Tariff Schedule of the

United States (HTSUS). In addition, hard empty capsules may be imported under HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these orders is dispositive.

[FR Doc. 2026–03484 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–856]

Silicon Metal From the Kingdom of Thailand: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of silicon metal from the Kingdom of Thailand (Thailand). The period of investigation is January 1, 2024, through December 31, 2024.

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Amber Hodak or Robert Hedberg, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8034 or (202) 482–0955.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 2025, Commerce published its *Preliminary Determination* in the **Federal Register**.¹ On September 30, 2025, Commerce aligned this countervailing (CVD) final determination with the final determinations in the less-than-fair value investigations of silicon metal from Angola and Lao People's Democratic Republic, in accordance with 705(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4).²

¹ See *Silicon Metal from Thailand: Preliminary Affirmative Countervailing Duty Determination*, 90 FR 46388 (September 26, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Preliminary Determination*; see also *Silicon Metal from the Kingdom of Thailand: Alignment of*

in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL—January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹² See *Procedural Guidance*, 86 FR at 53206.

¹³ See *Final Rule*, 86 FR at 52335.

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.³ 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.⁴ Accordingly, the deadline for this final determination is now February 17, 2026.

For a complete description of the events that occurred since the *Preliminary Determination*, see the Issues and Decision Memorandum.⁵ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is silicon metal from Thailand. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

Verification

Because the non-responsive companies, G.S. Energy Co., Ltd. (G.S. Energy) and Sica New Materials (Thailand) Co., Ltd. (Sica New Materials), did not participate in this investigation, Commerce did not conduct verification in this investigation. See Issues and Decision Memorandum.

Final Countervailing Duty Determination with Final Less-Than-Fair-Value Determinations, 90 FR 46790 (September 30, 2025).

³ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁴ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Silicon Metal from the Kingdom of Thailand," dated concurrently with this notice (Issues and Decision Memorandum).

Analysis of Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are discussed in the Issues and Decision Memorandum. For a list of the topics discussed, and the issues raised to which we responded in the Issues and Decision Memorandum, see Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁶ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts otherwise available, including with an adverse inference (AFA), pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of AFA, see "Use of Facts Otherwise Available and Application of Adverse Inferences" section in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

We made no changes to the subsidy calculations for G.S. Energy and Sica New Materials and all other producers and/or exporters from the *Preliminary Determination*.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined entirely under section 776 of the Act, Commerce may use any reasonable method to

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

establish the estimated subsidy rate for all other producers and/or exporters. Commerce in this investigation has determined the subsidy rate for the individually examined respondents under section 776 of the Act. These are the only rates available in this proceeding for deriving the all-others rate. Consequently, as a reasonable method, pursuant to sections 703(d) and 705(c)(5)(A)(ii) of the Act, Commerce established the all-others rate by applying the countervailable subsidy rate assigned to G.S. Energy and Sica New Materials, the mandatory respondents in this investigation, as determined under section 776 of the Act.⁷

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
G.S. Energy Co., Ltd	* 31.27
Sica New Materials (Thailand) Co., Ltd	* 31.27
All-Others	31.27

* Rate based on facts available with adverse inferences.

Disclosure

Commerce normally discloses the calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we made no changes from the *Preliminary Determination*, there are no new calculations to disclose.

Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section that were entered, or withdrawn from warehouse, for consumption on or after September 26,

⁷ See, e.g., *Melamine from Germany: Final Affirmative Countervailing Duty Determination*, 89 FR 97586 (December 9, 2024); see also *Overhead Door Counterbalance Torsion Springs from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination in Part*, 90 FR 39374 (August 15, 2025).

2025, the date of the publication of the *Preliminary Determination* in the **Federal Register**.⁸ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after January 24, 2026, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 23, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and/or exporters of silicon metal from Thailand. Because the final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silicon metal from Thailand. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all

imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension Liquidation" section.

Administrative Protective Order

In the event that ITC issues a final negative injury determination, this notice will serve as the only 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/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 violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 17, 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 scope of the investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of the investigation. Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
 - II. Background
 - III. Changes Since the *Preliminary Determination*
 - IV. Use of Facts Otherwise Available and Application of Adverse Inferences
 - V. Analysis of Programs
 - VI. Discussion of the Issue
- Comment: Whether Commerce Should Apply AFA to the Royal Thai Government With Respect to the "Duty

Reduction Privileges for Certain Exporters" Program
VII. Recommendation

[FR Doc. 2026-03479 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Self-Certifications Under the Data Privacy Framework Program

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 24, 2026.

ADDRESSES: Interested persons are invited to submit written comments to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov. Please reference OMB Control Number 0625-0280 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov, or by phone at 202-482-1512.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States, the European Union (EU), the United Kingdom (UK), and Switzerland share a commitment to enhancing privacy protection, the rule of law, and a recognition of the

⁸ See *Preliminary Determination*, 90 FR at 46388.

importance of transatlantic data flows to our respective citizens, economies, and societies, but take different approaches to doing so. Given those differences, the Department of Commerce (DOC) developed the EU–U.S. Data Privacy Framework (EU–U.S. DPF), the UK Extension to the EU–U.S. Data Privacy Framework (UK Extension to the EU–U.S. DPF), and the Swiss–U.S. Data Privacy Framework (Swiss–U.S. DPF) in consultation with the European Commission, the UK Government, the Swiss Federal Administration, industry, and other stakeholders. These arrangements were respectively developed to provide U.S. organizations reliable mechanisms for personal data transfers to the United States from the European Union/European Economic Area, the United Kingdom (and, as applicable, Gibraltar), and Switzerland while ensuring data protection that is consistent with EU, UK, and Swiss law.

The DOC issued the EU–U.S. DPF Principles and the Swiss–U.S. DPF Principles, including the respective sets of Supplemental Principles (collectively the Principles) and Annex I of the Principles, as well as the UK Extension to the EU–U.S. DPF under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. 1512). The International Trade Administration (ITA) administers and supervises the Data Privacy Framework program, including by maintaining and making publicly available the Data Privacy Framework List, an authoritative list of U.S. organizations that have self-certified to the DOC and declared their commitment to adhere to the Principles pursuant to the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF. On the basis of the Principles, Executive Order 14086, 28 CFR part 201, and accompanying letters and materials, including ITA’s commitments regarding the administration and supervision of the Data Privacy Framework program, the European Commission, the UK Government, and the Swiss Federal Administration have respectively recognized the adequacy of the protection provided by the EU–U.S. DPF, the UK Extension to the EU–U.S. DPF, and the Swiss–U.S. DPF thereby enabling personal data transfers from each respective jurisdiction to U.S. organizations participating in the relevant part of the Data Privacy Framework program.

In order to participate in the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF an organization must (a) be subject to the investigatory

and enforcement powers of the Federal Trade Commission (FTC), the Department of Transportation (DOT), or another statutory body that will effectively ensure compliance with the Principles; (b) publicly declare its commitment to comply with the Principles; (c) publicly disclose its privacy policies in line with the Principles; and (d) fully implement them.

While the decision by an organization to self-certify its compliance pursuant to the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF and by extension participate in the Data Privacy Framework program is voluntary; effective compliance is compulsory: organizations that self-certify to the DOC and publicly declare their commitment to adhere to the Principles must comply fully with the Principles. Organizations that only wish to self-certify their compliance pursuant to the EU–U.S. DPF and/or the Swiss–U.S. DPF may do so; however, organizations that wish to participate in the UK Extension to the EU–U.S. DPF must participate in the EU–U.S. DPF. Such organizations’ commitment to comply with the Principles with regard to transfers of personal data from the European Union and, as applicable, the United Kingdom, and/or Switzerland must be reflected in their self-certification submissions to the DOC, and in their privacy policies. An organization’s failure to comply with the Principles after its self-certification is enforceable by the FTC under Section 5 of the Federal Trade Commission (FTC) Act prohibiting unfair or deceptive acts in or affecting commerce (15 U.S.C. 45); by the DOT under 49 U.S.C. 41712 prohibiting a carrier or ticket agent from engaging in an unfair or deceptive practice in air transportation or the sale of air transportation; or under other laws or regulations prohibiting such acts.

To rely on the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF for transfers of personal data from the European Union and, as applicable, the United Kingdom, and/or Switzerland an organization must self-certify its adherence to the Principles to the DOC, and both be placed and remain on the Data Privacy Framework List. The DOC will update the Data Privacy Framework List on the basis of annual re-certification submissions made by participating organizations and by removing organizations when they voluntarily withdraw, fail to complete the annual re-certification in accordance with the DOC’s procedures, or are found to persistently fail to comply. The DOC

will also maintain and make available to the public an authoritative record of U.S. organizations that have been removed from the Data Privacy Framework List and will identify the reason each organization was removed. The aforementioned authoritative list and record will remain available to the public on the DOC’s Data Privacy Framework program website. Any organization removed from the Data Privacy Framework List must cease making claims that it participates in or complies with the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF and that it may receive personal information pursuant to same. Such an organization must nevertheless continue to apply the Principles to such personal information that it received while it participated in the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF for as long as it retains such personal information.

To initially self-certify or subsequently re-certify for the EU–U.S. DPF and, as applicable, UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF, an organization must on each occasion provide to the DOC a submission that contains the relevant information specified in the Principles. The submission must be made via the DOC’s Data Privacy Framework program website by an individual within the organization who is authorized to make representations on behalf of the organization and any of its covered U.S. entities regarding its adherence to the Principles. Such an organization must respond promptly to inquiries and other requests for information from the DOC relating to the organization’s adherence to the Principles.

ITA has committed to follow up with organizations that have been or wish to be removed from the Data Privacy Framework List. ITA will direct organizations that allow their self-certifications to lapse to verify whether they intend to re-certify or instead intend to withdraw. An organization that intends to re-certify will be required to further verify to the DOC that during the lapse of its certification status it applied the Principles to relevant personal data received in reliance on its participation in the Data Privacy Framework program and clarify what steps it will take to address the outstanding issues that have delayed its re-certification. An organization that intends to withdraw will be required to further verify to the DOC what it will do and/or has done (as applicable) with the relevant personal data that it received in reliance on its participation in the Data

Privacy Framework program (*i.e.*, (a) retain such data, continue to apply the Principles to such data, and affirm to the DOC on an annual basis its commitment to apply the Principles to such data; (b) retain such data and provide “adequate” protection for such data by another authorized means; or (c) return or delete all such data by a specified date) and who within the organization will serve as an ongoing point of contact for Principles-related questions. Organizations will be required to provide such verification to the DOC by completing and submitting appropriate questionnaires to the DOC.

ITA has also committed to conduct compliance reviews on an ongoing basis, including, as appropriate, through sending detailed questionnaires to participating organizations. The DOC will require that a participating organization complete and submit to the DOC such a questionnaire when: (a) the DOC has received any specific, nonfrivolous complaints about the organization’s compliance with the Principles; (b) the organization does not respond satisfactorily to inquiries by the DOC for information relating to the organization’s adherence to the Principles; or (c) there is credible evidence that the organization does not comply with its commitments under the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF.

II. Method of Collection

Organizations would make their initial self-certification, as well as annual re-certification submissions under the Data Privacy Framework program (*i.e.*, the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss–U.S. DPF) to the DOC online via the DOC’s Data Privacy Framework program website (<https://www.dataprivacyframework.gov/>). Organizations would complete and submit Data Privacy Framework program questionnaires to the DOC online via the DOC’s Data Privacy Framework program website or via email at dpf.program@trade.gov (as applicable) in accordance with Data Privacy Framework program requirements.

The DOC previously requested and obtained approval of this information collection, which has allowed the DOC, as represented by ITA, to collect information from organizations in the United States to enable them to self-certify their commitment to comply with the Principles (OMB Control Number 0625–0280). More information on self-certification, including annual re-certification under the Data Privacy

Framework program is available on the DOC’s Data Privacy Framework program website (<https://www.dataprivacyframework.gov/>).

III. Data

OMB Control Number: 0625–0280.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Primarily businesses or other for-profit organizations.

Estimated Number of Respondents: 4,575.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 2,977.

Estimated Total Annual Cost to Public: \$7,783,710.

Respondent’s Obligation: Voluntary.

Legal Authority: The DOC’s statutory authority to foster, promote, and develop the foreign and domestic commerce of the United States (15 U.S.C. 1512).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request (ICR). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–03469 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Pacific Cod Trawl Cooperative Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the **Federal Register** on July 18, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Pacific Cod Trawl Cooperative Program.

OMB Control Number: 0648–0811.

Form Number(s): None.

Type of Request: Regular submission (extension and revision of a current information collection).

Number of Respondents: 13 respondents.

Average Hours per Response:

Application for PCTC Cooperative Quota: 2 hours; Application for Inter-Cooperative Transfer of CQ: 10 minutes; Application for Transfer of PCTC QS for Processors: 2 hours; and Notification of Intent to Process PCTC: 30 minutes.

Total Annual Burden Hours: 15 hours.

Needs and Uses: This is a renewal and revision of a previously approved collection for the Pacific Cod Trawl Cooperative Program (PCTC Program). This collection contains ongoing information collection requirements submitted by participating harvesters

and processors for the following forms: (1) Application for PCTC Program Cooperative Quota (CQ), (2) Application for Inter-Cooperative Transfer of CQ, (3) Application for Transfer of PCTC Program Quota Share (QS) for Processors, and (4) Notification of Intent to Process PCTC Program Pacific Cod. As part of this revision, NMFS is removing the following forms which are no longer needed: (1) Application for PCTC Program Quota Share (QS) and (2) Ninety-Day Transfer Window for Non-Exempt American Fisheries Act (AFA) License Limitation Program (LLP) holders. This revision also removes the formal appeal process for CQ allocations, as this was only used during implementation of the program.

The PCTC Program is a limited access privilege program for the harvest of Pacific cod in the Bering Sea and Aleutian Islands trawl catcher vessel sector. This program is necessary to increase the value of fishery, minimize bycatch to the extent practicable, provide for the sustained participation of fishery-dependent communities, ensure the sustainability and viability of the resource, and promote safety and stability in the harvesting and processing sectors.

This information collection contains the collection instruments necessary for the National Marine Fisheries Service (NMFS) to implement the PCTC Program and manage cooperative quota and quota share in this fishery.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annually and as-needed.

Respondent's Obligation: Required to obtain or maintain benefits.

Legal Authority: NMFS manages the groundfish fisheries in the Exclusive Economic Zone off the coast of Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP), and the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c. The fishery management plans were prepared by the North Pacific Fishery Management Council (Council). The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) authorizes the Council to prepare and amend fishery management plans for any fishery in waters under its jurisdiction.

This information collection request may be viewed at <https://www.reginfo.gov>. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0811.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–03472 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF437]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Homeporting United States Coast Guard Offshore Patrol Cutters at Naval Station Newport, Rhode Island

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

ACTION: Notice; proposed incidental harassment authorizations; request for comments on proposed authorizations and possible renewals.

SUMMARY: NMFS has received a request from the United States Coast Guard (USCG), on behalf of the United States Navy (Navy), for authorization to take marine mammals incidental to construction activities associated with the project Homeporting USCG Offshore Patrol Cutters (OPCs) at Naval Station (NAVSTA) Newport, Rhode Island (RI). 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 for each IHA that could be issued under certain circumstances and if all requirements are met, as described in the Request for Public Comments section 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 March 25, 2026.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.esch@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: Carter Esch, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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; 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 (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 (see also 16 U.S.C. 1362; 50 CFR 216.3, 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.

These actions are 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 IHAs qualifies to be categorically excluded from further NEPA review.

Summary of Request

On April 20, 2025, NMFS received a request from the USCG, on behalf of the

Navy, for authorization for the taking of marine mammals incidental to construction activities supporting the project Homeporting USCG OPC at NAVSTA in Newport, RI, over the course of approximately 1.5 years. Following NMFS’ review of the application drafts and associated discussions, the USCG iteratively submitted revised versions of the application on June 20, July 15, and December 19 of 2025. The application was deemed adequate and complete on December 20, 2025. USCG’s request is for authorization of take of seven species of marine mammals by Level B harassment and, for six of these species, Level A harassment. Neither USCG nor NMFS expect serious injury or mortality to result from this activity and; therefore, an IHA is appropriate.

NMFS previously issued ITAs for similar activities at NAVSTA Newport, including incidental take regulations (ITRs; 2021 final rule (86 FR 71162, December 15, 2021)) and a Letter of Authorization (LOA; 87 FR 6145, February 3, 2022) and subsequent modified LOA (88 FR 5856, January 30, 2023), associated with bulkhead repairs and replacement. NMFS issued an IHA (87 FR 78072, December 21, 2022) and renewal IHA (90 FR 11400, March 6, 2025) to the Navy on behalf of NOAA’s Office of Marine and Aviation Operations for a construction project associated with the relocation of NOAA’s research vessels to NAVSTA Newport. More recently, NMFS issued an IHA to the Navy for the Pier 171 Repair and Replacement project (90 FR 57953, December 15, 2025). The Navy and associated parties have complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of the previous ITAs, and information regarding their monitoring results may be found in the Potential Effects of Specified Activities on Marine Mammals and their Habitat section.

Description of the Proposed Activity

Overview

The USCG proposes to construct a modern pier and associated shore-side facilities at NAVSTA Newport in Coddington Cove, Newport, RI, to provide a fully mission-capable homeport to four 360-foot (ft) (109.7 meters (m)) long OPCs the USCG will acquire to replace the aging fleet of medium endurance cutters (figure 1). The proposed construction activities are necessary because the existing Navy Pier 1, which is the only feasible location for OPC berths at NAVSTA Newport, has been condemned due to structural deficiencies. USCG would demolish the existing Navy Pier 1 and construct its replacement immediately adjacent to the south, replace the existing riprap revetment with a new bulkhead at location S45 South, and construct a landside maintenance and weapons detachment building with a laydown area and parking. In-water demolition activities would include removal of concrete and steel pipe piles by cutting them off below the mudline, a process that is not expected to result in incidental take of marine mammals. The in-water activities that have the potential to take marine mammals, by Level A harassment and Level B harassment, include impact pile driving, vibratory pile driving and extraction, and down-the-hole (DTH) excavation. In total, the USCG anticipates conducting 355 non-consecutive days of in-water construction over approximately 1.5 years (Year 1: 190 days; Year 2: 165 days). The first year of in-water construction activities would begin June 1, 2027, and continue through May 31, 2028, and the second year of construction activities would begin June 1, 2028, and continue through October 31, 2029.

BILLING CODE 3510–22–P



Figure 1 — Proposed Project Area in Coddington Bay at Naval Station (NAVSTA)

Newport, RI

BILLING CODE 3510-22-C

The USCG has requested issuance of two consecutive IHAs, one for each year of construction activities. Given the similarities in activities between project years, NMFS is issuing a single **Federal Register** notice to solicit public comments on the issuance of the two similar, but separate, IHAs.

Dates and Duration

The USCG anticipates that the homeporting project would occur over a 1.5-year period, beginning June 1, 2027, and ending October 31, 2028. The Year

1 IHA would be effective from June 1, 2027, through May 31, 2028, and the Year 2 IHA would be effective from June 1, 2028, through May 31, 2029. The specified activities could occur any time during each project year, although the USCG proposes to conduct the majority of in-water activities between May and December, annually (*i.e.*, avoiding winter months). A total of 190 days and 165 days of in-water work are planned for Year 1 and Year 2, respectively. USCG anticipates that all work would be limited to daylight hours. No in-

water activities with the potential to result in incidental take of marine mammals would occur concurrently.

Specific Geographic Region

Coddington Cove is a protected embayment on the western side of Aquidneck Island in Narragansett Bay (figure 1). The cove covers an area of approximately 395 acres (1.6 square kilometers (km²)), receiving partial protection by the Coddington Point mass to the south and a breakwater to the north; however, the northwestern

section of the cove is exposed to the open-water conditions of Narragansett Bay. The tides in Coddington Cove are semi-diurnal, with two high tides and two low tides per day.

Proposed specified activities would occur in shallow, nearshore waters (less than 34 ft; 10 m). Based on a bathymetric survey the Navy conducted between December 2023 and January 2024, water depths near the Pier 1 location generally range between – 30 and – 40 ft mean lower low water (MLLW) and are, on average, approximately – 5 ft MLLW at the proposed S45 South bulkhead location (Haley & Aldrich, Inc., 2024). Water temperature in the Coddington Cove ranges from 36 degrees Fahrenheit (°F; 2 degrees Celsius (°C)) in winter to 68 °F (20 °C) in summer, and salinity in the nearshore areas of Narragansett Bay at NAVSTA Newport ranges between 29.2 and 33.7 parts per thousand (Navy, 2017a). A benthic survey conducted in 2024 indicated substrates primarily consist of mud or gravelly mud, including varying amounts of cobble

and shell debris (Stantec Consulting Services Inc., 2024).

In addition to underwater noise-producing activities at NAVSTA Newport, vessel noise from commercial shipping and recreational traffic in Narragansett Bay contributes to the ambient underwater soundscape in the proposed project area. Underwater noise data collected at the Naval Undersea Warfare Center (NUWC) Division indicated that ambient noise in the project area ranged from approximately 120 to 123 dB referenced to a pressure of 1 micropascal (dB re 1 µPa) root mean square (RMS).

Detailed Description of the Action

The proposed activity would establish adequate pier and support facilities to homeport four new OPCs at NAVSTA Newport, RI. In Year 1, the USCG would demolish the existing 158,500 ft² (14,725 m²) Navy Pier 1 and construct a new 80,000 ft² (7,432 m²) USCG OPC Pier 1 immediately adjacent to the south of the existing Navy Pier 1 footprint (e.g., figure 1–3 in USCG's application), and install a new 315-ft (96-m) S45

South bulkhead to replace the existing riprap revetment. In Year 2, the USCG would install a fender system for the new USCG OPC Pier 1 constructed in Year 1. Detailed descriptions follow table 1, which summarizes in-water activities by year.

Demolition of the Navy Pier 1 would include removal of existing piles and concrete-filled steel support piles, steel fender piles, timber fender piles, transverse concrete beams, concrete pile caps, concrete pier deck, three buildings on the pier deck, cleats, bollards, and other amenities located on the pier deck. In-water demolition activities would include removal of concrete and steel pipe piles by cutting them off below the mudline, a process that is not expected to result in incidental take of marine mammals and is not discussed further herein.

Once completed the new USCG OPC Pier 1 would tie into the S45 North bulkhead, which was upgraded by NAVSTA Newport in 2024 as part of the Bulkheads Repair and Replacement project under a separate ITA (88 FR 5856, January 30, 2023).

TABLE 1—SUMMARY OF PLANNED CONSTRUCTION ACTIVITIES BY YEAR

Activity (timing)	Installation method	Number of piling events ¹	Material	Pile size	Impact driving strikes per pile (daily total)	Vibratory driving minutes per pile (daily total)	Maximum number of piles installed/extracted per day	Number of construction days
YEAR 1								
Construct new Bulkhead S45 South (June to August 2027).	Vibratory install/extract templates.	36 (4 × 9 moves)	Steel pipe pile	16-inch diameter.	N/A	30 [120]	4	9
	Vibratory install	168	Steel sheet pile (PZ35).	22.6-inch wide	N/A	30 [180]	6	28
Construct new USCG OPC Pier 1 (August to December 2027).	Vibratory install/extract templates.	172 (4 × 43 moves)	Steel pipe piles.	16-inch diameter.	N/A	30 [120]	4	43
	Vibratory install first 35 ft, Impact install last 43 ft.	258	Steel pipe piles.	36-inch diameter.	4,300 [12,900].	45 [135]	3	86
	DTH excavation (assumes 20 percent of piles need DTH) ² .	52			13 strikes/second.	300 [600]	2	26
	Auger drilling inside pipe to lift sediment (no rock drilling).	258			N/A	120 [360]	3	86
YEAR 2								
Construct Pier 1 fender system (June to October 2028).	Vibratory install/extract Templates.	280 (4 × 70 moves)	Steel pipe piles.	16-inch diameter.	N/A	20 [80]	4	70
	Vibratory install	570	Fiberglass composite pile.	16-inch diameter.	N/A	20 [120]	6	95

Legend: N/A = not applicable for activity.

¹ A piling event may be a pile installation or extraction.

² DTH excavation may be used to clear boulders and other hard driving conditions for steel pipe piling. DTH excavation will only be used when an obstruction or pile refusal prevents the pile from being advanced to the required penetration depth.

S45 South Bulkhead (Year 1)

Prior to pier construction, the existing riprap revetment located at S45 South,

approximately 250 ft south of the existing Navy Pier 1, would first be replaced with a new 315-linear-ft bulkhead consisting of an interlocking

23-in steel sheet pile wall, installed using vibratory pile driving only (*i.e.*, no impact pile driving or DTH excavation). To guide the process, a template secured

by a set of four 16-inch steel pipe piles would be installed and subsequently extracted a total of nine times (36 vibratory actions total) throughout installation of the 168 PZ35 steel sheet piles (22.6-inch wide) comprising the sheet pile wall. The new sheet pile wall would be anchored laterally with tie rods connected to a short steel pile wall approximately 50 ft landward (referred to as a “deadman system”).

USCG OPC Pier 1 (Year 1)

The proposed new USCG OPC Pier 1 would have two OPC berths on each side, with a cast-in-place concrete deck, 16-inch diameter fiberglass composite fender piles (to be installed in Year 2), fendering camels, mooring fittings, brow stands, mooring devices, and deck fittings. The 36-in USCG OPC Pier 1 support piles would be installed to a 35-foot penetration depth by vibratory pile driving, followed by impact pile driving for the final 45 ft of the full 80-ft target penetration depth. USCG OPC Pier 1 support piles would be installed using a template system similar to that described for bulkhead construction, where vibratory pile installation and extraction of a set of four 16-inch steel pipe piles securing a template would precede and follow, respectively, support pile installations on 43 occasions (for a total of 172 piling events). Where obstructions such as solid bedrock, boulders, or debris are encountered, impact pile driving may be followed by DTH excavation. Based on previous knowledge of site-wide substrate conditions, USCG estimates DTH excavation would be necessary for approximately 20 percent of the 36-inch support pile installations. Further, it is assumed that auger (rotary) drilling would be required for all support pile installations (n=258), to lift sediment and clear boulders/obstructions to make way for the new pier piles. However, auger drilling is not likely to result in

incidental take of marine mammals, and we do not discuss it further.

USCG OPC Pier 1 Fender system (Year 2)

In Year 2, the USCG would construct a fender system to absorb impact energy from docking ships, protecting both the OPC vessel's hull and the new USCG OPC Pier 1 structure from damage. Using only vibratory pile driving, the USCG would install a set of four 16-inch steel pipe piles to hold a template to then guide their vibratory installation of a portion of the fender system fiberglass composite piles, extract all four 16-inch steel pipe piles once the target fiberglass composite fender system piles were installed, and then move to the next location. That process would be repeated 70 times, requiring 280 vibratory piling actions total (4 piles × 70) to facilitate installation of the 570 16-inch fiberglass composite piles required to construct the entire fender system.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting sections).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the ITA 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. Information regarding population trends and threats for the following species 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 2 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 mortality or serious injury is anticipated or proposed to be authorized for the USCG's project, PBR and annual mortality and serious injury (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. Atlantic and Gulf of America Marine Mammal Stock Assessments. All values presented in table 2 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 2—STATUS OF MARINE MAMMAL SPECIES¹ LIKELY TO OCCUR NEAR THE PROJECT AREA

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—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i> Atlantic white-sided dolphin	<i>Leucopleurus⁵ acutus</i>	Western North Atlantic	-, -, N	93,233 (0.71, 54,443, 2021).	544	28
Common dolphin/Short beaked	<i>Delphinus delphis delphis</i>	Western North Atlantic	-, -, N	93,100 (0.56, 59,897, 2021).	1,452	414
<i>Family Phocoenidae (porpoises):</i> Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy	-, -, N	85,765 (0.53, 56,420, 2021).	649	145

TABLE 2—STATUS OF MARINE MAMMAL SPECIES ¹ LIKELY TO OCCUR NEAR THE PROJECT AREA—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—Superfamily Pinnipedia						
<i>Family Phocidae (earless seals):</i>						
Gray seal ⁶	<i>Halichoerus grypus</i>	Western North Atlantic	-, -, N	27,911 (0.20, 23,624, 2021).	1,512	4,570
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic	-, -, N	61,336 (0.08, 57,637, 2018).	1,729	339
Harp seal	<i>Pagophilus groenlandicus</i>	Western North Atlantic	-, -, N	7.6 M (UNK, 7.1, 2019) ..	426,000	178,573
Hooded seal	<i>Cystophora cristata</i>	Western North Atlantic	-, -, N	593,500 (UNK, UNK, 2005).	UNK	1,680

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 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 SARs can be found online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>. CV is the coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

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.

⁵ Genus reclassification for Atlantic white-sided dolphins (Society for Marine Mammalogy). The Society for Marine Mammalogy Taxonomy Committee completed the annual 2025 Taxonomic review of the Official List of Marine Mammal Species and Subspecies, announcing reclassification updates on July 21, 2025. Following work by Galatius *et al.* (2025) and Vollmer *et al.* (2019), the Committee implemented major revisions to the genera within the subfamily Lissodelphininae. The Atlantic white-sided dolphin (formerly *Lagenorhynchus acutus*) has been reassigned to the genus *Leucopleurus*, now *Leucopleurus acutus*. (Society for Marine Mammalogy (2025) List of Marine Mammal Species and Subspecies—Updated July 2025; available at <https://marinemammalscience.org/>; July 21, 2025).

⁶ NMFS' stock abundance estimate (and associated PBR applies to the U.S. population only. Total stock abundance (including animals in Canada) is approximately 394,311. The annual M/SI value given is for the total stock.

As indicated above, all seven species (with seven managed stocks) in table 2 temporally and spatially co-occur with the activity to the extent that take is reasonably likely to occur. While several large whale species have been documented seasonally in New England waters, the 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. The humpback (*Megaptera novaeangliae*), fin (*Balaenoptera physalus*), sei (*Balaenoptera borealis*), sperm (*Physeter macrocephalus*) and North Atlantic right whales (*Eubaleana glacialis*) occur seasonally in the Atlantic Ocean, offshore of RI. However, due to the relatively shallow depths of Narragansett Bay and nearshore location of the project area, these marine mammals are unlikely to occur in the project area. Therefore, the USCG did not request, and NMFS is not proposing to authorize, takes of these species.

Marine mammal observation data is available from previous projects in and around NAVSTA Newport. A recent project within Coddington Cove to construct a pier for NOAA ships included pile driving and removal from June 2024 to January 2025. The monitoring report included 3 sightings of unidentified dolphins, including a pod of 5 animals on August 28, 2024, 10 animals on November 4, 2024 off Taylor Point (about 3 miles (4.8km) west-southwest of the pier), and 1 animal on November 25, 2024 (Werre, 2025). The

report also included a detection of 12 common dolphins off Taylor Point on November 1, 2024 (Werre, 2025). Monitoring did not result in any confirmed harbor porpoise, gray seal, harp seal, or hooded seal sightings (Werre, 2025). However, from November 2024 through January 2025, harbor seals were the most regularly occurring marine mammal species, accounting for 26 of the 31 total seal detections, and 80 of the 109 overall individual marine mammal detections (Werre, 2025).

Harbor seals are also common in Narragansett Bay, with over 22 documented haulout sites. Results from the bay-wide count for 2019 recorded 572 harbor seals, which also included counts from Block Island (DeAngelis, 2020). During a 1-day Narragansett Bay-wide count in 2025, there were at least 551 seals observed, with all 22 haulout sites represented (The Jamestown Press, 2025). This is an increase from a count of 357 seals in 2021 and above the average of 427 seals calculated across years prior (Save the Bay, 2022).

In RI waters, harbor seals prefer to haul out on isolated intertidal rock ledges and outcrops. The Sisters seal haulout site is the closest to the project area, approximately 1 mile (1.6 km) south of the Navy Pier 1 location, on the open water edge of Coddington Cove. NAVSTA employees have reported seals hauled out at The Sisters, particularly at low tide and, in observations off the haulout site gathered between 2011 and 2020, the NUWC Division Newport noted a steady increase in wintertime

harbor seal occurrence (NUWC Division, 2011). During this period, harbor seals were rarely observed at The Sisters haulout site in the early fall (*i.e.*, September and October), but began to occur consistently in mid-November (0–10 animals) in a population that steadily increased in number to a peak population size of 40–50 animals in March. The number of harbor seals began to decline in April and the haulout site was typically abandoned for the season by mid-May (DeAngelis, 2020).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To assess noise impacts, it is necessary to characterize marine mammal hearing ranges. Not all marine mammal species have equal hearing capabilities or hear over the same frequency range (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.*). Subsequently, NMFS (2018, 2024) described generalized hearing ranges for marine mammal hearing groups (table 3). Generalized hearing ranges were chosen based on the approximately 65-

decibel (dB) threshold from the composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall

et al. (2019). Of the species potentially present in the action area, Atlantic white-sided and common dolphins are considered high-frequency (HF)

cetaceans, and harbor porpoise are considered very high-frequency (VHF) cetaceans. Harbor, gray, hooded and harp seals are phocid pinnipeds (PW).

TABLE 3—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, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	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 detail concerning these groups and associated generalized hearing ranges, please see (NMFS, 2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and 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 considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are likely to adversely affect the species or stock through effects on annual rates of recruitment or survival.

Acoustic effects on marine mammals during the specified activities are expected to potentially occur from impact pile driving, vibratory pile driving and extraction, and DTH excavation. The effects of underwater noise from the USCG's proposed activities have the potential to result in Level B harassment of marine mammals in the action area and, for some species as a result of certain activities, Level A harassment.

Overall, the proposed activities include installation and extraction of temporary and permanent piles at NAVSTA Newport. There are a variety of types and degrees of effects on marine mammals and their habitat (including prey) that could occur as a result of the

specified activities. Below, we provide a brief description of the types of sound generated by specified activities, the general impacts on marine mammals and their habitat from these types of activities, and a related project-specific analysis, with consideration of the proposed mitigation measures.

Description of Sound Sources for the Specified Activities

Activities associated with the project that have the potential to incidentally take marine mammals through exposure to sound would include impact pile installation, vibratory pile installation and extraction, and DTH excavation. Impact hammers typically operate by repeatedly dropping and/or pushing a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is impulsive, characterized by rapid rise times and high peak sound pressure levels (SPLs), 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 substrate. Vibratory hammers typically produce less sound (*i.e.*, lower SPLs) than impact hammers. Peak 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; California Department of Transportation (CALTRANS), 2015, 2020). Sounds produced by vibratory hammers are non-impulsive and, compared to sounds produced by impact hammers, have a slower rise time that reduces the probability and severity of injury, given the sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005).

DTH excavation uses a combination of drilling and impact hammering mechanisms to advance development of a hole in rock, with or without simultaneously advancing a pile/casing into that hole. DTH excavation is accomplished by the efficient progression of a drill bit, rotated under pressure while simultaneously hammered by a specialized percussive hammer located within the drill string (*i.e.*, "behind" the bit), the combined forces moving the bit forward to fracture rock. Traditional impact and vibratory pile driving involve a hammer striking the top of the pile, causing the entire length of the submerged pile to radiate sound as a linear source. However, the DTH hammering mechanism is integrated into the drill itself, so the primary sound generation point is at the interface of the drill bit and the substrate (*i.e.*, rock) deep within the ground/seabed, radiating sound pressure more like a point rather than linear source. DTH systems often involve a single hammer (mono-hammer), but multi- or "cluster" hammer drills are also used widely. For construction of the USCG OPC Pier, the USCG anticipate that installation of approximately 20 percent of the 36-inch steel pipe piles may require DTH excavation using a mono-hammer.

The sounds produced by the DTH excavation methods simultaneously contain both a continuous non-impulsive component from the drilling action and an impulsive component from the hammering effect. Therefore, for purposes of evaluating Level A harassment and Level B harassment under the MMPA, NMFS treats DTH systems simultaneously as both impulsive (Level A harassment thresholds) and continuous, non-

impulsive (Level B harassment thresholds) sound source types.

The likely or possible impacts of USCG's proposed activities on marine mammals could be generated from both non-acoustic and acoustic stressors. Potential non-acoustic stressors include the physical presence of the equipment, vessels, and personnel; however, the closest known haulout site is located approximately 1 mi (1.6 km) from the Navy Pier 1 location, thus we expect that visual and other non-acoustic stressors would be limited. Should any animals approach the project site(s) closely enough to be harassed due to the presence of equipment or personnel, we expect they would have already traveled through the Level A harassment and/or Level B harassment zones for the specified in-water activities and, thus, would already be considered taken by acoustic impacts. Therefore, any impacts to marine mammals are expected to be primarily acoustic in nature.

Acoustic Effects

The introduction of anthropogenic noise into the aquatic environment by impact pile driving, vibratory pile driving and extraction, and DTH excavation is the means by which marine mammals may be harassed by USCG's specified activities. In general, animals exposed to natural or anthropogenic sound may experience behavioral, physiological, and/or physical effects, ranging in magnitude from none to severe (Southall *et al.*, 2007, 2019). Generally, exposure to pile driving and extraction and other construction noise has the potential to result in auditory threshold shifts (TSS) and behavioral reactions (e.g., avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as 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 effects of pile driving and demolition noise on marine mammals are dependent on several factors, including, but not limited to, sound type (e.g., impulsive vs. non-impulsive), the species, age and sex class (e.g., adult male vs. mother with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.*, 2003; Southall *et al.*, 2007). Here we discuss physical auditory effects (TSS) followed by

behavioral effects and potential impacts on habitat.

NMFS defines noise-induced TS as a change, usually an 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, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (e.g., impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (i.e., spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (i.e., how animal uses sound within the frequency band of the signal; e.g., Kastelein *et al.*, 2014), and the overlap between the animal and the source (e.g., spatial, temporal, and spectral).

Auditory Injury (AUD INJ) and Permanent Threshold Shift (PTS)—NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser 2021; Finneran 2024). AUD INJ may or may not result in a PTS. PTS is subsequently defined 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 (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has some level of hearing loss at the relevant frequencies; typically, animals with PTS or other AUD INJ are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB TS approximates AUD INJ onset (Ward *et al.*, 1958, 1959; Ward, 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson *et al.*, 2008). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Kastak *et al.*, 2008), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD

INJ are not typically pursued or authorized (NMFS, 2024).

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, 2024), and is not considered an AUD INJ. Based on data from marine mammal 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 (Finneran *et al.*, 2000, 2002; Schlundt *et al.*, 2000). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with the 24-hour cumulative sound exposure level (SEL₂₄) in an accelerating fashion: at low exposures with lower SEL₂₄, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL₂₄, the growth curves become steeper and approach linear relationships with the sound exposure level (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 more impactful (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 time when communication is critical for successful mother/calf interactions could have more severe 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) (Finneran 2015). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaticorientalis*) (Southall *et al.*, 2019). 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). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). These studies examine 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 threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds below the region of best sensitivity for a species or hearing group are less hazardous than those 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 and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean 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, SEL₂₄ will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (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). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2024). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.*, a 40-dB TS approximates AUD INJ onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB TS shift approximates TTS onset (Southall *et al.*, 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ 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 AUD INJ cumulative SEL thresholds are 15 to 20 dB higher than TTS cumulative SEL thresholds (Southall *et al.*, 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Behavioral Effects—Exposure to noise (*e.g.*, pile driving, DTH) also has the potential to behaviorally disturb marine mammals to a level that rises to the definition of harassment under the MMPA. Generally speaking, NMFS considers a behavioral disturbance that rises to the level of harassment under the MMPA a non-minor response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. Behavioral disturbance may include a

variety of effects, including subtle changes in behavior (*e.g.*, minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); and avoidance of areas where sound sources are located. In addition, 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, 2019; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), 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. Please see Appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016), respectively, for reviews of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2004). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a “progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,” rather than as, more generally, moderation in response to human disturbance (Bejder *et al.*, 2009). The opposite process is

sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure.

As noted above, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.*, 1995; Wartzok *et al.*, 2004; National Research Council (NRC), 2005). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997; Finneran *et al.*, 2003). Observed responses of wild marine mammals to loud pulsed sound sources (*e.g.*, seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.*, 1995; Morton and Symonds, 2002; Nowacek *et al.*, 2007).

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 (*e.g.*, Erbe *et al.*, 2019). 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. 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). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Avoidance and displacement—Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.*, Frankel and Clark, 2000; Costa *et al.*, 2003; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, 2013b; Blair *et al.*, 2016). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.*, foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

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. Acoustic and movement bio-logging tools also have been used in some cases to infer responses to anthropogenic noise. For example, Blair *et al.* (2015) reported significant effects on humpback whale foraging behavior in Stellwagen Bank in response to ship noise including slower descent rates, and fewer side-rolling events per dive with increasing ship noise. In addition, Wisniewska *et al.* (2018) reported that tagged harbor porpoises demonstrated fewer prey capture attempts when encountering occasional high-noise levels resulting from vessel noise as well as more vigorous fluking, interrupted foraging, and cessation of echolocation signals observed in response to some high-noise vessel passes. 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 or 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.

Respiration rates vary naturally with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.*, Kastelein *et al.*, 2001; 2005; 2006; Gailey *et al.*, 2007). For example, harbor porpoise respiration rates increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB re 1 μ Pa; SEL of a single

strike (SEL_{ss}): 127 dB re 1 μ Pa²-s) (Kastelein *et al.*, 2013).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.*, 1995). For example, gray whales (*Eschrichtius robustus*) are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). Harbor porpoises, Atlantic white-sided dolphins, and minke whales have demonstrated avoidance in response to vessels during line transect surveys (Palka and Hammond, 2001). In addition, beluga whales in the St. Lawrence Estuary in Canada have been reported to increase levels of avoidance with increased boat presence by way of increased dive durations and swim speeds, decreased surfacing intervals, and by bunching together into groups (Blane and Jackson, 1994). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.*, Bowles *et al.*, 1994; Goold, 1996; Stone *et al.*, 2000; Morton and Symonds, 2002; Gailey *et al.*, 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.*, Blackwell *et al.*, 2004; Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.*, directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996; Bowers *et al.*, 2018). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (England *et al.*, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and

attention (*i.e.*, when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fishes and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.*, Beauchamp and Livoreil, 1997; Fritz *et al.*, 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.*, decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.*, Harrington and Veitch, 1992; Daan *et al.*, 1996; Bradshaw *et al.*, 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.*, 2007). Note that there is a difference between multi-day substantive (*i.e.*, meaningful) behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Physiological stress responses—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.*, Selye, 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; Ayres *et al.*, 2012; Yang *et al.*, 2022). 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. In addition, Lemos *et al.* (2022) observed a correlation between higher levels of fecal glucocorticoid metabolite concentrations (indicative of a stress response) and vessel traffic in gray whales. Yang *et al.* (2022) studied behavioral and physiological responses in captive bottlenose dolphins exposed to playbacks of “pile-driving-like” impulsive sounds, finding significant changes in cortisol and other

physiological indicators but only minor behavioral changes. 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.

Vocalizations and Auditory Masking—Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.*, 2007; Clark *et al.*, 2009; Hatch *et al.*, 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.*, 2009). Acoustic masking is when other noises such as from human sources interfere 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). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. 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 (Hotchkiss and Parks, 2013).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle

response. For example, in the presence of potentially masking signals, humpback whales and killer whales (*Orcinus orca*) have been observed to increase the length of their songs (Miller *et al.*, 2000; Frstrup *et al.*, 2003) or vocalizations (Foote *et al.*, 2004), respectively, while North Atlantic right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.*, 2007). Fin whales (*Balaenoptera physalus*) have also been documented lowering the bandwidth, peak frequency, and center frequency of their vocalizations under increased levels of background noise from large vessels (Castellote *et al.*, 2012). Other alterations to communication signals have also been observed. For example, gray whales, in response to playback experiments exposing them to vessel noise, have been observed increasing their vocalization rate and producing louder signals at times of increased outboard engine noise (Dahlheim and Castellote, 2016). Alternatively, in some cases, animals may cease sound production during production of aversive signals (Bowles *et al.*, 1994, Wisniewska *et al.*, 2018).

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 human-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 (though not necessarily one that would be associated with harassment).

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, 2010; 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, including modifications of the acoustic properties of the signal or the signaling behavior (Hotchkiss and Parks, 2013). 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 occurs in the frequency band that the animals utilize, and is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. Pile driving sound energy is distributed over a broad frequency spectrum, within the hearing range of marine mammals that may occur in the proposed action area. Since noises generated from the proposed construction activities are mostly concentrated at low frequencies (<2 kHz), these activities likely have less effect on mid-frequency echolocation sounds produced by odontocetes (toothed whales). However, lower frequency noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. Low-frequency noise may also affect communication signals when they occur near the frequency band for noise and thus reduce the communication space of animals (*e.g.*, Clark *et al.*, 2009) and cause increased stress levels (*e.g.*, Holt *et al.*, 2009). Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, in addition to individual levels. Masking affects both senders and receivers of the signals, and at higher levels for longer durations, could have long-term chronic effects on marine mammal species and populations. However, the noise generated by the USCG's proposed activities will only occur intermittently, across an estimated 355 days during the authorization period in a relatively small area focused around the proposed construction site. Thus, while the USCG's proposed activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and

limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

Airborne Acoustic Effects. Phocid pinnipeds (*i.e.*, seals) that occur near the project site could be exposed to airborne sounds associated with construction activities that have the potential to cause behavioral harassment, depending on their distance from these activities. Airborne noise would primarily be an issue for seals that are swimming or hauled out near the project site within the range of noise levels elevated above airborne acoustic harassment criteria. Although seals are known to haul out regularly on man-made objects (*e.g.*, pier), we believe that incidents of take resulting solely from airborne sound are unlikely given the proximity of the proposed project area to local haulout sites (Figure 4–1 of application), which we assume would be preferred habitat. We do not anticipate that cetaceans would be exposed to airborne sounds that would result in harassment, as defined under the MMPA.

We recognize that seals in the water could be exposed to airborne sound that may result in behavioral harassment when looking 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 seals to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to flush from haulouts, temporarily abandon the area, and or 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 seals is warranted, and airborne sound is not discussed further here.

Potential Effects on Marine Mammal Habitat

The USCG's proposed activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs. Increased noise levels may affect acoustic habitat and adversely affect marine mammal prey near the project areas (see discussion below). Elevated levels of underwater noise would ensonify the project areas where both fishes and mammals occur and could affect

foraging success. Additionally, marine mammals may avoid the area during the proposed construction activities; 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.

The total area likely impacted by the USCG's activities is relatively small compared to the available habitat in Narragansett Bay. Avoidance by potential prey (*i.e.*, fish) of the immediate area due to increased noise is possible. The duration of fish and marine mammal avoidance of this area after tugging stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. Any behavioral avoidance by fish or marine mammals of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

The proposed project will occur within the same footprint as existing marine infrastructure. The nearshore and intertidal habitat where the proposed project will occur is an area of relatively high marine vessel traffic. Most marine mammals do not generally use the area within the footprint of the project area. Temporary, intermittent, and short-term habitat alteration may result from increased noise levels during the proposed construction activities. Effects on marine mammals will be limited to temporary displacement from pile installation and extraction noise, and effects on prey species will be similarly limited in time and space.

Water quality—Temporary and localized reduction in water quality will occur as a result of in-water construction activities. Most of this effect would occur during the installation and extraction of piles when bottom sediments are disturbed. The installation and extraction of piles would disturb bottom sediments and may cause a temporary increase in suspended sediment in the project area. During pile extraction, sediment attached to the pile moves vertically through the water column until gravitational forces cause it to slough off under its own weight. The small resulting sediment plume is expected to 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 to turbidity and sedimentation are expected to be short-term, minor,

and localized. 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, turbidity plumes 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 available marine mammal habitat in Narragansett Bay.

Potential Effects on Prey. Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.*, crustaceans, cephalopods, fishes, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well documented. Studies regarding the effects of noise on known marine mammal prey are described here.

Fishes utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.*, 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 that 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 fishes (*e.g.*

Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several 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.*, Fewtrell and McCauley, 2012; Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Paxton *et al.*, 2017). However, some studies have shown no or slight reaction to impulse sounds (*e.g.*, Peña *et al.*, 2013; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Cott *et al.*, 2012). More commonly, though, the impacts of noise on fishes are temporary.

SPLs of sufficient strength have been known to cause injury to fishes and fish mortality (summarized in Popper *et al.*, 2014). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4 to 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, 2017).

Fish populations in the proposed project area that serve as marine mammal prey could be temporarily affected by noise from pile installation and extraction. The frequency range in which fishes generally perceive underwater sounds is 50 to 2,000 Hz, with peak sensitivities below 800 Hz (Popper and Hastings, 2009). Fish behavior or distribution may change, especially with strong and/or intermittent sounds that could harm fishes. High underwater SPLs have been documented to alter behavior, cause hearing loss, and injure or kill individual fish by causing serious internal injury (Hastings and Popper, 2005).

Zooplankton is a food source for several marine mammal species, as well as a food source for fish that are then preyed upon by marine mammals. Population effects on zooplankton could have indirect effects on marine mammals. Data are limited on the effects of underwater sound on zooplankton species, particularly sound from construction (Erbe *et al.*, 2019). Popper and Hastings (2009) reviewed information on the effects of human-generated sound and concluded that no substantive data are available on

whether the sound levels from pile driving, seismic activity, or any human-made sound would have physiological effects on invertebrates. Any such effects would be limited to the area very near (1 to 5 m) the sound source and would result in no population effects because of the relatively small area affected at any one time and the reproductive strategy of most zooplankton species (short generation, high fecundity, and very high natural mortality). No adverse impact on zooplankton populations is expected to occur from the specified activity due in part to large reproductive capacities and naturally high levels of predation and mortality of these populations. Any mortalities or impacts that might occur would be negligible.

The greatest potential impact to marine mammal prey during construction would occur during impact pile driving, vibratory pile driving and extraction, and DTH excavation. However, the duration of impact pile driving would be limited to the final stage of installation ("proofing") after the pile has been driven as close as practicable to the design depth with a vibratory driver. In-water construction activities would only occur during daylight hours, allowing fish to forage and transit the project area in the evening. Vibratory pile driving could possibly elicit behavioral reactions from fishes, such as temporary avoidance of the area, but is unlikely to cause injuries to fishes or have persistent effects on local fish populations. Construction also would have minimal permanent and temporary impacts on benthic invertebrate species, a marine mammal prey source. In addition, it should be noted that the area in question is relatively low-quality habitat, given it is already highly developed and regularly experiences a high level of anthropogenic noise from normal operations and other vessel traffic.

Potential Effects on Foraging Habitat

The project is not expected to result in any habitat related effects that could cause significant or long-term negative consequences for individual marine mammals or their populations, since installation and extraction of many in-water piles would be temporary and intermittent. The total seafloor area affected by pile installation and extraction is a very small area compared to the vast foraging area available to marine mammals outside this project area. The area impacted by the project is relatively small compared to the available habitat just outside the project area, and there are no areas of particular importance that would be impacted by

this project. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. As described in the preceding, the potential for the USCG's construction to affect the availability of prey to marine mammals or to meaningfully impact the quality of physical or acoustic habitat is considered to be insignificant. Therefore, impacts of the project are not likely to have adverse effects on marine mammal foraging habitat in the proposed project area.

In summary, given the relatively small areas being affected, as well as the temporary and mostly transitory nature of the proposed construction activities, any adverse effects from the USCG's activities on prey habitat or prey populations are expected to be minor and temporary. The most likely impact to fishes at the project site would be temporary avoidance of the area. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we preliminarily conclude that impacts of the specified activities 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 pile driving, vibratory installation and

extraction, DTH excavation) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for Level A harassment (AUD INJ/PTS) to result, primarily for harbor porpoises and seals because predicted AUD INJ zones are larger than are observable. AUD INJ is unlikely to occur for high-frequency species. 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).

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 re 1 μ Pa) for continuous (e.g., vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (e.g., seismic airguns) or intermittent (e.g., scientific sonar) sources. Generally speaking, estimates of take by Level B harassment 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.

USCG's proposed activity includes the use of continuous (vibratory pile driving, DTH) and impulsive (impact pile driving and DTH hammering) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa, respectively, are applicable.

Level A Harassment—NMFS' 2024 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) (table 4). USCG's proposed activity includes the use of impulsive (impact pile driving and DTH hammering) and non-impulsive (vibratory pile driving and DTH drilling) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group (table 4). These thresholds criteria thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria thresholds, as well as the detailed description of the updated weighting functions, 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 4—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY
[AUD INJ]

Hearing group	AUD INJ onset thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	Cell 8: $L_{E,p,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 199 dB.

* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, thresholds 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 (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds 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 thresholds 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 thresholds will be exceeded.

As described previously, DTH systems have both continuous, non-impulsive, and impulsive components as discussed in the *Description of Sound Sources* section above. When evaluating Level B harassment, NMFS recommends treating DTH as a continuous source and applying RMS SPL thresholds of 120 dB re 1 μ Pa. When evaluating Level A harassment, NMFS recommends treating DTH as an impulsive source, applying the thresholds in the second column of table 4. NMFS (2022) guidance on DTH systems recommends source levels for DTH systems (https://media.fisheries.noaa.gov/2022-11/PUBLIC%20DTH%20Basic%20Guidance_November%202022.pdf).

NMFS has applied those levels in our analysis (see table 5 for NMFS' proposed source levels) of potential acoustic impacts from DTH systems during USCG OPC Pier 1 construction in Year 1 (i.e., the only year in which it would be required).

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 coefficient.

The sound field in the 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 the project (i.e., vibratory pile driving and extraction, impact pile driving, DTH).

Source levels for vibratory pile installation and extraction, impact pile driving, DTH, and drilling are based on reviews of measurements of the same or similar types and dimensions of pile available in the literature. Source levels for vibratory installation and extraction of piles of the same diameter are assumed equal. Tables 5 and 6 present source levels for in-water construction activities planned for Year 1 and Year 2, respectively.

TABLE 5—SOURCE LEVELS FOR PROPOSED ACTIVITIES
[Year 1]

Pile type	Installation/ extraction method	Pile diameter	Peak SPL, dB re 1 μ Pa	RMS SPL, dB re 1 μ Pa	SEL, dB re 1 μ Pa ² -sec	Reference
Steel pipe pile	Vibratory	16-inch	N/A	163	N/A	NMFS, 2025a.
	Vibratory	36-inch	N/A	170	170	Caltrans 2015; NMFS 2022c.
	Impact		210	193	183	Caltrans 2015; NMFS 2022c.
	DTH		194	174	164	NMFS 2022b.
Steel Sheet pile	Vibratory	PZ35/22.6-inch(2)	175	160	N/A	Caltrans 2020; NMFS 2022c.
Fiberglass composite	Vibratory	16-inch	N/A	162	N/A	Caltrans 2020; NMFS 2022c (data based on timber pile).

TABLE 6—SOURCE LEVELS FOR PROPOSED ACTIVITIES
[Year 2]

Pile type	Installation/ extraction method	Pile diameter	Peak SPL, dB re 1 μ Pa	RMS SPL, dB re 1 μ Pa	SEL, dB re 1 μ Pa ² -sec	Reference
Steel pipe pile (template)	Vibratory	16-inch	N/A	163	N/A	NMFS, 2025a.
Fiberglass composite	Vibratory	16-inch	N/A	162	N/A	Caltrans 2020; NMFS 2022c (data based on timber pile).

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source in the acoustic field. 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:

$$TL = B \times \log_{10} (R_1/R_2),$$

where:

TL = transmission loss in dB

B = transmission loss coefficient

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured TL, a practical spreading loss value of 15 is used as the TL coefficient in the above formula for nearshore environments. Site-specific TL data for Coddington Cove are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The TL model described above was used to calculate the expected noise propagation from impact pile driving, vibratory pile driving and extraction, and DTH excavation using representative source levels to estimate the harassment zones or area exceeding the noise criteria, resulting in the maximum distances to the Level B harassment isopleths shown in table 7. In addition, areas ensonified above the Level B harassment thresholds were

calculated and truncated to account for landmass interference, where applicable, using a Geographic Information System. For Year 1, the largest calculated distance to the Level B harassment isopleth is 39,811 m, which would be produced during DTH excavation of the 36-in steel pipe piles supporting USCG OPC Pier 1. For Year 2, the largest calculated distance to the Level B harassment isopleth is 7,356 m, produced during vibratory installation and extraction of 16-in steel pipe template piles used to facilitate construction of the USCG OPC Pier 1 fender system (table 7). When accounting for attenuation from landmass interference, activities in both years would generate an estimated maximum distance to the Level B harassment threshold isopleth of approximately 4,000 m, ensonifying a maximum area of 9.67 km² (table 7).

The ensonified area associated with Level A harassment (AUD INJ) is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of

potential take by Level A harassment (AUD INJ). 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 as pile driving and DTH, 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, which includes but is not limited to PTS.

The USCG used NMFS' 2024 Updated Technical Guidance and optional User Spreadsheet to calculate the maximum distances to Level A harassment (AUD INJ onset) thresholds for all in-water construction activities in Year 1 (*i.e.*, impact pile driving, vibratory installation and extraction, and DTH excavation) and Year 2 (*i.e.*, vibratory installation and extraction). Inputs used in the optional User Spreadsheet tool include values in table 1 (*e.g.*, number of piles per day, duration, and/or strikes per pile) and tables 5 and 6 (*i.e.*, source levels). Sound source locations were chosen to model the greatest possible affected area from the representative notional pile location. The resulting estimated distances to harassment threshold isopleths and total ensonified areas are reported below in table 7. As described for the maximum calculated areas based on the Level B harassment isopleths, areas ensonified above the Level A harassment thresholds were calculated and truncated to account for landmass interference, where applicable (table 7).

TABLE 7—MAXIMUM DISTANCES TO MMPA HARASSMENT THRESHOLD ISOPLETHS AND ASSOCIATED ENSONIFIED AREAS ¹

Structure	Pile diameter/size and type	Activity	Level A (AUD INJ/PTS) harassment maximum distance (m)/area km²			Level B (behavioral) harassment maximum distance (m)/area km²
			HFC	VHFC	PW	
Vibratory methods						
Bulkhead S45 South Construction (Year 1).	22.6-in wide steel sheet piles (PZ35)	Install	6.3/0.00013	13.4/0.000489	21.2/0.00105	4,642/7.346
Pier 1 Construction (Year 1)	16-in steel pipe (template) piles	Install/Extract	7.6/0.00018	16.3/0.000672	25.6/0.00144	7,356/7.385
	36-in steel pipe piles	Install	24.2/0.00184	51.5/0.00833	81.1/0.0206	21,544/9.6737
Pier 1 Fender System Construction (Year 2).	16-in steel pipe (template) piles	Install/Extract	7.6/0.00018	16.3/0.00083	25.6/0.00205	7,345/7.660
	16-in fiberglass composite fender piles.	Install	6.6/0.00014	13.9/0.000607	22.0/0.00152	6,310/9.674
	16-in steel pipe (template) piles	Install/Extract	5.8/0.00011	12.4/0.000481	19.5/0.00119	7,356/7.660
Impact method						
Pier 1 Construction (Year 1)	36-in steel pipe piles	Install	698.3/1.138	8,469.3/9.6737	4,861.9/9.6737	1,585/2.855
	36-in steel pipe piles	DTH	414.1/0.4773	5,022.9/9.6737	2,883.4/5.9874	39,811/9.6737

¹ The anticipated duration of vibratory pile installation/extraction required for 16-in diameter steel pipe template piles is longer for Bulkhead S45 and Pier 1 (120 min/day) versus Pier 1 Fender System (80 min/day) construction, resulting in differences in the distances and areas associated with Level A harassment thresholds for those activities.

² The harassment zones will be truncated due to the presence of intersecting landmasses and would encompass a maximum area of 9.67 km² during Year 1 and Year 2.

For a given activity (*e.g.*, pile driving), Level A harassment zones are typically smaller than Level B harassment zones. However, in rare cases, the maximum calculated distance to the Level A harassment threshold isopleth is greater than the maximum calculated distance to the Level B harassment threshold isopleth (*e.g.*, values for impact pile driving of 36-inch steel pipe piles in Year 1 for very high-frequency (VHF) cetaceans and phocids (PW)) (table 7). Calculations of Level A harassment isopleths include a duration component that, in the case of impact pile driving and DTH methods, is estimated through the total number of expected daily strikes within a 24-hour period and the associated pulse duration. When analyzing potential acoustic impacts for a stationary sound source such as impact pile driving or DTH, we assume that an animal would be exposed to all of the strikes expected for that activity within that 24-hour period. In contrast, calculation of Level B harassment isopleths does not include a duration component. Due to differences in the parameters that characterize each form of harassment, it is assumed that Level B harassment occur instantaneously rather than building through exposure to a series of hammer strikes over a longer duration. Thus, depending on the duration included in the calculation, the calculated radii to Level A harassment

isopleths can be larger than the calculated radii to the Level B harassment isopleth for the same activity.

Marine Mammal Occurrence and Take Estimation

In this section, we provide information about the occurrence of marine mammals, including density or other relevant information that will inform the take calculations.

Marine Mammal Occurrence

Potential exposures to construction noise for each acoustic threshold were estimated using marine mammal density estimates from the Navy Marine Species Density Database (NMSDD) (Navy, 2017a) (table 8). Monthly densities of species were evaluated in terms of minimum, maximum, and average annual densities within Narragansett Bay. Average densities were used for all cetaceans. The average densities were calculated using all data records provided for each cetacean, where density survey data was available over a 12-month survey period.

The NMSDD models densities for harbor and gray seals as a harbor-gray seal guild due to difficulty in distinguishing these two species at sea. Given records of its year-round occurrence in Narragansett Bay, the harbor seal is expected to be the most commonly occurring phocid pinniped

species in the project area (Kenney and Vigness-Raposa, 2010); thus, take estimation for the harbor seal incorporates the maximum (*i.e.*, versus minimum or average) density estimate for the harbor-gray seal guild. Based on stranding records, gray seals are the second-most commonly occurring phocid species in Rhode Island waters and, particularly during spring and early summer and occasionally during other months of the year (Kenney, 2020). Therefore, the average density for the pooled harbor-gray seal guild was used for gray seal take estimation.

Unlike the pooled harbor-gray seal density model, the NMSDD includes models specific to the hooded seal and the harp seal that are separate from each other (and from the pooled harbor-gray seal density model). Both species are considered only occasional visitors in Narragansett Bay. Sightings of either species, either live or stranded, are considered rare—particularly compared to harbor and gray seal sighting frequencies (Kenney, 2015). Thus, take estimation for the hooded seal considers only the minimum density estimate available for the hooded seal density model (versus the average or maximum). Similarly, take estimation for the harp seal considers only the minimum density estimate available for the harp seal density model (versus the average or maximum).

TABLE 8—DENSITIES USED IN EXPOSURE ANALYSIS, BY SPECIES

Species	Density model strategy for species (individual or grouped)	Density model output used for take estimation (minimum, average, or maximum)	Density in project area (species per km ²)
Atlantic white-sided dolphin	Individual	Average	0.003

TABLE 8—DENSITIES USED IN EXPOSURE ANALYSIS, BY SPECIES—Continued

Species	Density model strategy for species (individual or grouped)	Density model output used for take estimation (minimum, average, or maximum)	Density in project area (species per km ²)
Common dolphin	Individual	Average	0.011
Harbor porpoise	Individual	Average	0.012
Harbor seal ¹	Grouped	Maximum	0.623
Gray seal ¹		Average	0.131
Harp seal ²	Individual	Minimum	0.05
Hooded seal ²	Individual	Minimum	0.001

¹ The NMSDD models density (*i.e.*, minimum, average, and maximum estimates) for harbor and gray seals as a combined harbor-gray seal guild, due to difficulty in distinguishing these two species at sea. Harbor seals are more common than gray seals in Narragansett Bay; thus, of the three density estimates produced by the model, take estimation used the maximum and average density estimates for harbor and gray seals, respectively.

² Harp seal occurrence in Narragansett Bay is rare, thus, take estimation is based on the minimum density estimate produced by the density model for this species. For the same reason, this approach was used for the hooded seal, another infrequent visitor to Narragansett Bay.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

For each species, USCG multiplied the density (*N*) by the largest ensouffied area (table 7) and the maximum days of activity (table 1) (take estimate = $N \times$ ensouffied area $\times$ days of pile driving/extraction, DTH) in order to calculate estimated take by Level A harassment and Level B harassment. USCG used the pile type, size, and construction method that produce the largest isopleth to estimate exposure of marine mammals to noise impacts. The exposure estimate was rounded to the nearest whole number at the end of the calculation. Estimated take by activity type for each species is shown in table 6–10 in the application.

For each species, tables 9 and 10 show the total requested number of takes by Level A harassment and Level B harassment for all activities for Year 1 and Year 2, respectively. For Year 1,

USCG is requesting incidental take by Level B harassment of 7 species (Atlantic white-sided dolphin, common dolphin, harbor porpoise, harbor seal, gray seal, harp seal, and hooded seal) and, for all species except the Atlantic white-sided dolphin, by Level A harassment. When determining sufficient numbers of take to request for authorization (relative to the number estimated through exposure analysis), USCG increased the estimated take by Level B harassment for Atlantic white-sided dolphins from 6 to 16 takes in Year 1 and 7 to 16 takes in Year 2, as the estimated take was less than the documented average group size (NUWC, 2017). A similar adjustment was made for common dolphins, resulting in an increase from estimated to requested take by Level B harassment from 24 to 30 takes in Year 1, and 22 to 30 in Year 2. NMFS concurs with the USCG's approach and, for each IHA, is proposing to authorize 16 takes of Atlantic white-sided dolphins by Level B harassment and 30 takes of common dolphins by Level B harassment. For hooded seals, Year 1 exposure modeling

predicts one take by Level A harassment and one take by Level B harassment, while Year 2 exposure modeling predicts zero takes by Level A harassment and three takes by Level B harassment. Year 1 activities include impact installation methods (*i.e.*, impact pile driving and DTH methods), which are expected to produce large Level A harassment zones for phocids (PW) (up to 4,861.9 m; table 7). Hooded seal occurrence in the project area is rare, but possible, primarily from January through May. To guard against unauthorized take, the USCG requested and NMFS is proposing to authorize, one take by Level A harassment and one take by Level B harassment for each month of potential overlap of specified activities and hooded seal occurrence (table 9). Year 2 construction would include only vibratory installation methods, producing small Level A harassment zones with radii no larger than 22 meters. Therefore, for Year 2, NMFS is proposing to authorize 5 takes of hooded seals by Level B harassment only (table 10).

TABLE 9—PROPOSED TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE
[Year 1]

Species name	Stock	Stock abundance	Level A (AUD INJ/PTS)	Level B (behavioral)	Proposed maximum annual take	Proposed take as percentage of stock
Atlantic white-sided dolphin ¹ ..	Western North Atlantic	93,233	0	16	16	0.017
Common dolphin ¹	Western North Atlantic	93,100	1	30	31	0.033
Harbor porpoise	Gulf of Maine/Bay of Fundy ...	85,765	13	22	35	0.041
Harbor seal	Western North Atlantic	61,336	615	1,186	1,801	0.029
Gray seal	Western North Atlantic	27,911	129	250	379	1.358
Harp seal	Western North Atlantic	7,600,000	50	94	144	<0.001
Hooded seal ²	Western North Atlantic	Unknown	5	5	10	N/A

¹ Requested take by Level B harassment has been increased to mean group size (NUWC, 2017). Mean group size was not used for those take estimates that exceeded the mean group size.

² USCG is conservatively requesting 1 take by Level A harassment, incidental to impact installation methods, and 1 take by Level B harassment of hooded seals per month of construction when this species may occur in the project area (January through May). Impact installation methods and the associated incidental Level A harassment are limited to Year 1.

TABLE 10—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL B HARASSMENT BY SPECIES, AND PERCENT OF STOCK
[Year 2]

Species name	Stock	Stock abundance	Level A (AUD INJ)	Level B (behavioral)	Proposed maximum annual take	Proposed take as percentage of stock
Atlantic white-sided dolphin ¹ ..	Western North Atlantic	93,233	0	16	16	0.017
Common dolphin ¹	Western North Atlantic	93,100	0	30	30	0.032
Harbor porpoise	Gulf of Maine/Bay of Fundy ...	85,765	0	23	23	0.027
Harbor seal	Western North Atlantic	61,336	0	1,240	1,240	2.022
Gray seal	Western North Atlantic	27,911	0	260	260	0.932
Harp seal	Western North Atlantic	7,600,000	0	100	100	0.001
Hooded seal ²	Western North Atlantic	Unknown	0	5	5	N/A

¹ Requested take by Level B harassment has been increased to mean group size (NUWC, 2017). Mean group size was not used for those take estimates that exceeded the mean group size.

² USCG is conservatively requesting 1 take by Level B harassment of hooded seals per month of construction when this species may occur in the project area (January through May). No impact installation methods are planned for Year 2, thus no Level A harassment is anticipated.

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 ITAs 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. 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 sections were either proposed by the USCG in its adequate and complete application or are the result of subsequent coordination between NMFS and the USCG. The USCG 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 measures below as proposed mitigation requirements (see section 11 of the USCG's application for more detail), and has included them in both of the proposed IHAs.

In addition to the measures described later in this section, the USCG would follow these general mitigation measures:

- Authorized take, by Level A harassment and Level B harassment, would be limited to the species and numbers listed in tables 9 or 10. Construction activities must be halted upon observation of either 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 is within the harassment zone.
- The taking by serious injury or death of any of the species listed in tables 9 and 10, or taking of any species of marine mammal other than those listed in tables 9 and 10, would be prohibited and would result in the modification, suspension, or revocation of the IHAs, if issued. Exceeding the numbers of incidental take for a given species that are proposed for authorization (tables 9 and 10) would be prohibited and would result in the

modification, suspension, or revocation of the IHAs, if issued.

- The USCG must ensure that construction supervisors and crews, the marine mammal monitoring team, and relevant USCG staff are trained prior to the start of all construction activities, so that responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

- The USCG, construction supervisors and crews, Protected Species Observers (PSOs), and relevant USCG staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

- The USCG must employ PSOs and establish monitoring locations as described in section 5 of the IHAs and the USCG's Marine Mammal Monitoring and Mitigation Plan, which would be submitted to NMFS for approval no later than 30 days in advance of construction work. The USCG must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions. A minimum of two PSOs would be required to monitor for marine mammals during vibratory pile installations and extractions; a minimum of three PSOs would be required to monitor for marine mammals during impact pile driving and use of DTH methods.

Additionally, the following mitigation measures apply to the USCG's in-water construction activities:

Establishment of Shutdown Zones— The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting a marine mammal (or in anticipation of an animal entering the defined area). The USCG proposes shutdown zones with radial distances identified in tables 11 and 12 for all construction activities (*i.e.*, pile driving or extraction, and DTH). To prevent injury from physical interaction with construction equipment, the USCG proposes a minimum shutdown zone of 10 m (33 ft) be implemented during all in-water construction activities having the potential to affect marine mammals to ensure marine mammals are not present within this zone and to protect marine mammals from collisions with project vessels during pile driving and other construction activities. These activities could include, but are not

limited to, barge positioning, drilling, or pile driving. The other shutdown zones proposed by the USCG are based on the size of the Level A harassment zone for each pile size/type and driving method, although some of the zones for Year 1 are too large to monitor completely (*i.e.*, for VHFC and PW during impact pile driving and DTH); in these cases, the proposed shutdown zone would be limited to a radial distance of 200 m from the acoustic source. For example, even though the Level A harassment zone (8,469-m radius) for the VHFC hearing group during impact pile driving of 36-in steel pipe support piles would be truncated by land interference at a radial distance of approximately 4,000 m, the USCG anticipates that it would not be practicable to deploy PSOs to monitor the entirety of the remaining ensonified area. Thus, the USCG proposes to maintain a maximum

shutdown zone of 200 m for that activity. NMFS concurs with this approach.

If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until the animal has voluntarily exited and been visually confirmed beyond the relevant shutdown zone indicated in tables 11 and 12, or 15 minutes have passed without re-detection of the animal. If a marine mammal species not covered under these IHAs enters a harassment zone, all in-water activities must cease and remain shut down until the animal leaves the harassment zone or has not been observed for a minimum of 15 minutes. However, if a marine mammal enters the Level B harassment zone, in-water work would proceed and PSOs would document the marine mammal's presence and behavior.

TABLE 11—PROPOSED SHUTDOWN ZONES FOR PROJECT ACTIVITIES
[Year 1]

Pile type	Pile size	Activity	Shutdown zone (m)		Level B harassment zone (m)
			Seals (PW)	Cetaceans (HFC, VHFC)	All marine mammal species ^{1 2}
Steel sheet (PZ35)	22.6-in wide	Vibratory Install	25	25	4,642
Steel pipe (template)	16-in diameter	Vibratory Install/Extract	30	20	7,356
Steel pipe (permanent)	36-in diameter	Vibratory Install	85	55	21,544
		Impact Install	* 200	* 200	1,585
		DTH	* 200	* 200	39,811

¹ Harassment zones may not reach the maximum distance due to the presence of intersecting land masses. Refer to figures 6–1 through 6–9 of USCG's IHA application for visual depictions of the harassment zones PSOs will monitor.

² At least three PSOs must be assigned to monitor during impact pile driving and use of DTH methods.

* Based on practicable shutdown zone distance implemented for other similar projects in the region (*e.g.*, NMFS, 2022b).

TABLE 12—YEAR 2: PROPOSED SHUTDOWN ZONES FOR PROJECT ACTIVITIES
[Year 2]

Pile type	Pile size	Activity	Shutdown zone (m)		Level B harassment zone (m)
			Seals (PW)	Cetaceans (HFC, VHFC)	All marine mammal species ^{1 2}
Fiberglass composite fender	16-in diameter	Vibratory Install	25	15	6,310
Steel pipe (template)	16-in diameter	Vibratory Install/Extract	20	15	7,345

¹ Harassment zones may not reach the maximum distance due to the presence of intersecting land masses. Refer to figures 6–1 through 6–9 of USCG's IHA application for visual depictions of the harassment zones PSOs will monitor.

² At least three PSOs must be assigned to monitor during impact pile driving and use of DTH methods.

Pre- and Post-Activity Monitoring— Monitoring would take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity. In addition, monitoring for 30 minutes would take place whenever a break in the specified activity (*i.e.*, impact pile driving, vibratory pile driving or

extraction, DTH) of 30 minutes or longer occurs. Pre-start clearance monitoring would be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in tables 11 and 12 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is

made that the shutdown zones are clear of marine mammals.

Soft Start—The USCG would 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 would 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 procedures are used to 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.

NMFS also considered the use of bubble curtains as a mitigation measure. Bubble curtains were deemed not practicable, as they would not be effective in the limited working area of Pier 1 and Bulkhead S45 South.

Based on our evaluation of the applicant's proposed measures, as well as other measures we considered, NMFS has preliminarily determined 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.

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 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 USCG in its adequate and complete application and/or are the result of subsequent coordination between NMFS and USCG has agreed to the requirements. NMFS describes these below as requirements, and has included them in the proposed IHAs.

The USCG would abide by all monitoring and reporting measures contained within the IHAs, if issued, and their Marine Mammal Monitoring and Mitigation Plan (to be submitted for NMFS approval no later than 30 days prior to the start of construction). A summary of those measures and additional requirements proposed by NMFS is provided below.

Visual Monitoring—A minimum of two or three NMFS-approved PSOs must be stationed at strategic vantage points for the entirety of vibratory (*i.e.*, vibratory pile driving/extraction) or impact (*i.e.*, impact pile driving and DTH) installation methods, respectively. PSOs would be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued ITA or Letter of Concurrence (LOC). Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA.

- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA or LOC.

PSOs would also have the following additional qualifications:

- The ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to: (1) the number and species of marine mammals observed; (2) dates and times when in-water construction activities were conducted; (3) dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and (4) marine mammal behavior; and
- The ability to communicate orally, by radio or in person, with Project personnel to provide real-time information on marine mammals observed in the area as necessary.

The USCG must establish monitoring locations as described in the approved Marine Mammal Monitoring and Mitigation Plan (see figure 11–1 of the USCG's IHA application for map indicating potential locations). During vibratory pile installations and extractions, a minimum of two PSOs must be assigned to each activity location to monitor the shutdown zones. At least three PSOs must be assigned to monitor shutdown zones during impact pile driving and use of DTH methods, activities producing the largest Level A harassment zones. PSOs would record all observations of marine mammals, regardless of distance from the pile being driven, as well as the additional data indicated below and in section 6 of the IHAs, if issued.

Acoustic Monitoring

The USCG must establish acoustic monitoring procedures as described in a NMFS-approved Acoustic Monitoring Plan (see summary in section 13.2 of the USCG's application) to verify the sound source levels predicted. An acoustic monitoring plan would be submitted to NMFS no later than 60 days prior to the beginning of in-water construction for approval. The USCG proposes to monitor a minimum of 10 percent and up to 10 of each type of pile and method installation method combination listed in table 13–1 of the application with at least 2 hydrophones, 1 placed approximately 10 m from the incident pile, and 1 further away, in accordance with a hydroacoustic monitoring plan that would be approved by NMFS in

advance of construction. The estimated harassment and/or shutdown zones may be modified with NMFS' approval following NMFS' acceptance of an acoustic monitoring report. See section 13 of the USCG's IHA application for more detail.

At minimum, the methodology would include:

- For underwater recordings, a stationary hydrophone system with the ability to measure SPLs will be placed in accordance with NMFS' most recent guidance for the collection of source levels (NMFS, 2012).
- A close-range hydrophone placed at a horizontal distance of 10 m from the pile. Additional hydrophones would be placed at (1) a horizontal distance no less than three times the water depth and (2) in the far field, well away from the source. Hydrophones would be placed at a depth of half the water depth at each measurement location. Exact positioning of the hydrophone(s) would ensure a direct, unobstructed path between the sound source and the hydrophone(s);
- Measurement systems would be deployed using configurations which minimize self or platform noise and ensure stable positioning throughout the recordings;
- The recordings would be continuous throughout each acoustic event for which monitoring is required;
- The sound source verification (SSV) measurement systems would have a sensitivity appropriate for the expected SPLs. The frequency range of SSV measurement systems would cover the range of at least 20 Hz to 20 kHz. The dynamic range of the measurement system would be sufficient such that at each location, the signals would avoid poor signal-to-noise ratios for low amplitude signals, and would avoid clipping, nonlinearity, and saturation for high amplitude signals;
- All hydrophones used in SSV measurements systems would be required to have undergone a full system laboratory calibration conforming to a recognized standard procedure, from a factory or accredited source to ensure the hydrophone(s) receives accurate SPLs, at a date not to exceed 2 years before deployment.
- Environmental data would be collected, including but not limited to, the following: wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing the airborne and underwater SPLs (*e.g.*, aircraft, boats, *etc.*).
- The project engineer would supply the acoustics specialist with the

substrate composition, hammer model and size, hammer energy settings, depth of drilling, and boring rates and any changes to those settings during the monitoring.

For acoustically monitored construction activities, data from the continuous monitoring locations would be post-processed to obtain the following sound measures:

- Maximum peak SPL recorded for all activities, expressed in dB re 1 μ Pa. This maximum value will originate from the phase of hammering during which hammer energy was also at maximum.
- From all activities occurring during the time that the hammer was at maximum energy, these additional measures will be made, as appropriate:
 - mean, median, minimum, and maximum RMS SPL (dB re 1 μ Pa);
 - mean duration of a pile strike (based on the 90 percent energy criterion);
 - number of hammer strikes;
 - mean, median, minimum, and maximum SEL_{ss} (dB re μ Pa² sec);
 - Median integration time used to calculate RMS SPL (for vibratory monitoring, the time period selected is 1-second intervals. For impulsive monitoring, the time period is 90 percent of the energy pulse duration);
 - A frequency spectrum (power spectral density) (dB re μ Pa² per Hz) based on all strikes with similar sound; and
 - Finally, the SEL₂₄ would be computed from all the strikes associated with each pile occurring during all phases, *i.e.*, soft start. This measure is defined as the sum of all SEL_{ss} values. The sum is taken of the antilog, with log₁₀ taken of result to express (dB re μ Pa² sec).

Reporting—The USCG would be required to submit an annual draft summary report on all construction activities and marine mammal monitoring results for each IHA (*i.e.*, Year 1 IHA, Year 2 IHA) to NMFS within 90 days following the end of construction or 60 calendar days prior to the requested issuance of any subsequent IHA for similar activity at the same location, whichever comes first. The draft summary report would include an overall description of construction work completed, a narrative regarding marine mammal sightings, and associated raw PSO data sheets (in electronic spreadsheet format). Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (a) how many and what type

of piles were driven or removed and the method (*i.e.*, impact or vibratory, DTH); and (b) the total duration of time for each pile (vibratory driving) or number of strikes for each pile (impact driving);

- PSO locations during marine mammal monitoring; and
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

Upon observation of a marine mammal, the following information must be reported:

- Name of PSO who sighted the animal(s) and PSO location and activity at the time of the sighting;
- Time of the sighting;
- Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
- Distance and bearing of each observed marine mammal relative to the pile being driven or removed for each sighting;
- Estimated number of animals (min/max/best estimate);
- Estimated number of animals by cohort (*e.g.*, adults, juveniles, neonates, group composition, *etc.*);
- Animal's closest point of approach and estimated time spent within the estimated harassment zone(s);
- Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and
- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specified actions that ensued, and resulting changes in behavior of the animal(s), if any.

Acoustic monitoring report(s) must be submitted on the same schedule as visual monitoring reports (*i.e.*, within 90 days following the completion of construction). The acoustic monitoring report must contain the informational elements described in the Acoustic Monitoring Plan (see summary in section 13.2 of the USCG's application) and, at minimum, must include:

- Hydrophone equipment and methods: (1) recording device, sampling rate, calibration details, distance (m) from the pile where recordings were made; and (2) the depth of water and recording device(s);

- Location, identifier, orientation (e.g., vertical, battered), material, and geometry (shape, diameter, thickness, length) of pile being driven, substrate type, method of driving during recordings (e.g., hammer model and energy), and total pile driving duration;

- Whether a sound attenuation device is used and, if so, a detailed description of the device used, its distance from the pile and hydrophone, and the duration of its use per pile;

- For impact pile driving: (1) number of strikes per day and per pile and strike rate; (2) depth of substrate to penetrate; (3) decade (one-third octave) band spectra in tabular and figure formats computed on a per-pulse basis, including the arithmetic mean or median for all computed spectra; (4) pulse duration and median, mean, maximum, minimum, and number of samples (where relevant) of the following sound level metrics: (5) RMS SPL; (6) SEL₂₄, Peak (PK) SPL, and SEL_{ss}; and

- For vibratory driving/extraction: (1) duration of driving per pile; (2) vibratory hammer operating frequency; (3) decade (one-third octave) band spectra in tabular and figure formats for 1-second windows, including the arithmetic mean or median for all computed spectra; and (4) median, mean, maximum, minimum, and number of samples (where relevant) of the following sound level metrics: 1-sec RMS SPL, SEL₂₄ (and timeframe over which the sound is averaged).

If no comments were received from NMFS within 30 days after the submission of the draft summary report, the draft report would constitute the final report. If the USCG received comments from NMFS, a final summary report addressing NMFS' comments would be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals—In the event that personnel involved in the USCG's activities discover an injured or dead marine mammal, the USCG would report the incident to the NMFS Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov, ITP.esch@noaa.gov) and to the Greater Atlantic Region Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the USCG 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 IHA. The USCG would not resume their activities until notified by NMFS. The report would include the following information:

- Description of the incident;
- Environmental conditions (e.g., Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Photographs or video footage of the animal(s) (if equipment is available);
- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive; and
- General circumstances under which the animal was discovered.

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 species listed in table 2, 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.

Noise associated with the USCG's OPC Pier 1 and Bulkhead S45 South construction project has the potential to disturb or displace marine mammals. Specifically, underwater sounds generated during impact pile driving, vibratory pile installation and extraction, and DTH excavation may result in take of seven species (i.e., common dolphin, harbor porpoise, harbor seal, gray seal, harp seal, and hooded seal) by Level B harassment and six of these seven species (i.e., all but the Atlantic white-sided dolphin) by Level A harassment, in the form of PTS.

No serious injury or mortality would be expected, even in the absence of required mitigation measures, given the nature of the activities. No take by Level A harassment is anticipated for Atlantic white-sided dolphins due to the application of proposed mitigation measures, such as shutdown zones that encompass the Level A harassment zones. The potential for harassment would be minimized through the construction method and the implementation of the planned mitigation measures (see Proposed Mitigation section).

Take by Level A harassment is proposed for authorization for six species (i.e., common dolphin, harbor porpoise, harbor seal, gray seal, harp seal, and hooded seal) in Year 1, as the Level A harassment zones exceed the size of the shutdown zones for specific construction scenarios. Therefore, there is the possibility that an animal could enter a Level A harassment zone without being detected, and remain within that zone for a duration long enough to incur AUD INJ in the form of PTS (i.e., minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kHz). Any take by Level A harassment is expected to arise from, at most, a small degree of PTS, not severe hearing

impairment or impairment within the ranges of greatest hearing sensitivity. Animals would have 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 PTS.

Further, the amount of take by Level A harassment proposed for authorization is very low for most marine mammal stocks and species. For three species, the Atlantic white-sided dolphin, common dolphin, and harp seal, NMFS anticipates and proposes to authorize no more than 13 Level A harassment takes over the duration of USCG's planned activities; for the other 4 stocks, NMFS proposes to authorize no more than 615 takes by Level A harassment for any stock. If hearing impairment occurs, it is most likely that the affected animal would lose only a few dBs in its hearing sensitivity. Due to the small degree anticipated, any PTS potential incurred would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Proposed takes by Level B harassment would be due to potential behavioral disturbance and TTS. A 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.

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 PTS, given sufficient notice through use of soft start. USCG would also shut down pile driving activities if marine mammals enter the shutdown zones (tables 11 and 12) further minimizing the likelihood and degree of PTS that would be incurred.

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, would 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 simply to avoid the area while the activities are occurring. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors are 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.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. No ESA-designated critical habitat or biologically important areas (BIAs) associated with feeding or reproduction (*i.e.*, pupping) are located within the project area. For example, while seasonal nearshore marine mammal surveys conducted at NAVSTA Newport from May 2016 to February 2017 help identify several harbor seal haulout sites in Narragansett Bay, no pupping was observed.

The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause a low level of turbidity in the water column and some fish may 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.

For all species and stocks, take would occur within a limited, relatively confined area (Coddington Cove) of the stock's range. Given the availability of suitable habitat nearby, any displacement of marine mammals from the project area is not expected to affect marine mammals' fitness, survival, and reproduction due to the limited geographic area that would be ensnared and affected in comparison to the much larger habitat for marine mammals within Narragansett Bay and outside the bay along the RI coasts.

Level A harassment and Level B harassment would be reduced to the level of least practicable adverse impact to the marine mammal species or stocks and their habitat through use of mitigation measures described herein.

Some individual marine mammals in the project area, such as harbor seals, may be present and be subject to repeated exposure to sound from construction activities occurring on multiple days. However, specified activities like pile driving are not expected to occur every day, and these individuals would likely return to normal behavior during gaps in activity both within a given day and between workdays. As discussed above, there is similar transit and haulout habitat available for marine mammals within and outside of the Narragansett Bay along the RI coast, outside of the project area, where individuals could temporarily relocate during construction activities to reduce exposure to elevated sound levels from the project. Therefore, any behavioral effects of repeated or long duration exposures are not expected to affect survival or reproductive success of any individuals negatively. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any effects on rates of reproduction and survival of the stock.

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 proposed for authorization;
- No Level A harassment of Atlantic white-sided dolphins is anticipated or proposed for authorization;
- The low numbers of take by Level A harassment for common dolphins, harbor porpoises, harbor seals, gray seals, hooded seals, and harp seals proposed for authorization are expected to be of a small degree;
- The intensity of anticipated takes by Level B harassment is expected to be relatively low for all stocks. Level B harassment would primarily occur in the form of behavioral disturbance, potentially resulting in avoidance of the project areas around where pile driving (vibratory or impact) and/or DTH excavation is occurring. Some low-level TTS may limit the detection of acoustic cues for some individual marine mammals for relatively brief amounts of time in the relatively confined footprints of the activities;

- The ensonified areas are very small relative to the overall habitat ranges of all species and stocks;

- Nearby areas of similar habitat value (e.g., transit and haulout habitats) within and outside of Narragansett Bay are available for marine mammals that may temporarily vacate the project area during construction activities;

- The specified activity and associated ensonified areas do not overlap habitat areas known to be of special significance (BIAs or ESA-designated critical habitat);

- Effects from the activities on species that serve as prey for marine mammals 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;

- The lack of anticipated significant or long-term negative effects to marine mammal habitat; and

- The efficacy of the mitigation measures in reducing the effects of the specified activities on all species and stocks.

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 both proposed IHAs, 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 (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.

The instances of take NMFS proposes to authorize are below one-third of the estimated stock abundance for all impacted stocks (tables 9 and 10). In fact, take of individuals is 2 percent or less of the abundance for all affected stocks. Indeed, even if each take NMFS proposes to authorize occurred to a new individual, the number of animals would be considered small relative to the size of the relevant stocks or populations. Furthermore, the takes proposed for authorization would be limited to individuals occurring local to the USCG's construction activities, an area that represents a small portion of the range for any of the seven species considered here. Thus, the likelihood that each take would occur to a new individual is low and, while some individuals may return multiple times in a day, PSOs would count them as separate takes if the individuals are not identifiable.

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 both proposed IHAs, that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks, with no species take exceeding 2 percent of the best available population abundance estimate.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

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.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that

formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue two consecutive IHAs to the USCG for conducting the USCG OPC Homeporting Project in Newport, RI, from June 1, 2027 through May 31, 2028, and from June 1, 2028 through May 31, 2029, 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 of proposed IHAs for the proposed construction project. 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 IHA.

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: February 18, 2026.

Shannon Bettridge,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2026-03475 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF547]

Fisheries of the Caribbean; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Southeast Data Assessment and Review 103 Data Webinar 2 for Caribbean Application of Alternate Assessment Methods.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 103 assessment process of Caribbean Alternate Assessment Methods will consist of a Development Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 103 Data Webinar 2 will be held from 1 p.m. until 4 p.m. EST April 1, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. www.sedarweb.org.

Meeting address: The SEDAR 103 Data Webinar 2 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in

the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302-8434. Email: Emily.Ott@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGO's); International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the SEDAR 103 Data Webinar 2 are as follows: Continue data review and discuss Pacific Island assessment history. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language

interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 18, 2026.

Becky J. Curtis,

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

[FR Doc. 2026-03442 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF166]

Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement on Phase 2 Modifications to the Atlantic Large Whale Take Reduction Plan To Reduce Mortality and Serious Injury of Large Whales in Commercial Trap/Pot and Gillnet Fisheries Along the U.S. East Coast

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

ACTION: Notice of intent; withdrawal.

SUMMARY: NMFS is withdrawing the "Notice of Intent to Prepare an Environmental Impact Statement (EIS) on Phase 2 Modifications to the Atlantic Large Whale Take Reduction Plan to reduce mortality and serious injury of large whales in commercial trap/pot and gillnet fisheries along the U.S. East Coast."

DATES: The notice of intent to prepare an EIS published in the **Federal Register** on September 9, 2022 (87 FR 55405), is withdrawn as of February 23, 2026.

ADDRESSES: Greater Atlantic Regional Fisheries Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930; or by email to nmfs.gar.alwtrt@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Jennifer Goebel, Atlantic Large Whale Take Reduction Team Coordinator, Greater Atlantic Region. Telephone: 978-281-9175. Email: nmfs.garfo.alwtrt@noaa.gov.

SUPPLEMENTARY INFORMATION: Section 118 of the Marine Mammal Protection Act (MMPA) mandates that NMFS develop and implement Take Reduction Plans for preventing the depletion and assisting in the recovery of certain marine mammal stocks that are killed or

seriously injured incidental to commercial fisheries. Pursuant to the MMPA, NMFS convenes Take Reduction Teams composed of stakeholders to develop recommendations that achieve a short-term goal of reducing mortalities and serious injuries of marine mammals covered by the Take Reduction Plan to a rate below each stock's Potential Biological Removal (PBR) level, which 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. NMFS considers those recommendations when implementing Take Reduction Plans through the rulemaking process. The Atlantic Large Whale Take Reduction Team (Team) was first convened in 1996 to recommend measures to reduce mortalities and serious injuries of right, humpback, and fin whales incidental to certain commercial fisheries. Since 1997, the Atlantic Large Whale Take Reduction (Plan) has been amended several times to reduce the impacts of fishing gear on large whales in U.S. waters through measures that include area closures, gear configuration requirements, and gear marking. On September 17, 2021, NMFS published a Plan amendment (86 FR 51970; (2021 rule), that implemented modifications to reduce mortalities and serious injuries caused by entanglement in the Northeast American lobster and Jonah crab trap/pot fishery.

However, at the time, NMFS believed additional entanglement-related mortality and serious injury reduction would be needed to meet the goal set by the MMPA. As part of the rulemaking process that would establish these additional entanglement risk reduction measures, NMFS published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Phase 2 Modifications to the Plan on September 9, 2022 (87 FR 55405). NMFS reconvened the Team in Fall 2022 to develop recommendations for measures to further address entanglement risk in all East Coast fixed-gear fisheries managed under the Plan. In December 2022, shortly after the Team voted on recommendations, Congress passed the Consolidated Appropriations Act, 2023 (CAA). The CAA deemed the 2021 rule sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the MMPA and Endangered Species Act for a period

ending December 31, 2028. The 2-year timeline for an EIS as defined by the Fiscal Responsibility Act of 2023 updates to the National Environmental Policy Act (NEPA) makes the timeline for an EIS incompatible with the CAA's Congressionally mandated effective date of December 31, 2028, for a new Plan amendment. Therefore, NMFS withdraws this NOI to comply with NEPA requirements.

NMFS may issue NOIs to prepare EISs for future Plan amendments, including for any amendment that may be required December 31, 2028.

Authority: NEPA, 42 U.S.C. 4321 *et seq.*, and MMPA, 31 U.S.C. 1361 *et seq.*

Dated: February 19, 2026.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026-03579 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF551]

Marine Mammals; File No. 28985

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Minnesota Zoological Gardens, 13000 Zoo Boulevard, Apple Valley, MN 55124 (Responsible Party: John Frawley), has applied in due form for an enhancement permit for one captive Hawaiian monk seal (*Neomonachus schauinslandi*).

DATES: Written comments must be received on or before March 25, 2026.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 28985 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 28985 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request

via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Sara Young, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The Minnesota Zoological Gardens proposes continued maintenance of one non-releasable Hawaiian monk seal for enhancement purposes. This animal would be provided with daily husbandry care and treatment for current medical conditions, routine veterinary care, and would be made available for opportunistic research. The zoo will continue public awareness through education and observation, and non-intrusive husbandry and medical studies conducted incidental to the routine care and husbandry of the animals. The permit is requested for a 10-year period.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 18, 2026.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026-03474 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF545]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Southeast Data Assessment and Review 90 Assessment Webinar 4 for South Atlantic Red Snapper.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 90 assessment process of South Atlantic Red Snapper will consist of a Data Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 90 Assessment Webinar 4 will be held from 9 a.m. until 12 p.m. EDT March 20, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. www.sedarweb.org.

Meeting address: The SEDAR 90 Assessment Webinar 4 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: Emily.Ott@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the

opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGO's); International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the SEDAR 90 Assessment Webinar 4 are as follows:

Participants will Review recommendations made on assessment webinar 3, continue discussion of new modeling topics. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 18, 2026.

Becky J. Curtis,

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

[FR Doc. 2026–03443 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF529]

Fisheries of the South Atlantic and Gulf; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Review Workshop for the Greater Amberjack Count.

SUMMARY: The review of the Greater Amberjack Count will be conducted via an in-person review workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The meeting will be held from 8:30 a.m. EDT on March 24, 2026 until 12 p.m. EDT on March 27, 2026.

ADDRESSES: The Greater Amberjack Count Review Workshop will be held at the Gulf Council office at: 4107 West Spruce Street, Suite 200, Tampa, Florida 33607.

FOR FURTHER INFORMATION CONTACT:

Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: Emily.Ott@safmc.net.

SUPPLEMENTARY INFORMATION: The meeting will be broadcast live via GoTo Webinar. Individuals may register by going to the Alabama/Mississippi Sea Grant Consortium website: <https://masgc.org/greater-amberjack/review-workshop>.

This Greater Amberjack Count population estimation study is separate from traditional data collection processes used to inform stock assessments. This study was designed with careful consideration of methods to support practical application by fisheries managers. Therefore, the data will be considered for incorporation into the stock assessment following review by the Center for Independent Experts (CIE). Next, the South Atlantic Fishery Management Council (SAFMC) and Gulf Council's Scientific and Statistical Committees (SSCs) will review the data and determine its appropriateness for consideration in upcoming region-specific greater amberjack stock assessments.

Visit the Mississippi Alabama Sea Grant Consortium website for more information on the project and draft report: <https://masgc.org/greater-amberjack/review-workshop>.

Selected reviewers will have expertise in the methods used to produce the population estimates. Following this review, the research team will have time to respond and make revisions. The full

integration for consideration in management decisions will come later. Early findings should not be over-interpreted or considered final.

The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a participatory process for developing, evaluating, and reviewing information used for fisheries management advice. Review materials will be posted at <https://masgc.org/greater-amberjack/review-workshop>.

The items of discussion in the Review Workshop are as follows:

Participants will evaluate the technical merits of the Greater Amberjack Count report, as specified in the Terms of Reference for the workshop and determine if they are consistent with the best scientific information available.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 18, 2026.

Becky J. Curtis,

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

[FR Doc. 2026-03444 Filed 2-20-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-0232]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Subpart J—Approval of Independently Administered Tests

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 24, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-0232. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202-1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453-5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Subpart J—Approval of Independently Administered Tests.

OMB Control Number: 1845-0049.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 67,989.

Total Estimated Number of Annual Burden Hours: 10,392.

Abstract: This request is for an extension without change of the approval for the reporting and recordkeeping requirements that are contained in the information collection 1845-0049 for Student Assistance General Provision in the regulations in Subpart J—Approval of Independently Administered Tests; Specification of Passing Score; Approval of State Process.

There are no forms or formats established by the Department for the reporting or recordkeeping requirements. These regulations govern the application for and approval of assessments by the Secretary by a private test publisher or State that are used to measure a student's skills and abilities. The administration of approved ATB tests may be used to determine a student's eligibility for assistance for the Title IV student financial assistance programs authorized under the Higher Education Act of 1965, as amended (HEA) when, among other conditions, the student

does not have a high school diploma or its recognized equivalent.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03526 Filed 2–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0267]

Agency Information Collection Activities; Comment Request; Report of the Randolph-Sheppard Vending Facility Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 24, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2026–SCC–0267. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4A114, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jesse Hartle, 202–245–6411.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA)

(44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Report of the Randolph-Sheppard Vending Facility Program.

OMB Control Number: 1820–0009.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 1,199.

Abstract: The Randolph-Sheppard Act (Act) provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on Federal and other property. The program, enacted into law in 1936, was intended to enhance employment opportunities for trained, licensed blind persons to operate vending facilities. At the outset, the program placed sundry stands in the lobbies of Federal office buildings and post offices, selling such items as newspapers, magazines, candies, and tobacco products. The law was subsequently amended in 1954 and again in 1974 to ensure individuals who are blind a priority in the operation of vending facilities, which now include cafeterias, military dining facilities, snack bars, interstate highway rest areas, and automatic vending machines on Federal property. Most States also have programs that include State, county, municipal, and private installations.

The licensing and operation of vending facilities by blind vendors under the Act is supported by a combination of VR program funds, State appropriations, Federal vending machine income, and levied set asides from vendors. As required by 20 U.S.C. 107a(6)(a), the Secretary of Education, through the Commissioner of the Rehabilitation Services Administration (RSA), conducts periodic evaluations of the programs authorized under the Act. In addition, section 107b(4) requires entities designated as the State licensing agency (SLA) to “make such reports in such form and containing such information as the Secretary may from time to time require. . . .” The information to be collected is a necessary component of the evaluation process and forms the basis for reporting to the Department. The data are also used to understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing technical assistance to SLAs and property managers and in monitoring the implementation of the program. The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the State from Federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected by the RSA–15: Report of Randolph-Sheppard Vending Facility Program. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information and assists with the requirement in 34 CFR 395.11 regarding the provision of training.

This information collection (IC) will be implemented upon the expiration of the current IC on October 31, 2026; however, it is requested to begin the use of this form and the new instructions for the FY 2026 data collection beginning on October 1, 2026. The 51 SLAs will submit their data through the RSAMIS on the rsa.ed.gov website during the 90-day data collection period (10/1/2026–12/30/2026).

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03543 Filed 2–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2026–SCC–0266]****Agency Information Collection Activities; Comment Request; Federal Perkins Loan Program Regulations****AGENCY:** Federal Student Aid (FSA), Department of Education (ED).**ACTION:** Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 24, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2026–SCC–0266. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The

Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Perkins Loan Program Regulations.

OMB Control Number: 1845–0023.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 8,217,172.

Total Estimated Number of Annual Burden Hours: 149,369.

Abstract: The requirements of these regulations is necessary to monitor a school's due diligence in its contact with the Perkins loan borrower regarding repayment, billing and collections, reimbursement to its Perkins loan revolving fund, rehabilitation of defaulted loans as well as institutions use of third party collections. There has been no change to the regulations. This is a request for an extension without change of the currently approved reporting and record-keeping requirements contained in the regulations related to the administrative requirements of the Perkins Loan Program.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03522 Filed 2–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2026–SCC–0298]****Agency Information Collection Activities; Comment Request; Cash Management Contract URL Collection**

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of

1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 24, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2026–SCC–0298. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how

might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Cash Management Contract URL Collection.

OMB Control Number: 1845–0147.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 611.

Total Estimated Number of Annual Burden Hours: 48.

Abstract: The Department of Education (the Department) is seeking an extension of OMB control number 1845–0147 for the collection of URLs hosting institutional contracts and contract data relating to campus banking agreements. The regulatory sections for this collection include 34 CFR 668.164(e)(2)(viii) and 34 CFR 668.164(f)(4)(iii)(B), are unchanged. The Department and the public have a strong interest in knowing the terms of marketing contracts of the millions of students receiving millions of dollars in Federal student aid. The Higher Education Act of 1965, as amended (HEA) strongly supports providing important consumer information to students and the public, as evidenced in several parts of the law. The increased transparency will help ensure accountability and encourage institutional practices that are in the interest of students.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–03529 Filed 2–20–26; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Request for Comment: Election Audit Standards

AGENCY: Election Assistance Commission.

ACTION: Notice, request for comment.

SUMMARY: The U.S. Election Assistance Commission (EAC) is requesting public comment on the Voluntary National Election Audit Standards. Election audits are used to evaluate and improve the accuracy, security, and administration of elections. Because election administration in the United States is highly decentralized, audit

practices vary across states and local jurisdictions. The proposed standards provide voluntary, principle-based guidance intended to be adaptable across differing legal frameworks, election systems, and resource environments.

DATES: Comments must be received by 11:59 p.m. Eastern on Monday, April 27, 2026.

ADDRESSES: To view the proposed Voluntary National Election Audit Standards, see: *Draft Audit Standards_021826_Clean.docx*. Comments on the proposed Voluntary National Election Standards must be in writing. Written comments can be submitted at <https://www.regulations.gov> (docket ID: EAC–2026–0067). Written comments on the proposed document can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, Attn: Clearinghouse Division.

FOR FURTHER INFORMATION CONTACT: Monica Childers, Senior Election Subject Matter Expert, Washington, DC (202) 578–9591. Email: mchilders@eac.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The U.S. Election Assistance Commission (EAC), acting under the Help America Vote Act of 2002 (HAVA), has created Voluntary National Election Audit Standards. This notice is designed to gather public feedback on these proposed standards before they are finalized. Public input will help ensure that the standards are clear, practical, and adaptable across different legal, operational, and resource contexts.

Feedback received will inform refinement of the standards to better support election officials, policymakers, and the public in understanding and assessing election audit practices nationwide.

Public Comments: Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your submitted comments, including your personal information, will be available for public review.

Respondents: State and local election officials, policymakers, auditing and statistical experts, members of the public.

Seton Parsons,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2026–03583 Filed 2–20–26; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2840–023]

South Columbia Irrigation District, East Columbia Irrigation District, Quincy Columbia Irrigation District; Notice of Application To Accelerate License Expiration Date 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:* Application to Accelerate License Expiration Date.

b. *Project No.:* 2840–023.

c. *Date Filed:* January 22, 2026.

d. *Applicant:* South Columbia Irrigation District, East Columbia Irrigation District, and Quincy Columbia Irrigation District.

e. *Name of Project:* Potholes East Canal Headworks Project.

f. *Location:* The project is located at the headworks of the Potholes East Canal at O'Sullivan Dam near Moses Lake in Grant County, Washington. The project occupies federal lands managed by the U.S. Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r and 18 CFR 16.4.

h. *Applicant Contact:* Alan Lackner; Columbia Basin Hydropower, 107 D Street NW, Ephrata, WA 98823; alackner@cbhydropower.org; and (509) 290–4743.

i. *FERC Contact:* Elizabeth Moats, (202) 502–6632, Elizabeth.OsierMoats@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* April 6, 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-2840-023. 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.

k. Description of Request: The co-licensees request to accelerate the expiration of the existing license from September 30, 2032, to November 30, 2031, to align with the license expiration date of its Main Canal Headworks Project (P-2849) to allow for coordination of relicensing proceedings for the projects.

l. 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. 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.

o. 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; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) 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.

p. 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: February 18, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-03573 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26-65-000.

Applicants: Alton Post Office Solar, LLC, AM Wind Repower LLC, Aspen Road Solar 1, LLC, Bitter Ridge Wind Farm, LLC, Black Mesa Energy, LLC, Black Mesa Interconnection, LLC, Crystal Hill Solar, LLC, Egypt Road Solar, LLC, Foxglove Solar Project, LLC, Franklin Solar LLC, Goose Prairie Solar LLC, Jackpot Holdings, LLC, Jones Farm Lane Solar, LLC, Mesa Wind Power LLC, Morgnac Road Solar, LLC, North Allegheny Wind, LLC, North Rosamond Solar, LLC, Pike Solar LLC, Spanish Peaks Solar LLC, Spring Grove Solar II, LLC, Sweetland Wind Farm, LLC, Wildflower Solar, LLC, Mustang Yieldco Acquirer LLC.

Description: Joint Application for Authorization Under Section 203 of the

Federal Power Act of Alton Post Office Solar, LLC, et al.

Filed Date: 2/11/26.

Accession Number: 0260211-5147.

Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: EC26-66-000.

Applicants: Alliance NYGT, LLC, Seneca Power Partners, L.P., Sterling Power Partners, L.P., Power City Partners, L.P.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Alliance NYGT, LLC, et al.

Filed Date: 2/17/26.

Accession Number: 20260217-5313.

Comment Date: 5 p.m. ET 3/10/26.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26-157-000.

Applicants: Gunnar Reliability Project LLC.

Description: Gunnar Reliability Project LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/18/26.

Accession Number: 20260218-5122.

Comment Date: 5 p.m. ET 3/11/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2374-024;

ER17-2059-016.

Applicants: Puget Sound Energy, Inc., Puget Sound Energy, Inc.

Description: Notice of Non-Material Change in Status of Puget Sound Energy, Inc, et al.

Filed Date: 2/2/26.

Accession Number: 20260202-5293.

Comment Date: 5 p.m. ET 2/23/26.

Docket Numbers: ER10-3028-008.

Applicants: Elk Hills Power, LLC.

Description: Notice of Non-Material Change in Status of Elk Hills Power, LLC.

Filed Date: 2/2/26.

Accession Number: 20260202-5292.

Comment Date: 5 p.m. ET 2/23/26.

Docket Numbers: ER20-2054-000.

Applicants: ISO New England Inc., Central Maine Power Company, Versant Power, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, New England Power Company, New Hampshire Transmission, LLC, NSTAR Electric Company, Public Service Company of New Hampshire, The Connecticut Light and Power Company, The United Illuminating Company, Unitil Energy Systems, Inc., Vermont Electric Cooperative, Inc., Vermont Transco LLC.

Description: Formal Challenge of the New England States Committee on

Electricity, Inc. to Central Maine Power Company's Rate Schedules included in the Annual Update filed by Participating Transmission Owners Administrative Committees on 07/31/2025.

Filed Date: 2/9/26.

Accession Number: 20260209–5175.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER21–2510–003; ER21–2511–003; ER24–697–004; ER24–698–004.

Applicants: Castanea Project, LLC, Westlands Solar Blue (OZ) Owner, LLC, Aquamarine Lessee, LLC, Aquamarine Westside, LLC.

Description: Notice of Non-Material Change in Status of Aquamarine Westside, LLC, et al.

Filed Date: 2/3/26.

Accession Number: 20260203–5175.

Comment Date: 5 p.m. ET 2/24/26.

Docket Numbers: ER23–1583–004; ER25–152–003; ER24–1738–004; ER24–1593–003.

Applicants: Randolph Solar Park LLC, Ragsdale Solar, LLC, Pleasantville Solar Park LLC, Indiana Crossroads Wind Farm II LLC.

Description: Notice of Non-Material Change in Status of Indiana Crossroads Wind Farm II LLC, et al.

Filed Date: 2/2/26.

Accession Number: 20260202–5295.

Comment Date: 5 p.m. ET 2/23/26.

Docket Numbers: ER24–548–005; ER10–3057–010.

Applicants: Dow Pipeline Company, Dow Hydrocarbons and Resources LLC.

Description: Notice of Non-Material Change in Status of Dow Hydrocarbons and Resources LLC, et al.

Filed Date: 2/6/26.

Accession Number: 20260206–5193.

Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER25–1317–006; ER25–1349–007.

Applicants: Sebree Solar, LLC, Salt Creek Wind LLC, Mammoth Plains Wind, LLC.

Description: Notice of Change in Status of Salt Creek Wind LLC, et al.

Filed Date: 2/2/26.

Accession Number: 20260202–5294.

Comment Date: 5 p.m. ET 2/23/26.

Docket Numbers: ER25–3063–000.

Applicants: New Wave Energy, LLC.

Description: Supplement to 07/31/2025, Change in Status, Change in Category Seller Status, & Revised MBR Tariff.

Filed Date: 2/10/26.

Accession Number: 20260210–5207.

Comment Date: 5 p.m. ET 3/3/26.

Docket Numbers: ER26–724–000.

Applicants: MEC Phase 1, LLC.

Description: Supplement to 12/11/2025, MEC Phase 1, LLC, tariff filing.

Filed Date: 2/9/26.

Accession Number: 20260209–5168.

Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER26–849–000; ER26–850–000; ER26–851–000.

Applicants: IP Easley II, LLC, IP Easley, LLC, IP Aramis, LLC.

Description: Supplement to 12/22/2025, IP Aramis, LLC, tariff filing.

Filed Date: 2/9/26.

Accession Number: 20260209–5171.

Comment Date: 5 p.m. ET 2/20/26.

Docket Numbers: ER26–1138–001.

Applicants: Consumers Energy Company.

Description: Correction re: Cost Recover Filing of Consumers Energy Company.

Filed Date: 2/13/26.

Accession Number: 20260213–5168.

Comment Date: 5 p.m. ET 3/6/26.

Docket Numbers: ER26–1425–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits a Construction Agmt—SA No. 7355 to be effective 4/20/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5023.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1426–000.

Applicants: Duquesne Light Company.

Description: § 205(d) Rate Filing: Duquesne Order No. 898 Rate Filing to be effective 1/1/2025.

Filed Date: 2/18/26.

Accession Number: 20260218–5024.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1427–000.

Applicants: Wabash Valley Transmission Holdings, LLC.

Description: § 205(d) Rate Filing: Formula Rate Baseline to be effective 4/20/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5065.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1428–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: Single Issue Depreciation Filing to be effective 1/1/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5068.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1429–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Cancellation of Engineering & Procurement Agreement, SA No. 7739; Proje to be effective 1/14/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5088.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1430–000.

Applicants: Midcontinent

Independent System Operator, Inc., ITC Midwest LLC.

Description: § 205(d) Rate Filing: ITC Midwest LLC submits tariff filing per 35.13(a)(2)(iii): 2026–02–18_SA 4684 ITC Midwest-Interstate Power & Light E&P (J1867) to be effective 2/9/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5104.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: ER26–1431–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NYISO 205: Winter Reliability Capacity Enhancements to be effective 4/20/2026.

Filed Date: 2/18/26.

Accession Number: 20260218–5130.

Comment Date: 5 p.m. ET 3/11/26.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC26–9–000.

Applicants: Asia Environmental Companies.

Description: Asia Environmental Companies submit Notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 2/18/26.

Accession Number: 20260218–5073.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: FC26–10–000.

Applicants: Atlantic Power Canada Companies.

Description: Atlantic Power Canada Companies submit Notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 2/18/26.

Accession Number: 20260218–5102.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: FC26–11–000.

Applicants: Energia Companies.

Description: Energia Companies submit Notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 2/18/26.

Accession Number: 20260218–5112.

Comment Date: 5 p.m. ET 3/11/26.

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: February 18, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-03505 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2614-042]

City of Hamilton, Ohio and American Municipal Power, Inc.; Notice of Intent To Prepare an Environmental Assessment

On February 21, 2024, City of Hamilton, Ohio and American Municipal Power, Inc. filed a relicense application for the 70.27 -megawatt Greenup Hydroelectric Project No. 2614 (project). The project is located at the U.S. Army Corps of Engineers' (Corps) Greenup Locks and Dam on the Ohio in Scioto County, Ohio and Greenup County, Kentucky. The project occupies 12.74 acres of federal land administered by the Corps.

In accordance with the Commission's regulations, on November 14, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.¹

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1769181282.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or *OPP@ferc.gov*.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	November 23, 2026.

Any questions regarding this notice may be directed to Patrick Ely *Patrick.Ely@ferc.gov*, or 202-502-8570. (Authority: 18 CFR 2.1)

Dated: February 18, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-03574 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14-347-002, CP19-19-001, CP14-511-001]

Magnolia LNG, LLC; Notice of Request for Extension of Time

Take notice that on January 15, 2026, Magnolia LNG, LLC (Magnolia) requested that the Commission grant an extension of time, until April 15, 2031, to construct and place into service its Magnolia LNG Project (Project) located in Calcasieu Parish, Louisiana, as authorized in the Order Granting Authorization Under Section 3 of the Natural Gas Act and Issuing Certificates (April 15 Order).¹ The April 15 Order required Magnolia to complete construction of the Project and make it available for service within five years of the order date, or by April 15, 2021.²

Magnolia states that, despite its efforts to meet the revised April 15, 2026, the progress of the construction deadline has been delayed primarily due to overlapping construction deadlines set by the Department of Energy (DOE)³

¹ *Magnolia LNG, LLC*, 155 FERC ¶ 61,033 (2016), *reh'g denied*, 157 FERC ¶ 61,149 (2016).

² On June 18, 2020, the Commission issued an order amending Magnolia's authorization to increase the authorized total LNG production capacity of the Magnolia LNG Project from 8.0 million metric tons per annum to 8.8 MTPA. The order did not change the construction deadline, which remained April 15, 2021.

³ DOE/FE Order No. 3909, Docket No. 13-132-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied

and DOE's issuance of a new policy statement that imposed more restrictive construction deadlines on requests to extend the commencement deadline for non-FTA export authorizations,⁴ as well as DOE's rescission of that policy on April 2, 2025.⁵ Magnolia was required to allow its prior non-FTA authorization to expire, and on November 29, 2023, Magnolia submitted a new non-FTA application to DOE, which remains pending.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Magnolia's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,⁶ the Commission will aim to issue an order acting on the request within 45 days.⁷ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁸ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act

Natural Gas by Vessel from the Proposed Magnolia LNG Terminal to be Constructed in Lake Charles, Louisiana, to Non-Free Trade Agreement Nations (Nov. 30, 2016).

⁴ *Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 88 FR 25272 (April 26, 2023).

⁵ *Rescission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 90 FR 14411 (Apr. 2, 2025).

⁶ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁷ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁸ *Id.* at P 40.

(NEPA).⁹ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.¹⁰ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on March 5, 2026.

⁹ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

¹⁰ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40.

(Authority: 18 CFR 2.1)

Dated: February 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-03548 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2516-070, Project No. 2517-049]

PE Hydro Generation, LLC; Notice of Application for Temporary Variance of Water Veil Requirement Pursuant to Article 406 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:* Temporary variance of water veil requirement pursuant to Article 406.
- b. *Project Nos.:* 2516-070, 2517-049.
- c. *Date Filed:* January 28, 2026.
- d. *Applicant:* PE Hydro Generation, LLC (licensee).
- e. *Name of Projects:* Dam No. 4 Hydro Station (P-2516), Dam No. 5 Hydro Station (P-2517).
- f. *Location:* The projects are located on the Potomac River in Berkeley (P-2516 and P-2517) and Jefferson (P-2516) counties, West Virginia. The projects occupy federal lands within the Chesapeake and Ohio Canal National Historic Park, administered by the National Park Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Ms. Angela Woolard, Manager, License and Compliance, PE Hydrogeneration, LLC, c/o Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814, angela.woolard@eaglecreekre.com, (804) 624-0422.

i. *FERC Contact:* Ms. Joy Kurtz, (202) 502-6760, joy.kurtz@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:* March 20, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. 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 numbers P-2516-070 and P-2517-049. 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 requests Commission approval for a temporary variance from the veil flow requirement specified in Article 406 of both project licenses to allow National Park Service to conduct safety inspections, evaluations and maintenance at Dams 4 and 5. The variance would last approximately 15 days at each dam and occur between May 15, and September 15, 2026. During the variance, the licensee would not release the required one- or two-inch veil flow (whichever flow is applicable per Article 406, which varies based on date and flow) over Dams 4 and 5 on the days when inspections are occurring in order provide safe conditions for the personnel conducting the inspections. During the variance

period (including reservoir drawdown and refill), the licensee would continue to provide the required minimum flows below the dams articulated in Article 404.

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; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) 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: February 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-03575 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3819-013]

Sugarloaf Hydro, LLC, Leadville Hydro, LLC; Notice of Application of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On January 28, 2026, Sugarloaf Hydro, LLC (transferor) and Leadville Hydro, LLC (transferee) filed an application for a transfer of license for the 2.5-megawatt Sugarloaf Hydroelectric Project No. 3819. The project is located on the U.S. Bureau of Reclamation's Mt. Elbert Conduit in Lake County, Colorado and occupies federal land within the San Isabel National Forest administered by the U.S. Forest Service.

Pursuant to 16 U.S.C. 801, the applicants seek Commission approval to transfer the license for the project from Sugarloaf Hydro, LLC to Leadville Hydro, LLC. The transferee will be required by the Commission to comply with all the requirements of the license as though it were the original licensee.

Applicants Contacts

For Transferor: Thomas A. Berutti, Sugarloaf Hydro, LLC, 1001 Stephenson Street, Norway, MI 49870, Phone: (906) 396-3000, Email: tom.berutti@gmail.com.

For Transferee: Daniel Ehr, Leadville Hydro, LLC, W10312 Ridge Road, Hortonville, WI 54944, Phone: (920) 224-2344, Email: Daniel.ehr@bakertilly.com.

FERC Contact: Steven Sachs, Phone: (202) 502-8666, Email: Steven.Sachs@ferc.gov.

Deadline for filing comments, motions to intervene, and protests: March 20, 2026, 5:00 p.m. Eastern Time. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/>

[ecomment.asp](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 U.S. Postal Service must be addressed to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3819-013. Comments emailed to Commission staff are not considered part of the Commission record.

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: February 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-03547 Filed 2-20-26; 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 Accounting Request filings:

Filings Instituting Proceedings

Docket Numbers: AC26-27-000.

Applicants: Golden Pass Pipeline LLC, Golden Pass LNG Terminal LLC.

Description: Golden Pass Pipeline LLC submits Proposed Accounting Entries re inadvertent miscalculation of depreciation rates from 12/01/2023, through 12/31/2024.

Filed Date: 2/17/26.

Accession Number: 20260217-5297.

Comment Date: 5 p.m. ET 3/10/26.

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.

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: February 18, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026-03506 Filed 2-20-26; 8:45 am]

BILLING CODE 6717-01-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Commission Meeting—Sunshine Act Notice

TIME AND DATE: Thursday, February 26, 2026, 1:00 p.m. Eastern Time.

PLACE: The meeting will be held virtually.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The following item will be considered at the meeting:

- Agency Adjudication and Determination on Federal Agency Discrimination Complaint Appeal

NOTE: The Legal Counsel has certified that, in the Legal Counsel's opinion, the Commission meeting scheduled for February 26, 2026 (and any portions of any subsequent meetings to which those same matters may be carried over) concerning a proposed federal agency discrimination complaint appeal(s) may properly be closed under the third, sixth, seventh, and tenth exemptions to the Government in the Sunshine Act, 5 U.S.C. §§ 552b(c)(3), (6), (7), and (10), and Commission regulations at 29 CFR 1612.4(c), (f), (g), and (j).

In accordance with the Sunshine Act, because this meeting is closed, the public will not be able to observe/listen to the Commission's deliberations and voting.

Please telephone (202) 921-2750 (voice) or email commissionmeetingcomments@eeoc.gov

at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Raymond Windmiller, Executive Officer, (202) 921-2705.

Dated: February 19, 2026.

Raymond D. Windmiller,
Executive Officer, Executive Secretariat.

[FR Doc. 2026-03532 Filed 2-19-26; 4:15 pm]

BILLING CODE 6570-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0917; FR ID 331524]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 24, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0917.

Title: CORES Registration Form, FCC Form 160.

Form Number: FCC Form 160.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents and Responses: 154,077 respondents; 154,077 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the Debt Collection Act of 1996 (DCCA), Public Law 104-134, chapter 10, section 31001.

Total Annual Burden: 25,730 hours.

Total Annual Costs: No Cost.

Needs and Uses: Respondents use FCC Form 160 to register in FCC's Commission Registration System (CORES). Entities must register in CORES to do regulatory transactions with FCC, including receiving licenses, paying fees, participating in auctions, etc. Without this collection of information, FCC would not have a database of the identity and contact information of the entities it does regulatory business with.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-03434 Filed 2-20-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or

the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than March 25, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *GreatAmerica Holdings, Inc., Cedar Rapids, Iowa*; to become a bank holding company by acquiring Heritage Bank, Marion, Iowa and merging with GreatAmerica Interim National Bank, Cedar Rapids, Iowa.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–03523 Filed 2–20–26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Corporation To Do Business Under Section 25A of the Federal Reserve Act

The companies listed in this notice have applied to the Board for approval,

pursuant to Section 25A of the Federal Reserve Act (Edge Corporation) (12 U.S.C. 611 *et seq.*), and all other applicable statutes and regulations to establish an Edge Corporation. The factors that are to be considered in acting on the application are set forth in the Board's Regulation K (12 CFR 211.5).

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 Section 25A of the Federal Reserve 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, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 10, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *GreatAmerica Holdings, Inc., Cedar Rapids, Iowa*; to establish GreatAmerica Bank International, Cedar Rapids, Iowa as an Edge Corporation.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–03528 Filed 2–20–26; 8:45 am]

BILLING CODE P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0024; Docket No. 2025–0054; Sequence No. 1]

Submission for OMB Review; Buy American, Trade Agreements, and Duty-Free Entry

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: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to OMB a request to review and approve an extension of a previously approved information collection requirement regarding Buy American, trade agreements, and duty-free entry.

DATES: Submit comments on or before March 25, 2026.

ADDRESSES: Written comments and recommendations for this 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: FARPolicy@gsa.gov or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0024, Buy American, Trade Agreements, and Duty-Free Entry.

B. Need and Uses

This clearance covers the information that an offeror must submit in response to the requirements of the provisions and clauses in the Federal Acquisition Regulation (FAR) part 25, as codified in Chapter 1 of Title 48 of the Code of Federal Regulations, that relates to the following:

* The Buy American statute (41 U.S.C. chapter 83) and Executive Orders 10582 and 14005.

* The Trade Agreements Act (19 U.S.C. 2501–2515), including the World Trade Organization Government Procurement Agreement and various free trade agreements.

* The American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act).

* Subchapters VIII and X of Chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

FAR 52.225–2, Buy American Certificate. This provision requires the offeror to identify in its proposal supplies that do not meet the definition of domestic end product and whether those supplies exceed 55% domestic content. This provision also requires offerors to identify in its proposal domestic end products that contain a critical component.

FAR 52.225–4, Buy American—Free Trade Agreements—Israeli Trade Act Certificate. This provision requires a separate list of foreign products that are eligible under a trade agreement, and a list of all other foreign end products and whether those supplies exceed 55% domestic content. This provision also requires offerors to identify in its proposal domestic end products that contain a critical component.

FAR 52.225–6, Trade Agreements Certificate. This provision requires the offeror to certify that all end products are either U.S.-made or designated country end products, except as listed in paragraph (b) of the provision. Offerors are not allowed to provide other than a U.S.-made or designated country end product, unless the requirement is waived.

FAR 52.225–8, Duty-Free Entry. This clause requires contractors to notify the contracting officer when they purchase foreign supplies, in order to determine whether the supplies should be duty-free. The notice shall identify the foreign supplies, estimate the amount of duty, and the country of origin. The contractor is not required to identify foreign supplies that are identical in nature to items purchased by the contractor or any subcontractor in connection with its commercial business, and segregation of these supplies to ensure use only on Government contracts containing duty-free entry provisions is not economical or feasible. In addition, all shipping documents and containers must specify certain information to assure the duty-free entry of the supplies.

Construction provisions and clauses:

- FAR 52.225–9, Buy American—Construction Materials

- FAR 52.225–10, Notice of Buy American Requirement—Construction Materials
- FAR 52.225–11, Buy American—Construction Materials Under Trade Agreements
- FAR 52.225–12, Notice of Buy American Requirement—Construction Materials under Trade Agreements
- FAR 52.225–21, Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials
- FAR 52.225–23, Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—

Construction Materials Under Trade Agreements

The listed provisions and clauses provide that an offeror or contractor requesting to use foreign construction material due to unreasonable cost of domestic construction material shall provide adequate information to permit evaluation of the request.

For supplies acquisitions, the contracting officer uses some of the information to identify the offered items that comply with the requirements of the Buy American statute and trade agreements and whether the supplies should be granted duty-free entry. For construction acquisitions, the contracting officer uses the information to evaluate requests for a determination of inapplicability of the Buy American statute.

C. Annual Burden

Respondents: 9,279.

Total Annual Responses: 34,535.

Total Burden Hours: 29,138.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 90 FR 57468, on December 11, 2025. Comments were received from three respondents; however, they did not change the estimate of the burden.

Summary of comments: The respondents generally support the extension. A respondent noted that blank certifications in FAR 52.225–2, 52.225–4, and 52.225–6 are often misconstrued as full compliance, risking violations of domestic preference policies, trade obligations, and acquisition integrity due to absent origin/content details. The respondent recommended replacing blank submissions with a “No Exceptions” checkbox, requiring offerors to certify 100% U.S.-made or designated country end products.

Other respondents noted the administrative burden of compliance is

underestimated and it disproportionately impacts smaller businesses. These respondents expressed concern over the complexity of the policies, which increase costs and the risk of non-compliance. These respondents recommended the following:

- Update burden estimates to reflect new thresholds, multi-tier supply chain documentation, proportionality for small businesses, and costly internal legal or compliance review needed to manage risk, recognizing the cumulative paperwork impact.

- Improve processes by eliminating duplicative clauses and overlapping disclosure requirements, providing clearer and more consistent definitions, and reforming class waivers just to name a few.

- Adopt standardized governmentwide Buy American certifications and tools, and implement tiered, risk-based reporting thresholds to replace the one-size-fits-all approach.

Response: The FAR Council acknowledges the comments received. Regarding the comments addressing burden, the respondents did not identify the alleged duplicative clauses or overlapping disclosure requirements. While the Government lacks a system to determine the actual number of instances when each information collection is submitted or used, the PRA impact, including the effect on small businesses, is thoroughly addressed during rulemaking processes when collections are established or revised. Regarding the comments addressing the merits of the clauses, those issues are beyond the scope of the information collection requirements, but respondents will have the opportunity to provide feedback when proposed changes to FAR Part 25 are published for comment as part of FAR Case 2026–004, Revolutionary Federal Acquisition Regulation Overhaul parts 19, 22, 23, and 25.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 9000–0024, Buy American, Trade Agreements, and Duty-Free Entry.

Janet Fry,

*Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.*

[FR Doc. 2026–03509 Filed 2–20–26; 8:45 am]

BILLING CODE 6820-EP-P

OFFICE OF MANAGEMENT AND BUDGET**Office of Federal Procurement Policy****DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000–0095; Docket No. 2025–0087; Sequence No. 1]

Submission for OMB Review; Federal Acquisition Regulation Part 27 Requirements

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: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to OMB a request to review and approve an extension of a previously approved information collection requirement regarding Federal Acquisition Regulation part 27 requirements.

DATES: Submit comments on or before March 25, 2026.

ADDRESSES: Written comments and recommendations for this 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: FARPolicy@gsa.gov or call 202–969–4075.

SUPPLEMENTARY INFORMATION:**A. OMB Control Number, Title, and Any Associated Form(s)**

9000–0095, Federal Acquisition Regulation Part 27 Requirements.

B. Need and Uses

This clearance covers the following information that offerors and contractors must submit in response to the requirements of the provisions and clauses in the Federal Acquisition Regulation (FAR) part 27, as codified in Chapter 1 of Title 48 of the Code of Federal Regulations:

FAR 52.227–2, Notice and Assistance Regarding Patent and Copyright

Infringement. This clause requires contractors to notify the Government of any allegations of patent or copyright infringement arising during the performance of the contract. The clause requires contractors to furnish, when requested by the contracting officer, all evidence and information in the contractor’s possession regarding such a claim or suit. This clause flows down to subcontracts that are expected to exceed the simplified acquisition threshold (SAT—currently \$350,000).

FAR 52.227–6, Royalty Information. This provision requires offerors to report all royalties anticipated or paid in excess of \$250 for the use of patented inventions by furnishing:

- (1) Name and address of licensor.
- (2) Date of license agreement.
- (3) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable.
- (4) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable.
- (5) Percentage or dollar rate of royalty per unit.
- (6) Unit price of contract item.
- (7) Number of units.
- (8) Total dollar amount of royalties.

Also, the contracting officer may ask the offeror to provide a copy of the current license agreement identifying claims to specific patents.

FAR 52.227–9, Refund of Royalties. This clause requires contractors to furnish to the contracting officer, before final payment under a contract, a statement of royalties paid or required to be paid in connection with performing the contract. The clause requires contractors to notify the contracting officer if the contractor is relieved, within three years after final payment under the contract, from payment of royalties included in the final contract price. This clause flows down to subcontracts in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.

FAR 52.227–11, Patent Rights—Ownership by the Contractor, or 52.227–13, Patent Rights—Ownership by the Government—Commerce Patent Regulations. These FAR clauses require a Government contractor to report all inventions made in the performance of work under a Government contract or subcontract for experimental, developmental, or research work to the contracting officer, submit a disclosure of the invention, and identify any publication, sale, or public use of the invention (52.227–11(c), 52.227–13(e)(1)). The contracting officer may modify 52.227–11(e) or otherwise

supplement the clause to require contractors to submit periodic or interim and final reports listing subject inventions (27.303(b)(2)(i) and (ii)). The contracting officer may also require a contractor, under FAR 52.227–11, to: provide the filing date, serial number, title, patent number and issue date for any patent application filed on any subject invention in any country or, upon request, copies of any patent application so identified; and furnish the Government an irrevocable power to inspect and make copies of the patent application file when a Government employee is a co-inventor. (27.303(b)(2)(iv) and (v). In order to ensure that subject inventions are reported, the contractor is required to establish and maintain effective procedures for identifying and disclosing subject inventions (52.227–11, Alternate IV; 52.227–13(e)(1)). In addition, the contractor must require its employees, by written agreements, to disclose subject inventions (52.227–11(e)(2); 52.227–13(e)(4)). The contractor also has an obligation to utilize the subject invention, and agree to report, upon request, the utilization or efforts to utilize the subject invention (27.302(e); 52.227–11(f)).

FAR 52.227–14, Rights in Data—General. This clause enables the contractor to protect qualifying limited rights data and restricted computer software by withholding the data from the Government and instead delivering form, fit, and function data. For unauthorized marking of data, the contractor may provide written justification to substantiate the propriety of the markings for the contracting officer to consider whether or not the markings are to be canceled or ignored. For omitted or incorrect markings of data that has not been disclosed without restriction outside the Government, the contractor may request, within 6 months (or a longer time approved by the contracting officer) after delivery of the data, permission to have authorized notices placed on the data at the contractor’s expense. Contractors shall obtain from their subcontractors all data and rights necessary to fulfill the contractor’s obligations to the Government under the contract. If a subcontractor refuses to accept terms affording the Government those rights, the contractor shall notify the contracting officer of the refusal.

FAR 52.227–15, Representation of Limited Rights Data and Restricted Computer Software. This provision requires an offeror to represent that it has reviewed the requirements for the delivery of technical data or computer software and state, in response to a

solicitation, whether data proposed for fulfilling the data delivery requirements qualifies as limited rights data or restricted computer software. If the Government does not receive unlimited rights, the offeror must provide a list of the data that qualify as limited rights data or restricted computer software. The offeror would identify any proprietary data it would use during contract performance, in order that the contracting officer might ascertain if such proprietary data should be delivered.

FAR 52.227–16, Additional Data Requirements. This clause requires contractors to keep, for possible delivery to the Government, any data, in addition to data already required to be delivered under the contract, first produced or specifically used in performance of the contract for a period of three years from the final acceptance of all items delivered under the contract. The data delivered under this clause may be in the form of computations, preliminary data, records of experiments, etc. For any data to be delivered under this clause, the Government will pay the contractor for converting the data into a specific form, and for reproducing and delivering the data. The purpose of such recordkeeping requirements is to ensure that, if all data requirements are not known prior to contract award, the Government can fully evaluate the research in order to ascertain future activities and to insure that the research was completed and fully reported, as well as to give the public an opportunity to assess the research results and secure any additional information.

FAR 52.227–17, Rights in Data—Special Works. This clause is included in solicitations and contracts primarily for production or compilation of data. It is used in rare and exceptional circumstances to permit the Government to limit the contractor's rights in data by preventing the release, distribution, and publication of any data first produced in the performance of the contract. This clause may also be limited to particular items and not the entire contract. This clause requires contractors to assign (with or without registration), or obtain the assignment of, the copyright to the Government or its designated assignee.

FAR 52.227–18, Rights in Data—Existing Works. This clause is used when the Government is acquiring existing audiovisual or similar works, such as books, without modification. This clause requires contractors to obtain a license for the Government to reproduce, prepare derivative works, and perform and display publicly the materials.

FAR 52.227–19, Commercial Computer Software License. This clause requires contractors to affix a notice on any commercial software delivered under the contract that provides notice that the Government's rights regarding the data are set forth in the contract.

FAR 52.227–20, Rights in Data—SBIR Program. This clause authorizes contractors under Small Business Innovation Research (SBIR) contracts to affix a notice to SBIR data delivered under the contract to limit the Government's rights to disclose data first produced under the contract. For omitted or incorrect markings of data that has not been disclosed without restriction outside the Government, the contractor may request, within 6 months (or a longer time approved by the contracting officer) after delivery of the data, permission to have authorized notices placed on the data at the contractor's expense. Contractors shall obtain from their subcontractors all data and rights necessary to fulfill the contractor's obligations to the Government under the contract. If a subcontractor refuses to accept terms affording the Government those rights, the contractor shall notify the contracting officer of the refusal.

FAR 52.227–21, Technical Data Declaration, Revision, and Withholding of Payment—Major Systems. This clause requires major systems contractors to certify that the data delivered under the contract is complete, accurate, and compliant with the requirements of the contract.

FAR 52.227–23, Rights to Proposal Data (Technical). This clause allows the Government to identify pages of a proposal that would not be subject to unlimited rights in the technical data.

The information collected is used to protect the Government's rights and interests.

C. Annual Burden

Respondents/Recordkeepers: 830.

Total Annual Responses: 14,848.

Total Burden Hours: 55,600. (54,673 reporting hours + 927 recordkeeping hours)

D. Public Comment

A 60-day notice was published in the **Federal Register** at 90 FR 57761, on December 12, 2025. Comments were received from two respondents; however, they did not change the estimate of the burden.

Summary of comments: A respondent submitted unintelligible comments. Another respondent expressed support for the information collection extension, agreeing it protects government rights. The respondent expressed that the

burden is underestimated and it disproportionately impacts small businesses, citing the time and complexity required for preparing data rights assertions, legal review, responding to marking challenges, and maintaining invention systems. The respondent also referred to redundant reporting requirements in the FAR and the DoD FAR Supplement (DFARS). The respondent recommended burden estimate recalibration, harmonization with DFARS, and adopting electronic tools to minimize unnecessary cost and complexity.

Response: The FAR Council acknowledges the comments received. The respondents did not identify the alleged redundant reporting requirements in the FAR and DFARS. While the Government lacks a system to determine the actual number of instances when each information collection is submitted or used, the PRA impact, including the effect on small businesses, is thoroughly addressed during rulemaking processes when collections are established or revised. Any redundancy should be resolved in the subordinate regulation, the DFARS.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 9000–0095, Federal Acquisition Regulation Part 27 Requirements.

Janet Fry,

*Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.*

[FR Doc. 2026–03508 Filed 2–20–26; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9157–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—October Through December 2025

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This quarterly notice lists Centers for Medicare & Medicaid Services (CMS) manual instructions, substantive and interpretive regulations,

and other **Federal Register** notices that were published in the 3-month period, relating to the Medicare and Medicaid programs and other programs administered by CMS.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or

regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning each of the addenda published in this notice.

Addenda	Contact	Phone No.
I. CMS Manual Instructions	Ronda Allen-Bonner	(410) 786-4657
II. Regulation Documents Published in the Federal Register	Gittel Treitel	(410) 786-4673
III. CMS Rulings	Tiffany Lafferty	(410)786-7548
IV. Medicare National Coverage Determinations	Wanda Belle, MPA	(410) 786-7491
V. FDA-Approved Category B IDEs	John Manlove	(410) 786-6877
VI. Collections of Information	William Parham	(410) 786-4669
VII. Medicare-Approved Carotid Stent Facilities	Sarah Fulton, MHS	(410) 786-2749
VIII. American College of Cardiology—National Cardiovascular Data Registry Sites	Sarah Fulton, MHS	(410) 786-2749
IX. Medicare's Active Coverage-Related Guidance Documents	Lori Ashby, MA	(410) 786-6322
X. One-time Notices Regarding National Coverage Provisions	JoAnna Baldwin, MS	(410) 786-7205
XI. National Oncologic Positron Emission Tomography Registry Sites	David Dolan, MBA	(410) 786-3365
XII. Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities	David Dolan, MBA	(410) 786-3365
XIII. Medicare-Approved Lung Volume Reduction Surgery Facilities	Sarah Fulton, MHS	(410) 786-2749
XIV. Medicare-Approved Bariatric Surgery Facilities	Sarah Fulton, MHS	(410) 786-2749
XV. Fluorodeoxyglucose Positron Emission Tomography for Dementia Trials	David Dolan, MBA	(410) 786-3365
All Other Information	Gaysha Brooks	(410) 786-9649

SUPPLEMENTARY INFORMATION:

I. Background

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs and coordination and oversight of private health insurance. Administration and oversight of these programs involves the following: (1) furnishing information to Medicare and Medicaid beneficiaries, health care providers, and the public; and (2) maintaining effective communications with CMS regional offices, state governments, state Medicaid agencies, state survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, National Association of Insurance Commissioners (NAIC), health insurers, and other stakeholders. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act) and Public Health Service Act. We also issue various manuals, memoranda, and statements necessary to administer and oversee the programs efficiently.

Section 1871(c) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**.

II. Format for the Quarterly Issuance Notices

This quarterly notice provides only the specific updates that have occurred in the 3-month period along with a hyperlink to the full listing that is available on the CMS website or the appropriate data registries that are used as our resources. This is the most current up-to-date information and will be available earlier than we publish our quarterly notice. We believe the website list provides more timely access for beneficiaries, providers, and suppliers. We also believe the website offers a more convenient tool for the public to find the full list of qualified providers for these specific services and offers more flexibility and “real time” accessibility. In addition, many of the websites have listservs; that is, the public can subscribe and receive immediate notification of any updates to the website. These listservs avoid the need to check the website, as notification of updates is automatic and

sent to the subscriber as they occur. If assessing a website proves to be difficult, the contact person listed can provide information.

III. How To Use the Notice

This notice is organized into 15 addenda so that a reader may access the subjects published during the quarter covered by the notice to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals should view the manuals at <http://www.cms.gov/manuals>.

The Director of the Office of Strategic Operations and Regulatory Affairs of CMS, Kathleen Cantwell, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,
Federal Register Liaison, Department of
Health and Human Services.

BILLING CODE 4120-01-P

Publication Dates for the Previous Four Quarterly Notices

We publish this notice at the end of each quarter reflecting information released by CMS during the previous quarter. The publication dates of the previous four Quarterly Listing of Program Issuances notices are: February 19, 2025 (90 FR 9902), May 16, 2025 (90 FR 21043), August 5, 2025 (90 FR 37516) and December 1, 2025 (90 FR 55117). We are providing only the specific updates that have occurred in the 3-month period along with a hyperlink to the website to access this information and a contact person for questions or additional information.

Addendum 1: Medicare and Medicaid Manual Instructions (October through December 2025)

The CMS Manual System is used by CMS program components, partners, providers, contractors, Medicare Advantage organizations, and State Survey Agencies to administer CMS programs. It offers day-to-day operating instructions, policies, and procedures based on statutes and regulations, guidelines, models, and directives. In 2003, we transformed the CMS Program Manuals into a web user-friendly presentation and renamed it the CMS Online Manual System.

How to Obtain Manuals

The Internet-only Manuals (IOMs) are a replica of the Agency's official record copy. Paper-based manuals are CMS manuals that were officially released in hardcopy. The majority of these manuals were transferred into the Internet-only manual (IOM) or retired. Pub 15-1, Pub 15-2 and Pub 45 are exceptions to this rule and are still active paper-based manuals. The remaining paper-based manuals are for reference purposes only. If you notice policy contained in the paper-based manuals that was not transferred to the IOM, send a message via the CMS Feedback tool.

Those wishing to subscribe to old versions of CMS manuals should contact the National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 Telephone (703-605-6050). You can download copies of the listed material free of charge at: <http://cms.gov/manuals>.

How to Review Transmittals or Program Memoranda

Those wishing to review transmittals and program memoranda can access this information at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL. This information is available at <http://www.gpo.gov/libraries/>.

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most federal government

publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library. CMS publication and transmittal numbers are shown in the listing entitled Medicare and Medicaid Manual Instructions. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the manual Qualifications for the Manual Updates Adding Language to the Timing and Content of Certification and Revocation and Discharge Guidance (CMS- Pub. 100-02) Transmittal No. 13503.

Addendum 1 lists a unique CMS transmittal number for each instruction in our manuals or program memoranda and its subject number. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manual.

Fee-For Service Transmittal Numbers

Please Note: Beginning Friday, March 20, 2020, there will be the following change regarding the Advance Notice of Instructions due to a CMS internal process change. Fee-For Service Transmittal Numbers will no longer be determined by Publication. The Transmittal numbers will be issued by a single numerical sequence beginning with Transmittal Number 10000.

For the purposes of this quarterly notice, we list only the specific updates to the list of manual instructions that have occurred in the 3-month period. This information is available on our website at www.cms.gov/Manuals.

These Change Request (CR) are being released on a limited approved basis due to the moratorium.

Transmittal Number	Manual/Subject/Publication Number
Medicare General Information (CMS-Pub. 100-01)	
13504	Update to Medicare Deductible, Coinsurance and Premium Rates for Calendar Year (CY) 2026
Medicare Benefit Policy (CMS-Pub. 100-02)	
13459	Update to the List of Advanced Life Support, Level 2 (ALS2) Procedures in Chapter 10, Ambulance Services, Section 30.1.1, Definition of Ground Ambulance Services
13503	Manual Updates Adding Language to the Timing and Content of Certification and Revocation and Discharge Guidance
13506	Calendar Year (CY) 2026 Update to the Federally Qualified Health Center (FQHC) Prospective Payment System (PPS) and Payment Rates for Intensive Outpatient Program (IOP) Services for FQHCs
13516	Implementation of Changes in the End-Stage Renal Disease (ESRD) Prospective Payment

13466	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13470	October 2025 Integrated Outpatient Code Editor (I/OCE) Specifications Version 26.3
13471	2026 Annual Update for the Health Professional Shortage Area (HPSA) Bonus Payments
13472	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
13473	Instructions for Downloading the Medicare ZIP Code File for January 2026 Files
13474	Calendar Year (CY) 2026 Participation Enrollment and Medicare Participating Physicians and Suppliers Directory (MEDPARD) Procedures
13480	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
13481	Implement Operating Rules - Phase III Electronic Remittance Advice (ERA) Electronic Funds Transfer (EFT): Committee on Operating Rules for Information Exchange (CORE) 360 Uniform Use of Claim Adjustment Reason Codes (CARC), Remittance Advice Remark Codes (RARC) and Claim Adjustment Group Code (CAGC) Rule - Update from Council for Affordable Quality Healthcare (CAQH) CORE
13482	Remittance Advice Remark Code (RARC), Claims Adjustment Reason Code (CARC), Medicare Remit Easy Print (MREP) and PC Print Update
13483	Update to Claims Processing Instructions for National Coverage Determination (NCD)
13488	Home Health Prospective Payment System (HH PPS) Rate Update for Calendar Year (CY) 2026
13489	April 2026 Healthcare Common Procedure Coding System (HCPCS) Quarterly Update Reminder
13490	April 2026 Bi-Annual Update of the International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM)
13505	Calendar Year (CY) 2026 Update to Rural Health Clinic (RHC) All Inclusive Rate (AIR) Payment Limit for CY 2026 and Payment Rates for Intensive Outpatient Program (IOP) Services for RHCs
13507	Summary of Policies in the Calendar Year (CY) 2026 Medicare Physician Fee Schedule (MPFS) Final Rule, Telehealth Originating Site Facility Fee Payment Amount and Telehealth Services List, Computed Tomograph (CT) Modifier Reduction List, and Preventive Services List
13508	Update to the Internet Only Manual (IOM) for Inpatient Billing of Chimeric Antigen Receptor (CAR) T-Cell Therapy in Publication (Pub.) 100-04; Chapter 32 Billing Requirements for Special Services, Section 400.3 Payment Requirements
13509	Combined Common Edits/Enhancements Modules (CCEM) Code Set Update
13512	Calendar Year (CY) 2026 Home Infusion Therapy (HIT) Services Payment Rates and Instructions for Retrieving the January 2026 Home Infusion Therapy (HIT) Services Payment Rates Through the CMS Mainframe Telecommunications System
13514	Calendar Year (CY) 2026 Annual Update for Clinical Laboratory Fee Schedule and Laboratory Services Subject to Reasonable Charge Payment
13519	Calendar Year 2026 Update for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule
13522	NCD 20.40- Renal Denervation (RDN) for Uncontrolled Hypertension
13532	April 2026 Quarterly Average Sales Price (ASP) Medicare Part B Drug

13524	System (PPS) and Payment for Dialysis Furnished for Acute Kidney Injury (AKI) in ESRD Facilities for Calendar Year (CY) 2026
13547	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13547	Revisions to Publication 100-04, Medicare Claims Processing Manual, Chapters 9, 18, and Publication 100-02, Medicare Benefit Policy Manual, Chapter 13 To Include Updated Information
	Medicare National Coverage Determination (CMS-Pub. 100-03)
13522	NCD 20.40- Renal Denervation (RDN) for Uncontrolled Hypertension
13538	Cardiac Contractility Modulation (CCM) for Heart Failure (HF)
	Medicare Claims Processing (CMS-Pub. 100-04)
13364	Inpatient Psychiatric Facilities Prospective Payment System (IPF PPS) Updates for Fiscal Year (FY) 2026
13389	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13404	Changes to the Laboratory National Coverage Determination (NCD) Edit Software for January 2026
13410	Quarterly Update to the National Correct Coding Initiative (NCCI) Procedure-to-Procedure (PTP) Edits, Version 32.0, Effective January 1, 2026
13411	January 2026 Quarterly Average Sales Price (ASP) Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files
13419	Combined Common Edits/Enhancements Modules (CCEM) Code Set Update
13431	2026 Annual Update to the Therapy Code List
13432	Removal of Chimeric Antigen Receptor (CAR) T-cell Therapy and Risk Evaluation
	Mitigation Strategy (REMS) – NCD 110.24 and the “KX” Modifier for CAR-T Cell Therapy Claims
13437	2026 Annual Update of Per-Beneficiary Threshold Amounts
13441	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13451	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13453	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13454	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13457	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13458	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13460	Update to the Internet Only Manual (IOM) for Inpatient Billing of Chimeric Antigen Receptor (CAR) T-Cell Therapy in Publication (Pub.) 100-04; Chapter 32 Billing Requirements for Special Services, Section 400.3 Payment Requirements
13461	Instructions for Retrieving the January 2026 Opioid Treatment Program (OTP) Payment Rates File
13462	Instructions for Retrieving the January 2026 Medicare Physician Fee Schedule Database (MPFSDB) Datasets from the Cloud Service
13463	Quarterly Update for the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) – January 2026
13464	Ambulance Inflation Factor (AIF) for Calendar Year (CY) 2026 and Productivity Adjustment
13465	New Waived Tests

13476	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13478	File Conversions Related to the Spanish Translation of the Healthcare Common Procedure Coding System (HCPCS) Descriptions
13485	Updates of Chapter 4 in Publication (Pub.) 100-08, Including Updates to the Recovery Audit Contractor Data Warehouse (RACDW) Process
13486	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13487	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13496	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13498	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13499	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13500	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13501	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13511	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13528	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13534	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13540	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13567	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13568	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)	
	None
Medicare Quality Improvement Organization (CMS-Pub. 100-10)	
	None
Medicare Program of All-Inclusive Care for the Elderly (CMS-Pub. 100-11)	
	None
Medicare End Stage Renal Disease Network Organizations (CMS Pub 100-14)	
	None
Medicaid Program Integrity Disease Network Organizations (CMS Pub 100-15)	
13494	Updates of Chapters 1-5 in Publication (Pub.) 100-15, Including Updates to the Guidance Terminology, Existing Definitions, and Details to Standing Guidance
Medicare Managed Care (CMS-Pub. 100-16)	
	None
Medicare Business Partners Systems Security (CMS-Pub. 100-17)	
	None
Medicare Prescription Drug Benefit (CMS-Pub. 100-18)	
	None
Demonstrations (CMS-Pub. 100-19)	
13439	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13448	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction

13536	Pricing Files and Revisions to Prior Quarterly Pricing Files
13538	January 2026 Annual Rural Emergency Hospital (REH) Monthly Facility Payment Amount
13543	Cardiac Contractility Modulation (CCM) for Heart Failure (HF) Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13545	Quarterly Update to the National Correct Coding Initiative (NCCI) Procedure-to-Procedure (PTP) Edits, Version 32.1, Effective April 1, 2026
13547	Revisions to Publication 100-04, Medicare Claims Processing Manual, Chapters 9, 18, and Publication 100-02, Medicare Benefit Policy Manual, Chapter 13 To Include Updated Information
13549	Update to the Internet Only Manual (IOM) Publication 100-04, Chapter 18, Sections 150.1, 150.2.1, 150.3 and Chapter 32, Sections 12.1, 12.3, 320.3.3, 400.2.2, 400.2.3 and 400.2.3.1 for Coding Revisions to National Coverage Determination (NCDs) - October 2025 Change Request (CR) 14041
13551	Updates to the Internet Only Manual (IOM) Publication 100-04, Chapter 32, Sections 69.1, 69.6 and 69.9 to Cla
13553	National Fee Schedule for Vaccine Administration Quarterly Update - January 2026
13556	January 2026 Annual Rural Emergency Hospital (REH) Monthly Facility Payment Amount
13562	April 2026 Update to the Medicare Severity – Diagnosis Related Group (MS-DRG) Groupers and Medicare Code Editor (MCE) Version 43.1
Medicare Secondary Payer (CMS-Pub. 100-05)	
	None
Medicare Financial Management (CMS-Pub. 100-06)	
13440	Notice of New Interest Rate for Medicare Overpayments and Underpayments - 1st Quarter Notification for FY 2026
13484	The Fiscal Intermediary Shared System (FISS) Submission of Copybook Files to the Provider and Statistical Reimbursement (PS&R) System
13510	Updates to Internet Only Manual, Publication 100-06, Chapter 4, Section 70.16 (Debt Close-Out)
13516	Implementation of Changes in the End-Stage Renal Disease (ESRD) Prospective Payment System (PPS) and Payment for Dialysis Furnished for Acute Kidney Injury (AKI) in ESRD Facilities for Calendar Year (CY) 2026
13561	Chapter 3 Sections 170-190 - General Overpayment Provisions - Update of Citations and Terminology Used
Medicare State Operations Manual (CMS-Pub. 100-07)	
	None
Medicare Program Integrity (CMS-Pub. 100-08)	
13441	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13456	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13461	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13469	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction

13497	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13502	National Correct Coding Initiative (NCCI) New/Updated Add-On Code (AOC) Edit File Format and Creation of an AOC File Retrieval Process in the Multi-Carrier System (MCS) – Implementation
13513	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13515	Editing for Duplicate Processing for Practitioner Professional Services and Critical Access Hospital (CAH) Professional Services
13521	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13526	Provider Education for the Review Choice Demonstration (RCD) for Inpatient Rehabilitation Facility Services (IRFs)
13541	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
13555	Editing for Duplicate Processing for Practitioner Professional Services and Critical Access Hospital (CAH) Professional Services
13558	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13560	Editing for Hospital Services Provided to Hospice Enrollees
13564	Extensions of Certain Temporary Changes to the Low-Volume Hospital Payment Adjustment and the Medicare-Dependent Hospital (MDH) Program under the Inpatient Prospective Payment System (IPPS) Provided by the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026
13569	Integrated Data Repository (IDR) Daily Snapshot File
Medicare Quality Reporting Incentive Programs (CMS-Pub. 100-22)	
	None
State Payment of Medicare Premiums (CMS-Pub.100-24)	
	None
Information Security Acceptable Risk Safeguards (CMS-Pub. 100-25)	
	None

For questions or additional information, contact Ronda Allen-Bonner (410-786-4657).

Addendum II: Regulation Documents Published in the Federal Register (October through December 2025)
Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. To purchase individual copies or subscribe to the **Federal Register**, contact GPO at www.gpo.gov/fdsys. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is available as an online database through *GPO Access*. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) through the present date and can be accessed at <http://www.gpoaccess.gov/ft/index.html>. The following website <http://www.archives.gov/federal-register/> provides

13449	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13450	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13479	Transforming Episode Accountability Model (TEAM) Telehealth Waiver – Implementation
13492	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13530	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13559	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13563	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
13565	Implementation of Wasteful and Inappropriate Service Reduction (WISer) Model Prior Authorization and Medical Review Process and Establishment of New Quarterly Change Request (CR) Process for Possible Future Changes to Information Included in Attachments A, B, C, D, E, and F.
13566	Implementation of Wasteful and Inappropriate Service Reduction (WISer) Model Prior Authorization and Medical Review Process and Establishment of New Quarterly Change Request (CR) Process for Possible Future Changes to Information Included in Attachments A, B, C, D, E, and F.
13570	Implementation of Wasteful and Inappropriate Service Reduction (WISer) Model Prior Authorization and Medical Review Process and Establishment of New Quarterly Change Request (CR) Process for Possible Future Changes to Information Included in Attachments A, B, C, D, E, and F.
One Time Notification (CMS-Pub. 100-20)	
2109	Guidance for Medicare Administrative Contractors (MACs) Processing Beneficiary and Family Centered Care (BFCC) Quality Improvement Organizations (QIO) Two-Midnight (2MN) Short Stay Review (SSR) Determinations
13442	Health Insurance Portability and Accountability Act (HIPAA) Electronic Data Interchange Front-End Updates for April 2026
13443	Display Testing/Production Region Identifier in ViPS Medicare System (VMS) Automated Parameters (VMAP) Phase 3
13444	Implementation of Editing for Programs of All-Inclusive Care for the Elderly (PACE) Inpatient Claims Submitted for Indirect Medical Education (IME) Payment
13445	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13446	Editing for Hospital Services Provided to Hospice Enrollees
13447	Edit to Prevent Overpayment of Long-term Stay in Hospice
13452	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
13455	International Classification of Diseases, 10th Revision (ICD-10) and Other Coding
13467	Revisions to National Coverage Determinations (NCDs)-April 2026
13477	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
13493	Implementation of the Award for the Jurisdiction F (J-F) Part A and Part B Medicare Administrative Contractor (JF A/B MAC)
13495	Reporting of All Recovery Auditor-Initiated Claim Adjustments and their Subsequent Adjustments for Periodic Interim Payment (PIP) Facilities
13495	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction

information on how to access electronic editions, printed editions, and reference copies.
For questions or additional information, contact Gittel Treitel (410-786-4673).

**Addendum III: CMS Rulings
(October through December 2025)**

CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters.
The rulings can be accessed at <https://www.cms.gov/medicare/regulations-guidance/cms-rulemaking/rulings>.

For questions or additional information, contact Tiffany Lafferty (410-786-7548).

**Addendum IV: Medicare National Coverage Determinations
(October through December 2025)**

Addendum IV includes completed national coverage determinations (NCDs), or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCD Manual (NCDM) in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. An NCD is a determination by the Secretary for whether or not a particular item or service is covered nationally under the Medicare Program (title XVIII of the Act), but does not include a determination of the code, if any, that is assigned to a particular covered item or service, or payment determination for a particular covered item or service. The entries below include information concerning completed decisions, as well as sections on program and decision memoranda, which also announce decisions or, in some cases, explain why it was not appropriate to issue an NCD. Additional information on NCDs, including open NCDs and pending NCDs, can be found on the NCD Dashboard, which is posted on the CMS website at <https://www.cms.gov/medicare/coverage/determination-process>.

For the purposes of this quarterly notice, we are providing only the specific updates to national coverage determinations (NCDs), or reconsiderations of completed NCDs published in the 3-month period.

For questions or additional information, contact Wanda Belle, MPA (410-786-7491).

Title	NCDM Section	Transmittal Number	Issue Date	Effective Date
Renal Denervation (RDN) for Uncontrolled Hypertension	NCD 20.40	13522	12/11/2025	10/28/2025
Cardiac Contractility Modulation (CCM) for Heart Failure (HF)	NCD 20.39	13538	12/19/2025	10/28/2025

**Addendum V: FDA-Approved Category B Investigational Device
Exemptions (IDEs) (October through December 2025)**
(Inclusion of this addenda is under discussion internally.)

**Addendum VI: Approval Numbers for Collections of Information
(October through December 2025)**

All approval numbers are available to the public at www.reginfo.gov. Under the review process, approved information collection requests are assigned OMB control numbers. A single control number may apply to several related information collections. This information is available at www.reginfo.gov/public/do/PRAMain.

For questions or additional information, contact William Parham (410-786-4669).

**Addendum VII: Medicare-Approved Carotid Stent Facilities
(October through December 2025)**

Addendum VII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high-risk patients. On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients. For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. There were no additions, deletions, or editorial changes to the listing for Medicare-approved carotid stent facilities for this 3-month period. This information is available at: <http://www.cms.gov/MedicareApprovedFacilities/list.asp#TopOfPage>.

For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum VIII:**American College of Cardiology's National Cardiovascular Data Registry Sites (October through December 2025)**

The initial data collection requirement through the American College of Cardiology's National Cardiovascular Data Registry (ACC-NCDR) has served to develop and improve the evidence base for the use of ICDs in certain Medicare beneficiaries. The data collection requirement ended with the posting of the final decision memo for Implantable Cardioverter Defibrillators on February 15, 2018.

For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum IX: Active CMS Coverage-Related Guidance Documents (October through December 2025)

CMS published three final guidance documents on August 7, 2024, to provide a framework for more predictable and transparent evidence development and encourage innovation and accelerate beneficiary access to new items and services. The documents are available at:

Coverage with Evidence Development: <https://www.cms.gov/medicare-coverage-database/view/medicare-coverage-document.aspx?mcid=38>.

CMS National Coverage Analysis Evidence Review:

<https://www.cms.gov/medicare-coverage-database/view/medicare-coverage-document.aspx?mcid=37>.

Clinical Endpoints Guidance: Knee Osteoarthritis:

<https://www.cms.gov/medicare-coverage-database/view/medicare-coverage-document.aspx?mcid=36>.

For questions or additional information, contact Lori Ashby, MA (410 786 6322).

Addendum X:**List of Special One-Time Notices Regarding National Coverage Provisions (October through December 2025)**

There were no special one-time notices regarding national coverage provisions published in the 3-month period. This information is available at <http://www.cms.gov>.

For questions or additional information, contact JoAnna Baldwin, MS (410-786 7205).

Addendum XI: National Oncologic PET Registry (NOPR) (October through December 2025)

Addendum XI includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission

tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.

In January 2005, we issued our decision memorandum on **positron emission tomography (PET)** scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies.

Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the registry. There were no additions, deletions, or editorial changes to the listing of National Oncologic Positron Emission Tomography Registry (NOPR) in the 3-month period. This information is available at <http://www.cms.gov/Medicare/ApprovedFacilities/NOPR/list.asp#TopOfPage>.

For questions or additional information, contact David Dolan, MBA (410-786-3365).

Addendum XII: Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities (October through December 2025)

Addendum XII includes a listing of Medicare-approved facilities that receive coverage for ventricular assist devices (VADs) used as destination therapy. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy. On October 1, 2003, we issued our decision memorandum on VADs for the clinical indication of destination therapy. We determined that VADs used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy.

For the purposes of this quarterly notice, we are providing only the specific updates to the list of Medicare-approved facilities that meet our standards that have occurred in the 3-month period. This information is available at

<http://www.cms.gov/MedicareApprovedFacilities/VAD/list.asp#TopOfPage>.

For questions or additional information, contact David Dolan, MBA, (410-786-3365).

Facility	Provider Number	Date of Initial Certification	Date of Re-certification	State
The following are new facilities.				
The following facilities have editorial changes (in bold).				
Presbyterian Medical Center of the UPHS 51 North 39th Street Philadelphia, PA 19104	390223	2010/10/05	2025/08/13	PA

Other information: DNV ID #C574309	450358	2003/11/03	2025/10/08	TX
Previous Re-certification Dates: 2013-07-19; 2014-12-18; 2019-09-25; 2022-09-25				
The Methodist Hospital d/b/a Houston Methodist Hospital 6565 Fannin Street Houston, TX 77030				
Other information: DNV ID #C578138	220071	2008/12/08	2025/08/20	MA
Previous Re-certification Dates: 11/03/2003; 10/29/08; 12/6/16; 11/06/2019; 11/06/2022				
The General Hospital Corporation 55 Fruit Street Boston, MA 02114				
Other information: Joint Commission ID #: 5513	490009	2012/03/21	2025/09/10	VA
Previous Re-certification Dates: 12/8/2008; 01/19/2011; 02/13/2013; 01/06/2015; 02/28/2017; 05/22/2019; 10/14/2021; 09/27/2023				
Rector & Visitors of the University of Virginia 1215 Lee Street Charlottesville, VA 22908				
Other information: Joint Commission ID #: 6329	390049	2014/12/18	2025/11/13	PA
Previous Re-certification Dates: 2012-03-21; 2014-05-06; 2016-06-07; 2018-06-06; 2021-10-13; 2023-09-15				
St. Luke's University Hospital 801 Ostrum Street Bethlehem, PA 18015				
Other information: Joint Commission ID #: 6024				
Previous Re-certification Dates: 2014-12-18; 2017-01-24; 2019-03-06; 10-30-2021; 2023-12-06				

Other information: Joint Commission ID # 6145	280003	2013/03/05	2025/08/20	NE
Previous Re-certification Dates: 10/05/2010; 11/07/2012; 12/09/2014; 03/21/2017; 4/17/2019; 07/29/2021; 06/28/2023				
Bryan Medical Center 1600 South 48th Street Lincoln, NE 68506				
Other information: Joint Commission ID # 244330	010033	2008/12/09	2025/08/06	AL
Previous Re-certification Dates: 03/05/2013; 02/12/2015; 04/18/2017; 07/17/2019; 09/22/2021; 08/23/2023				
University of Alabama at Birmingham 619 19th S. South Birmingham, AL 35249-1900				
Other Information Joint Commission ID #2814	330393	2013/01/30	2025/07/16	NY
Previous Re-certification Dates: 12/09/2008; 04/22/2011; 04/09/2013; 04/07/2015; 05/16/2017; 7/3/2019; 08/21/2021; 2023-07-27				
University Hospital (Stony Brook) Health Sciences Center Suny Stony Brook Stony Brook, NY 11794-8503				
Other Information Joint Commission ID # 5188	140119	2013/07/19	2025/09/24	IL
Previous Re-certification Dates: 2013-01-30; 2015-01-15; 2017-03-14; 2019-05-08; 2021-09-17; 2023-08-09				
Rush University Medical Center 1653 West Congress Parkway Chicago, IL 60612				

Addendum XIII: Lung Volume Reduction Surgery (LVRS) (October through December, 2025)

Addendum XIII includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery.

Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial were also eligible to receive coverage. The following three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS):

- National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs);
- Credentialed by the Joint Commission (formerly, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS; and
- Medicare approved for lung transplants.

Only the first two types are in the list. For the purposes of this quarterly notice, there are no additions and deletions to a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. This information is available at www.cms.gov/MedicareApprovedFacilities/LVRS/list.asp#TopOfPage.

For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XIV: Medicare-Approved Bariatric Surgery Facilities (October through December 2025)

Addendum XIV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities must meet our standards in order to receive coverage for bariatric surgery procedures. On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity and have been previously unsuccessful with medical treatment for obesity. This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) certified by the American College of Surgeons (ACS) as a Level I Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

There were no additions, deletions, or editorial changes to Medicare-approved facilities that meet CMS' minimum facility standards for bariatric surgery that have been certified by ACS and/or ASBMS in the

3-month period. This information is available at

www.cms.gov/MedicareApprovedFacilities/BSF/list.asp#TopOfPage.

For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XV: FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials (October through December 2025)

There were no FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials published in the 3-month period.

This information is available on our website at

www.cms.gov/MedicareApprovedFacilities/PETDT/list.asp#TopOfPage.

For questions or additional information, contact David Dolan, MBA (410-786-3365).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10638 and CMS–R–282]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA) federal agencies are also required to publish notice in the **Federal Register** concerning each proposed collection of information before the agency's request is submitted to OMB for approval.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 24, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 60-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

Interested persons are invited to send comments regarding our burden

estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Add-On Payments for New Medical Services and Technologies Paid Under the Inpatient Prospective Payment System (IPPS); *Use:* Sections 1886(d)(5)(K) and (L) of the Act establish a process of identifying and ensuring adequate payment for new medical services and technologies (sometimes collectively referred to in this section as "new technologies") under the Inpatient Prospective Payment System (IPPS). Section 1886(d)(5)(K)(vi) of the Act specifies that a medical service or technology will be considered new if it meets criteria established by the Secretary after notice and opportunity for public comment. Section 1886(d)(5)(K)(ii)(I) of the Act specifies that a new medical service or technology may be considered for NTAP if, "based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate."

To qualify for NTAP under the traditional pathway, a specific technology must be "new" and demonstrate that they are not substantially similar to existing technologies under the requirements of § 412.87(b)(2) of our regulations. The statutory provision contemplated the special payment treatment for new technologies until such time as data are available to reflect the cost of the technology in the DRG weights through recalibration (no less than 2 years and no more than 3 years). Alternative pathway technologies must also be "new" but are considered not substantially similar to existing technologies. Responses to the questions in the application help CMS determine if and how the applicant meets the established. *Form Number:* CMS–10638 (OMB control number: 0938–1347); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits and Not-for-profits institutions; *Number of Respondents:* 47; *Number of*

Responses: 47; *Total Annual Hours:* 1,055. (For policy questions regarding this collection contact Drew Kasper at 410–786–8926.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Advantage Appeals and Grievance Data Form; *Use:* Part 422 of Title 42 of the Code of Federal Regulations (CFR) distinguishes between certain information a Medicare Advantage (MA) organization must provide to each enrollee (on an annual basis) and information that the MA organization must disclose to any MA eligible individual (upon request). This requirement can be found in § 1852(c)(2)(C) of the Social Security Act and in 42 CFR 422.111(c)(3) which states that MA organizations must disclose information pertaining to the number of disputes, and their disposition in the aggregate, with the categories of grievances and appeals, to any individual eligible to elect an MA organization who requests this information. Medicare demonstrations also are required to conform to MA appeals regulations and thus are included in the count of organizations. Such demonstrations, as well as MA organizations, are collectively referred to as "MA plans" in this Supporting Statement. Data collection/disclosure categories are based on the MA plan's grievance and appeals processes as prescribed under 42 CFR part 422, subpart M. *Form Number:* CMS–R–282 (OMB control number: 0938–0778); *Frequency:* Yearly; *Affected Public:* Private, Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 932; *Total Annual Responses:* 67,432; *Total Annual Hours:* 6,252. (For policy questions regarding this collection contact Sabrina Edmonston at 410–786–3209 or sabrina.edmonston@cms.hhs.gov.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–03542 Filed 2–20–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****[Office of Management and Budget #: 0970–0428]****Proposed Information Collection Activity; Case Plan Requirement, Title IV–E of the Social Security Act****AGENCY:** Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.**ACTION:** Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the information collection Case Plan Requirement, Title IV–E of the Social Security Act, (Office of Management and Budget (OMB) #0970–0428, expiration September 30, 2026). There are no changes to the requirements, but burden estimates have been updated to reflect a reduction in average time to complete a case plan and the current numbers of children in foster care.

DATES: *Comments due* April 24, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The case plan information collection is authorized in sections 422(b)(8)(A)(ii) and 471(a)(16), and defined in sections 475 and 475A of the Social Security Act (the Act). Statutory requirements in the Act mandate that states, territories, and tribes with an approved title IV–E plan develop a case review system and case plan for each child in the foster care system for whom the state, territory, or tribe receives title IV–E reimbursement of foster care maintenance payments. The case review system assures that each child has a case plan designed to achieve placement in a safe setting that is the least restrictive, most family-like setting available and near the child's parental home, consistent with the best interest and special needs of the child.

States, territories, and tribes meeting these requirements also partly comply with title IV–B, section 422(b), of the Act, which assures certain protections for children in foster care. The case plan is a written document that provides a narrative description of the child-specific program of care. Federal regulations at 45 CFR 1356.21(g) and sections 475 and 475A of the Act delineate the specific information that must be addressed in the case plan. ACF does not specify a format for the case plan nor does ACF require submission of the document to the federal government. Case plan information is recorded in a format developed and maintained by the state, territorial, or tribal title IV–E agency.

Respondents: State, territorial, and tribal title IV–E agencies.

Annual Burden Estimates: Burden estimates have been adjusted to reflect one additional title IV–E agency, a decrease in average hours to complete a case plan due to technology, fewer children entering foster care, and an increased number of children exiting foster care. Overall, the estimated annual burden has decreased by about 32 percent.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Case Plan Requirement	67	19,490	3.8	4,962,154	1,654,051

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 622; 42 U.S.C. 671; 42 U.S.C. 675; 42 U.S.C. 675a.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–03445 Filed 2–20–26; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****[Docket No. FDA–2025–P–1808]****Determination That Klonopin (Clonazepam) Tablets, 0.125 Milligrams and 0.25 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that KLONOPIN (clonazepam) tablets, 0.125 milligrams (mg) and 0.25 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for clonazepam tablets, 0.125 mg and 0.25 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Lars Flores, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6281, Silver Spring, MD 20993–0002, 301–796–0724, lars.flores@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," which is known generally as the "Orange Book." Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, are the subject of NDA 017533, held by Cheplapharm Arzneimittel GmbH, and initially approved on April 9, 1997. KLONOPIN is indicated for seizure disorders and panic disorder.

KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, are currently listed in the "Discontinued Drug Product List" section of the Orange Book.

Hyman, Phelps & McNamara, P.C. submitted a citizen petition dated June 20, 2025 (Docket No. FDA-2025-P-1808), under 21 CFR 10.30, requesting that the Agency determine whether KLONOPIN (clonazepam) tablets, 0.25 mg, were withdrawn from sale for reasons of safety or effectiveness. Although the citizen petition did not address the 0.125 mg strength, that strength has also been discontinued. On our own initiative, we have also determined whether that strength was withdrawn for safety or effectiveness reasons.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of

KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these drug products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to KLONOPIN (clonazepam) tablets, 0.125 mg and 0.25 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026-03495 Filed 2-20-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-N-0672]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product; WASKYRA (etuvetidigene autotemcel)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that WASKYRA (etuvetidigene autotemcel), approved on December 9, 2025, manufactured by Fondazione Telethon ETS, meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that WASKYRA (etuvetidigene autotemcel), manufactured by Fondazione Telethon ETS, meets the criteria for a priority review voucher. WASKYRA (etuvetidigene autotemcel) is indicated for the treatment of pediatric patients aged 6 months and older and adults with Wiskott-Aldrich Syndrome (WAS) who have a mutation in the WAS gene and for whom hematopoietic stem cell transplantation (HSCT) is appropriate and no suitable human leukocyte antigen (HLA)-matched related stem cell donor is available.

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/industry/developing-products-rare-diseases-conditions/rare-pediatric-disease-rpd-designation-and-voucher-programs>. For further information about WASKYRA (etuvetidigene autotemcel), go to the Center for Biologics Evaluation and Research's Approved Cellular and Gene Therapy Products website at <https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products>.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026-03493 Filed 2-20-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-4348]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Human Drug Compounding Under Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act

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 March 25, 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 0910-0800. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@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.

Human Drug Compounding Under Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act

OMB Control Number 0910-0800—Extension

This information collection helps support the implementation of sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 353a and 353b); *Pharmacy Compounding and Outsourcing*

Facilities. Compounding is generally a practice in which a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist, combines, mixes, or alters ingredients of a drug to create a medication tailored to the needs of an individual patient. Although compounded drugs can serve an important medical need for certain patients, they also present risk. Our compounding program aims to protect patients from unsafe, ineffective, and poor quality compounded drugs, while preserving access to lawfully-marketed compounded drugs for patients who have a medical need for them.

Respondents to the information collection are those engaged in the practice of pharmacy compounding. The information collection is intended to account for burden attributable to activities pertaining to the registration of outsourcing facilities and reporting of drugs, as established in sections 503B(b)(1) through 503B(b)(3) of the FD&C Act. Additionally, the information collection is intended to account for burden attributable to certain activities associated with the submission of adverse event reports, as required under section 503B(b)(5) of the FD&C Act. Finally, the information collection is intended to account for burden attributable to activities associated with States entering into memoranda of understanding with the Secretary, as described in section 503A(b)(3) of the FD&C Act.

To help respondents understand statutory requirements applicable to compounding activities governed by the FD&C Act, we have developed the following topical guidance documents:

- “*Electronic Drug Product Reporting for Human Drug Compounding Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act*” (January 3, 2017), available on our website at <https://www.fda.gov/media/90173/download>. The guidance is intended for entities that compound human drugs and elect to register as outsourcing facilities under section 503B of the FD&C Act. Once an entity has elected to register as an outsourcing facility, it must submit reports identifying the drugs compounded by the outsourcing facility. The guidance describes who must report, the format of the report, the content to include in each report, when to report, how outsourcing facilities may submit reports to FDA, and the consequences of outsourcing facilities’ failure to submit reports.

- “*Adverse Event Reporting (AER) for Outsourcing Facilities Under Section*

503B of the Federal Food, Drug, and Cosmetic Act” (October 8, 2015), available at Adverse Event Reporting for Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act | FDA The guidance document is intended for firms that have registered with FDA under section 503B of the FD&C Act as human drug compounding outsourcing facilities (outsourcing facilities). Under section 503B(b)(5) of the FD&C Act, an outsourcing facility must submit adverse event reports to FDA “in accordance with 21 CFR 310.305(e)(1).” The guidance document explains that, under 21 CFR 310.305(c)(1), manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of an approved new drug or abbreviated new drug application submit to FDA adverse event reports within 15 calendar days of receiving the information and must submit follow-up reports within 15 calendar days of receipt of new information about the adverse event, or as requested by FDA. Also, under § 310.305(f), entities must maintain for 10 years the records of all adverse events required to be reported under § 310.305. The guidance document also explains that, in accordance with regulatory requirements, adverse event reports must be submitted in an electronic format that FDA can process, review, and archive (collection of information is submitted via Form FDA 3500A (MedWatch), approved under OMB control number 0910-0291). A copy of the current labeling of the compounded drug product must be provided in the report.

We maintain a searchable database on our website at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents> that includes other topical guidance pertaining to human drug compounding. Guidance documents are issued consistent with FDA’s good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time. Please see 21 CFR 10.115(f) for instruction on how to participate in the development and issuance of FDA guidance documents.

In the **Federal Register** of November 24, 2025 (90 FR 52965), we published a 60-day notice soliciting comment on the proposed collection of information. Five comments have been posted to the docket, which we have subsequently evaluated. All commenters appear to recognize the practical utility of the collection activities in supporting FDA’s public health protection goals, but asked for increased transparency regarding specific elements. We appreciate this

feedback and remind interested readers that FDA published its 60-day notice in compliance with requirements of the PRA, as administered by OMB, and uses the notice as way to help us with the ongoing evaluation of our existing collection inventory. Toward that end, we have updated explanatory text that accompanies our burden estimate figures. At the same time, we have made no adjustments to our estimated annualized burden.

With regard to comments pertaining to certain AER follow-up information, it is our understanding that provision in 5 CFR 1320.3(h)(5) excepts this collection activity from what an Agency must consider in its calculation of burden to respondents. For the benefit of our stakeholders, however, we note that the majority of burden attributable to information collection activities associated with AER and FDA’s MedWatch program is currently approved in OMB control number 0910–0291. Also, other postmarketing AER information collection activity for drugs is accounted for in OMB control number 0910–0230. We have therefore confined our calculation of burden for this information collection to those activities we believe may be attributable to tasks recommended in specific FDA guidance. Established in 2015 to account for burden associated with guidance pertaining to AER for certain facilities as referenced above in this notice, the information collection has evolved to include burden that may be attributable to FDA guidance pertaining

to the electronic submission of information, previously approved and included in OMB control number 0910–0827.

Relatedly, we note three other currently approved information collections that account for burden attributable to statutory requirements in sections 503A and 503B: (1) OMB control number 0910–0776, *Registration of Human Drug Compounding Outsourcing Facilities under section 503B of the FFDCA and Associated fees under section 744K*, established in 2014 to account for burden that may be attributable to FDA guidance discussing applicable fees; (2) OMB control number 0910–0858, *Human Drug Compounding, Repackaging, and Related Activities Regarding Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act*, established in 2018 to account for burden that may be attributable to FDA guidance discussing various respective compounding activities; and (3) OMB control number 0910–0883, *Obtaining Information to Understand and Challenges and Opportunities Encountered by Compounding Outsourcing Facilities*, established in 2020 to account for burden that may be attributable to FDA efforts undertaken to help inform us how best to utilize our limited resources toward ensuring the safety of human drug compounding. We note, also, comment on the latter collection, currently pending OMB review and approval under the PRA.

With regard to comments on burden estimates associated with States

entering into memoranda of understanding with the Secretary, as described in section 503A(b)(3) of the FD&C Act, we again remind readers our 60-day notice was published in compliance with requirements of the PRA. Acknowledging no current activity in this regard, the figure of “1” is proffered in accordance with FDA’s understanding of requirements in 5 CFR 1320.5(a), as a minimum placeholder for potential activity and in acknowledgement of any burden associated with informal inquiry, as described in 5 CFR 1320.3(b)(1)(5).

With regard to comments pertaining to the accuracy of FDA’s estimate of both the number of respondents and amount of effort for requisite tasks, we appreciate the need for greater clarity. As FDA has communicated in previous notices, there are challenges in determining the precise number of respondents to the various information collection tasks, as well as in determining what specific activities are subject to review and approval by OMB under the PRA. Some activities may be considered usual and customary (5 CFR 1320.3(b)(2)) and therefore not subject to such review and approval. For this reason we have retained our currently approved estimates, but continue to consider public comment regarding the number of potential respondents to the collection activities as well as the corresponding annualized burden.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Information collection activity in Sections 503a and 503b of the FD&C Act	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
503B AERs	55	1	55	1.10	61
503B Recordkeeping AERs	55	1	55	16	880
503A Reporting	45	~197	8,879	0.87	7,968
503A Recordkeeping	45	2	90	1	90
503A Disclosure (MOU)	1	1	1	1	1
Outsourcing facility reporting under 503B(b)	75	~108	8,111	0.2	214
Total			17,191		9,214

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

While we have retained our currently approved burden estimates, we have corrected an inadvertent omission from our 60-day notice in row 6 of Table 1 reflecting the number of estimated

responses and average burden per response.

Grace R. Graham,
Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2026–03448 Filed 2–20–26; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a

meeting of the National Center for Advancing Translational Sciences Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: March 24, 2026.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20850.

Meeting Format: Virtual Meeting.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20850, (301) 435-0809, anna.ramseyewing@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: February 18, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-03461 Filed 2-20-26; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7107-N-01 OMB Control No.: 2506-0171]

30-Day Notice of Proposed Information Collection: HOME Investment Partnership

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of

information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* March 25, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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: John L. Murphy, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8220, Washington, DC 20410; email at PaperworkReductionActOffice@hud.gov, ATTN: John L. Murphy telephone (202) 402-8084. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Dr. John L. Murphy.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 30, 2025 at 90 FR 23063.

A. Overview of Information Collection

Title of Information Collection: HOME Investment Partnerships Program.

OMB Approval Number: 2506-0171.

Type of Request: Reinstatement of Approved Collection.

Form Number: HUD Form 27055.

Description of the need for the information and proposed use: The information collected through HUD’s Integrated Disbursement and Information System (IDIS) (24 CFR 92.502) is used by HUD Field Offices, HUD Headquarters, and HOME Program Participating Jurisdictions (PJs). The information on program funds committed and disbursed is used by HUD to track PJ performance and to determine compliance with HOME

regulations. The project-specific property, tenant, owner, and financial data is used to compile annual reports to Congress required at Section 284(b) of the HOME Investment Partnerships Act, as well as to make program management decisions about how well program participants are achieving the statutory objectives of the HOME Program. Program management reports are generated by IDIS to provide data on the status of program participants’ commitment and disbursement of HOME funds. These reports are provided to HUD staff as well as to HOME PJs. Management reports required in conjunction with the Annual Performance Report (§ 92.509) are used by HUD Field Offices to assess the effectiveness of locally designed programs in meeting specific statutory requirements and by Headquarters in preparing the Annual Report to Congress. Specifically, these reports permit HUD to determine compliance with the requirement that PJs provide a 25 percent match for HOME funds expended during the Federal fiscal year (Section 220 of the Act) and that program income be used for HOME eligible activities (Section 219 of the Act), as well as the Women and Minority Business Enterprise requirements (§ 92.351(b)). Financial, project, tenant and owner documentation is used to determine compliance with HOME Program cost limits (Section 212(e) of the Act), eligible activities (§ 92.205), and eligible costs (§ 92.206), as well as to determine whether program participants are achieving the income targeting and affordability requirements of the Act (Sections 214 and 215). Other information collected under Subpart H (Other Federal Requirements) is primarily intended for local program management and is only viewed by HUD during routine monitoring visits. The written agreement with the owner for long-term obligation (§ 92.504) and tenant protections (§ 92.253) are required to ensure that the property owner complies with these important elements of the HOME Program and are also reviewed by HUD during monitoring visits. HUD reviews all other data collection requirements during monitoring to assure compliance with the requirements of the Act and other related laws and authorities. HUD tracks PJ performance and compliance with the requirements of 24 CFR parts 91 and 92. PJs use the required information in the execution of their program, and to gauge their own performance in relation to stated goals.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Insular areas submission requirement (§ 92.61(a))	4	1	4	10	40.00	\$48.59	\$1,943.60
Consortia Doc Submission (§ 92.101(a)(2))	49	1	49	5	245.00	48.59	11,904.55
Notification of intent to participate (§ 92.103)	3	1	3	1	3.00	48.59	145.77
Site and neighborhood standards (§ 92.202(b))	750	1	750	2	1,500.00	48.59	72,885.00
Income determinations (Rental) (§ 92.203(a)(1))	234,247	1	234,247	0.25	58,561.75	48.59	2,845,515.43
TBRA Tenant selection (§ 92.209(c))	18,006	1	18,006	1	18,006.00	48.59	874,911.54
TBRA Income determination (§ 92.209(c)(1))	72,000	1	72,000	0.75	54,000.00	48.59	2,623,860.00
Troubled HOME-Assisted Rental Projects (§ 92.210)	5	1	5	0.5	2.50	48.59	121.48
Green building max subsidy limits (§ 92.250)	188	1	188	2	376.00	48.59	18,269.84
Underwriting and subsidy layering (§ 92.250(b))	750	1	750	2	1,500.00	48.59	72,885.00
Marketing Plan after 6 months (§ 92.252)	60	1	60	1	60.00	48.59	2,915.40
Monthly utility allowances (§ 92.252(b))	670	1	670	2	1,340.00	48.59	65,110.60
Annual rent review (§ 92.252(e)(2))	670	1	670	2	1,340.00	48.59	65,110.60
Small scale income determination (§ 92.252(g)(1))	2,000	1	2,000	2	4,000.00	48.59	194,360.00
Tenant protections (§ 92.253)	6,667	1	6,667	2	13,334.00	48.59	647,899.06
Lease (§ 92.253(a))	670	1	670	5	3,350.00	48.59	162,776.50
Homeownership—Median Purchase Price (§ 92.254(a)(2))	5	1	5	5	25.00	48.59	1,214.75
Designation of CHDOs (§ 92.300(a))	600	1	600	1.5	900.00	48.59	43,731
IDIS reporting (§ 92.502) HUD 27055	670	1	670	12	8,040.00	48.59	390,663.60
Executing a written agreement (§ 92.504(b))	7,596	1	7,596	4	30,384.00	48.59	1,476,358.56
Inspections (§ 92.251)	6,000	1	6,000	3	18,000.00	48.59	874,620.00
Financial oversight (§ 92.251(f)(3)(iv))	7,261	1	7,261	1	7,261.00	48.59	352,811.99
Closeout (§ 92.507)	652	1	652	1	652.00	48.59	31,680.68
Record Keeping (§ 92.508)	670	1	670	40	26,800.00	48.59	1,302,212.00
Annual Performance Reports (§ 92.509)	670	1	670	1	670.00	48.59	32,555.30
Policy and procedure review	670	1	670	8	5,360.00	48.59	260,442.40
Total					255,750.25		12,426,904.65

Total cost to the Federal Government: 240,798.75 hours at \$48.59/hour (This figure is based on the FY 2025 GS–12 salary for an employee in the Washington-Baltimore-Arlington DC–MD–VA–WV–PA Locality)

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

John L. Murphy,

*Compliance Officer, Department PRA
Compliance Officer, Office of Policy
Development and Research, Chief Data
Officer.*

[FR Doc. 2026–03465 Filed 2–20–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**[Docket No. FWS–R4–ES–2025–1760;
FXES11140400000–267–FF04EF4000]**

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for Sand Skink and Blue-Tailed Mole Skink; Polk County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion) (applicant) for an incidental take permit (ITP) under the Endangered Species Act (ESA). The applicant requests the ITP to take the federally listed threatened sand skink and blue-tailed mole skink (skinks) incidental to the construction of a sand mine expansion in an existing mine site in Polk County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), the Department of

the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual (DM). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, which is available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before March 25, 2026.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R4–ES–2025–1760 at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2025–1760.
- **U.S. Mail:** Public Comments Processing, Attn: Docket No. FWS–R4–ES–2025–1760; U.S. Fish and Wildlife Service, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin Gawera, Jacksonville Ecological Services Field Office, by phone at 904–404–2464 or via email at erin_gawera@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have

a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion) (applicant) for an 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 threatened sand skinks (*Neopseps* (= *Plestiodon*) *reynoldsi*) and blue-tailed mole skinks (*Eumeces egregius lividus*) (skinks) incidental to the construction of a sand mine expansion and the associated clearing and infrastructure in Polk County, Florida.

We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Department of the Interior's (DOI) NEPA regulations (43 CFR part 46), and the DOI's DM (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, both of which are available for public review.

Proposed Project

The applicant requests a 20-year ITP to take skinks via the conversion of approximately 7.9 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of a sand mine expansion on 48.2 ac within a 342.00-ac mine site, on Parcel # 283011000000030000 in Section 11 Township 30 South, Range 28 East, Polk County, Florida.

The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 15.8 ac of skink-occupied habitat within a Service-approved skink conservation bank. The Service would require the applicant to purchase the credits prior to engaging in each phase of the project.

Our Preliminary Determination

The Service has made a preliminary determination that reasonably foreseeable effects of the applicant's proposed project, including the construction of a sand mine expansion and the associated clearing and infrastructure, would have a minor

effect on skinks and the human environment and that extraordinary circumstances in 43 CFR 46.215 do not apply. 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 preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that may qualify for application of a categorical exclusion (516 DM 8.5(C)(2)), pursuant to NEPA, the DOI's NEPA regulations, and the DOI DM. A low-effect ITP is one that would result in (1) negligible or minor individual or cumulative effects on species covered in the HCP; (2) no significant effect on the human environment; and (3) reasonably foreseeable effects that would not result in significant effects to the human environment.

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 PER25313000 to CEMEX Construction Materials Florida, LLC (Lake Wales Sand Mine Expansion).

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), the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and the DOI's implementing regulations (43 CFR part 46).

Jose Rivera,

*Manager, Division of Environmental Review,
Florida Ecological Services Field Office.*

[FR Doc. 2026-03435 Filed 2-20-26; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTUT105870323 (UTU-79768); A2407-014-004-065516; #02509-014-004-047181.1]

Notice of Proposed Withdrawal Extension, Public Meeting and Correction of Public Land Order No. 7668 for the Utah Lake Drainage Basin and Diamond Fork Systems, Bonneville Unit of the Central Utah Project, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior proposes to extend Public Land Order (PLO) No. 7668, that withdrew public lands from location and entry under the United States mining laws, but not leasing under the mineral or geothermal leasing laws, subject to valid existing rights, to protect the ongoing operation, maintenance and possible future replacement of the Diamond Fork Systems of the Bonneville Unit of the Central Utah Project for an additional 20-year term. The acreage described in PLO No. 7668 has been corrected to 6,558.96 acres to reflect the official land description and two parcels identified in the PLO have been corrected as non-Federal. The lands have been and would remain open to all other uses as may by law be authorized on National Forest System (NFS) lands. This notice provides a 90-day public comment period and announces that the Bureau of Land Management (BLM) will host one virtual meeting regarding this proposal.

DATES: All comments regarding the withdrawal extension proposal must be received by May 26, 2026. The BLM hold a virtual public meeting in connection with the proposed

withdrawal extension on April 9, 2026, at 5 to 6 p.m. Mountain Time (MT). The BLM will publish the date and instructions for access to the online public meeting in a local newspaper and any other additional information about the public meetings a minimum of 30 days prior to the meeting.

ADDRESSES: All comments and meeting requests should be sent to the BLM Utah State Office, Attn: Brendan Willig, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345 or by email at bwilling@blm.gov.

FOR FURTHER INFORMATION CONTACT: Brendan Willig, Utah State Office, by phone at (385) 835–2123. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Department of the Interior, Central Utah Project Completion Act Office, submitted a petition/application to the Secretary of the Interior to extend PLO No. 7668 (71 FR 42661) for an additional 20-year term, subject to valid existing rights. The Secretary approved the petition; therefore, the request has become a Secretarial proposal for withdrawal extension. The legal land description for NFS lands proposed for the withdrawal extension has been corrected. While the overall footprint of the withdrawal remains unchanged, the acreage identified in PLO No. 7668 has been updated to 6,558.96 acres to align with the official land description. Additionally, two parcels originally included in the PLO have been identified as non-Federal land; however, if these parcels are subsequently acquired by the United States, they would become subject to the withdrawal. The corrected land description for the withdrawal is described as follows:

Uinta National Forest

Salt Lake Meridian, Utah

- T. 7 S., R. 3 E.,
sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 9 S., R. 3 E.,
sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 12, lots 1 and 2.
T. 9 S., R. 4 E.,
sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 8 S., R. 5 E.,
sec. 2, lots 9, 10, 15, and 16, N $\frac{1}{2}$ SE $\frac{1}{4}$, and
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;

- sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 9 S., R. 5 E.,
sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and
S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 35, E $\frac{1}{2}$;
sec. 36.
T. 10 S., R. 5 E.,
sec. 2, lots 1 and 2.
T. 8 S., R. 6 E.,
sec. 32, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 9 S., R. 6 E.,
sec. 5, lot 4 and SW $\frac{1}{4}$;
sec. 6, lots 1 and 2, and SE $\frac{1}{4}$;
sec. 7, E $\frac{1}{2}$;
sec. 8, W $\frac{1}{2}$;
sec. 17, W $\frac{1}{2}$;
sec. 18, E $\frac{1}{2}$;
sec. 19, lots 5 thru 8 and lots 10 thru 12,
E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
sec. 30;
sec. 31, lots 1 thru 10, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The total areas described aggregate 6,558.96 acres, in Utah County.

The following described lands are non-Federal lands originally listed in PLO No. 7668 by error and if subsequently acquired by the United States would become subject to the withdrawal:

Salt Lake Meridian, Utah

- T. 9 S., R. 3 E.,
sec. 2, lot 2;
sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands described aggregate 80 acres, in Utah County.

The use of a right-of-way, interagency agreement, or cooperative agreement would not constrain nondiscretionary uses.

No water rights would be needed to fulfill the purpose of this withdrawal extension.

For a period until May 26, 2026, all persons who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal extension may present their views in writing to the BLM Utah State Director at the address indicated above. 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 publicly available at any time. While you can ask the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee the BLM will be able to do so.

The withdrawal extension proposal will be processed in accordance with the regulations set forth in 43 CFR part 2300.

(Authority: 43 U.S.C. 1714)

Thomas Heinlein,
State Director, Acting.

[FR Doc. 2026–03540 Filed 2–20–26; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTUT106051015 (UTU–004061); A2407–014–004–065516; #O2509–014–004–125222]

Notice of Opening Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the land withdrawn by Executive Order (E.O.) No. 5327 dated April 15, 1930, which was subsequently revoked by Public Land Order (PLO) No. 7725, as described below, is opened to location and entry under the United States mining law only as it relates to non-metalliferous minerals on the date and time stated.

DATES: Effective on February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Brendan Willig, BLM, Utah State Office, at (801) 539–4292, email at bwilling@blm.gov, or write to Branch of Lands and Realty, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101. 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: On April 15, 1930, E.O. No. 5327 established a withdrawal that restricted surface entry on lands believed to contain oil shale deposits, including location and entry under the United States mining laws for non-metalliferous minerals. PLO No. 7725 (74 FR 830, Jan. 8, 2009) subsequently revoked the withdrawal created by E.O. No. 5327 and restored the affected lands to oil shale leasing and the operation of public land laws. However, the lands remained closed to location and entry under the United States mining laws until completion of an analysis to determine if any lands needed special designation and protection. The Bureau of Land Management (BLM) conducted an analysis of the effect of the land being opened to non-metalliferous mining as described below and determined that

such opening would be in conformance with the relevant land use plans. Pursuant to Federal Regulations under 43 CFR 2091.6, the following described lands are hereby opened to location and entry under the United States mining laws only for non-metalliferous minerals:

Salt Lake Meridian, Utah

T. 15 S., R. 1 E.,

Sec. 31, lots 1 thru 14, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 999.41 acres, according to the official plat of survey of said land, on file with the BLM.

At 9 a.m. Mountain Time (MT) on February 23, 2026, the lands and Federal minerals described above will be opened to location and entry under the United States mining laws for non-metalliferous minerals, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and of applicable law. All valid applications received at or prior to 9 a.m. MT on February 23, 2026, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Appropriation of any of the lands referenced in this notice prior to the date and time of opening will be rejected.

Thomas A. Heinlein,
State Director, Acting.

[FR Doc. 2026-03541 Filed 2-20-26; 8:45 am]

BILLING CODE 4331-25-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407-014-004-065516; #O2509-014-004-125222]

Realty Action: Modified Competitive Sale of 22 Parcels of Public Land in Clark County, Nevada; Termination of Recreation and Public Purposes Act Classification

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer 22 parcels of public land totaling 232.89 acres in the Las Vegas Valley (Valley) by modified competitive sale at no less than each parcel's fair market value (FMV) pursuant to the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended. The sale would be processed in conformance with applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM regulations. An

online sale is the selected modified competitive bidding procedure that would allow for maximum participation. Additionally, the BLM proposes to remove the classification of a closed 10-acre recreation and public purposes (R&PP) lease regarding parcel NVNV106380155 so that it may be included in this sale.

DATES: The BLM will accept written comments regarding the proposed sale and R&PP lease termination until April 10, 2026. The BLM will publish this notice of realty action once a week for 3 consecutive weeks in the *Las Vegas Review-Journal* newspaper. The BLM intends to open the sale for bidding on April 28, 2026.

ADDRESSES:

Comments: Mail written comments on the proposed sale and R&PP lease termination to the BLM Las Vegas Field Office, Assistant Field Manager, Division of Lands, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

Availability of lease sale information: Prior to the sale, a sales matrix will be published on the following website: <https://www.efficientmarkets.com>. The sale matrix provides information specific to each proposed sale parcel such as legal description, physical location, encumbrances, acreage, and FMV. The FMV for each parcel will be available in the sales matrix no later than 30 days prior to the sale.

Bidding site: Bids must be submitted on Efficient Markets website at: <https://www.efficientmarkets.com>.

Additional information: For general information on previous BLM public land sales, go to <https://www.blm.gov/snplma> then click the land sales link. Information concerning the sale parcels, including encumbrances of record, appraisals, reservations, procedures and conditions, Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA) documents, and other environmental documents that may appear in the BLM public files for the sale parcels are available for review by appointment only during business hours from 8:00 a.m. to 4:00 p.m. PT Monday through Friday, at the BLM Las Vegas Field Office (LVFO), except during Federal holidays.

FOR FURTHER INFORMATION CONTACT: Stephen Gallimore, BLM Supervisory Realty Specialist, by email: BLM_NV_LVFO_LandTenureTeam@blm.gov, or by telephone: (702) 515-5017.

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: It is the buyer's responsibility to be aware of all applicable Federal, State, and local government laws, regulations, and policies that may affect the subject lands, including any required dedication of lands for public uses. It is the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands would be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should make themselves aware of any Federal, state, or local law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway would be conveyed as such and acquiring future access would be the responsibility of the buyer.

Out of the 22 parcels of public lands that the BLM proposes to offer, nine are located within Clark County jurisdiction, seven within the City of Las Vegas jurisdiction, and six within the City of Henderson jurisdiction. More specifically, of the 22 parcels, six are located in the far northwestern part of the Valley near Kyle Canyon Road; three are located in the northwest part of the Valley inside the Interstate 215/Clark County 215, also known as the Bruce Woodbury Beltway; seven are located in the south part of the Valley west of Interstate 15 near Blue Diamond Road and Jones Boulevard; and six are located in the Henderson area just south of the Saint Rose Parkway along Volunteer Boulevard.

The subject public lands are legally described as:

Mount Diablo Meridian, Nevada

NVNV106276599, 6.25 acres

T. 22 S., R. 60 E.,

Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

NVNV105860629, 6.25 acres

T. 22 S., R. 60 E.,

Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

NVNV105860653, 7.50 acres

T. 22 S., R. 60 E.,

Sec. 14, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

NVNV106334794, 20.00 acres

T. 19 S., R. 59 E.,
Sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
NVNV106335194, 20.00 acres

T. 19 S., R. 59 E.,
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and
W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106334779, 45.00 acres

T. 22 S., R. 60 E.,
Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
NVNV106277017, 2.50 acres

T. 22 S., R. 60 E.,
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
NVNV106380155, 10.00 acres

T. 23 S., R. 61 E.,
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
NVNV106380171, 8.75 acres

T. 23 S., R. 61 E.,
Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
NVNV106380174, 20.00 acres

T. 23 S., R. 61 E.,
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106380175, 9.375 acres

T. 23 S., R. 61 E.,
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
NVNV106380176, 15.00 acres

T. 23 S., R. 61 E.,
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106381482, 5.39 acres

T. 19 S., R. 60 E.,
Sec. 31, lot 14.
NVNV106381484, 5.00 acres

T. 19 S., R. 59 E.,
Sec. 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106381486, 5.00 acres

T. 19 S., R. 59 E.,
Sec. 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106381487, 10.00 acres

T. 19 S., R. 59 E.,
Sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and
W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
NVNV106334760, 5.00 acres

T. 19 S., R. 59 E.,
Sec. 1, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
NVNV106334775, 5.00 acres

T. 19 S., R. 59 E.,
Sec. 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
NVNV106334776, 6.875 acres

T. 19 S., R. 59 E.,
Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
NVNV106334777, 7.50 acres

T. 22 S., R. 60 E.,
Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
NVNV106334778, 2.50 acres

T. 22 S., R. 60 E.,
Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
NVNV106334780, 10.00 acres

T. 23 S., R. 61 E.,
Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and
S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 232.89 acres, according to the official plats of the surveys of the said lands on file with the BLM.

The Las Vegas Valley Disposal Boundary Environmental Impact Statement (Record of Decision issued on December 23, 2004), and the Las Vegas In-Valley Area Multi-Action Analysis Environmental Assessment (EA), DOI–BLM–NV–S010–2016–0054–EA (<https://eplanning.blm.gov/eplanning-ui/project/60096/510>), analyzed the sale parcels.

Parcel-specific determinations of NEPA adequacy, document number DOI–BLM–NV–S010–2025–0006–DNA, were prepared in connection with this notice of realty action.

Submit comments to the address in the **ADDRESSES** section. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including any personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

The use of the modified competitive sale method is consistent with 43 CFR 2711.3–2. Public lands may be offered for sale by modified competitive bidding procedures when the authorized officer determines it is necessary based on public policies. Utilizing an online auction would support Presidential Memorandum, *Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis* (January 20, 2025) and encourage greater participation by qualified bidders.

Federal law requires that bidders must be:

- (1) a citizen of the United States, 18 years of age or older;
- (2) a corporation subject to the laws of any state or of the United States;
- (3) a state, State instrumentality, or political subdivision authorized to hold property; or

(4) an entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

The successful bidder must submit proof of citizenship or articles of incorporation within 30 days from receipt of acceptance of bid letter. Evidence of United States citizenship is a birth certificate, passport, or naturalization papers. Citizenship documents or Articles of Incorporation (as applicable) must be provided to the BLM LVFO for each sale.

To participate in the BLM bidding process, you must register and obtain a bidder number. Registration for online bidding will be available prior to the sale date at Efficient Markets' website <https://www.efficientmarkets.com>. In the listings section of the website, click on the "Register" button on the "BLM Nevada SNPLMA Land Sale" tile to register for the sale. A free Efficient Markets account is required to register. To review the listings, obtain maps, and get information on how to submit competitive online bids, click on the "View Listings" button on the "BLM Nevada SNPLMA Land Sale" tile in the listings section of the website. A submitted online internet bid is a binding offer to purchase.

To participate in this sale, prospective buyers must create an Efficient Markets account, complete the Efficient Markets Bidding Terms Agreement, request a bidding allowance, and register for the BLM Nevada 22-Parcel SNPLMA Land Sale. Efficient Markets may require approximately five business days to determine bidder's financial qualifications. Additional information on how to register at Efficient Markets may be found at <https://www.efficientmarkets.com>.

Assistance creating an Efficient Markets account and registering for the sale is available by telephoning the Efficient Markets' Government Resources department at 877–351–4488 and by using the following link to create a Buyer's Account: <https://www.efficientmarkets.com> and create a Basic Account. After the account is created, complete your profile by submitting bank account information and requesting a bid allowance. The following information will be required:

- Bank Name.
- Banker's Name.
- Telephone Number of Banker.
- Address of Bank.
- Requested Bid Allowance amount.

Efficient Markets will verify the Bank Name is a recognized financial institution and contact the banker to ask if the prospective buyer has the financial means to cover the requested

Bid Allowance, which is the limit or ceiling for bids and is NOT recorded as a bid or offer per property at auction. Upon receiving an affirmative answer, the allowance will be granted.

Important notes regarding your Bid Allowance: For security reasons, a bidder must contact its banker and grant permission to speak to Efficient Markets about its Bid Allowance request. Efficient Markets will not request the account balance or ask any questions about assets or lines of credit. Efficient Markets will not request the bank account number, nor can it withdraw funds.

The auction website is open to the public. The internet-based land sale can be observed in real-time. However, you must register as a bidder on the website in advance to submit bids for a parcel. The auction website will be active and available for use approximately 10 days after the date of this notice and will remain available for viewing until the completion of the auction. The available parcels listed in this notice will be detailed on Efficient Markets website. Interested parties may visit the website at any time. Potential bidders may register for the online auction as soon as the auction website is active.

Potential bidders are encouraged to visit the website prior to the start of the open bidding period to become familiar with the site and review the bidding instructions available at <https://www.efficientmarkets.com>. Supporting documentation is available on the website to familiarize new users to the process and answer frequently asked questions.

Payments to the BLM will not be made through the auction website. At the conclusion of the final parcel's bidding period, the successful bidder for each parcel will be provided instructions by the online auction system via email on how to make the required payment to the BLM. In addition, you will be required to pay a commission fee to Efficient Markets of 1.5 percent of the highest qualifying bid for each parcel purchased by successful bidders. Efficient Markets will submit a separate invoice via email to each successful bidder for the total amount due to the BLM and a separate invoice for the amount due to Efficient Markets.

Parcels will begin online bidding at the established FMV. Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 24 hours from start to finish, and only bids placed during this 24-hour period will be accepted. Each parcel will close bidding sequentially so that

each bidder will know if it is the highest winning bid before subsequent parcels close. The website will display each current high bid, and the high bid bidder's number.

The online system allows participants to submit maximum bids, which is the highest amount a bidder is willing to pay for each parcel, to enable a bidder to participate in the online auction without having to be logged into the website at the time the auction period closes. The auction website provides a full explanation of placing maximum bids, as well as an explanation of how it works to place bids on your behalf to maintain your high bidder status up to the chosen maximum bid amount. The BLM strongly encourages potential bidders to review the bidding tutorial in the Frequently Asked Questions area on the auction website in advance of the sale. Efficient Markets will declare the highest qualifying bid as the high bid. The successful bidder must submit a deposit of not less than 20 percent of the successful bid amount by 4:00 p.m. PT, immediately following the close of the sale in the form of a certified check, postal money order, electronic fund transfer, bank draft, or cashier's check made payable in U.S. dollars to the "Department of the Interior, Bureau of Land Management."

The BLM will send the successful bidder(s) an acceptance of bid letter with detailed information for full payment. In accordance with 43 CFR 2711.3–1(d), the successful bidder will forfeit the bid deposit if it fails to pay the full purchase price within 180 days of the sale. The BLM will make no exceptions. The BLM cannot accept the remainder of the bid price at any time following the 180th day after the sale.

If a bidder is the apparent successful bidder with respect to multiple parcels and that bidder fails to submit the minimum 20 percent bid deposit resulting in default on any single parcel following the sale, the BLM may cancel the sale of all parcels to that bidder. If a successful bidder cannot consummate the transaction for any reason, the BLM may consider the second highest bidder to purchase the parcel. If there are no acceptable bids, a parcel may remain available for sale on a future date without further legal notice.

The BLM LVFO must receive the request for escrow instructions prior to 30 days before the prospective patentee's scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM LVFO by 4:00 p.m. PT, 30 days from the date on the high-bidder letter. There are no exceptions. To submit a

name change, the apparent successful bidder must submit the name change in writing on the Certificate of Eligibility form to the BLM LVFO.

The BLM must receive the remainder of the full bid price for the parcel no later than 4:00 p.m. PT, within 180 days following the day of the sale. The successful bidder must submit payment in the form of a certified check, postal money order, bank draft, cashier's check, or make available by electronic fund transfer payable in U.S. dollars to the "Department of the Interior—Bureau of Land Management" to the BLM LVFO. The BLM will not accept personal or company checks.

Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum of two weeks prior to the payment date. The BLM will not sign any documents related to 1031 Exchange transactions. The bidder is responsible for timing for completion of such an exchange. The BLM cannot be a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase or withdraw any parcel of land or interest therein from sale within 30 days, if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid.

According to the SNPLMA, as amended, Public Law 105–263 section 4(c), lands identified within the Las Vegas Valley Disposal Boundary are withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary of the Interior (Secretary) terminates the withdrawal or the lands are patented.

Upon publication of this notice in the **Federal Register**, and until completion of this sale, the BLM will no longer accept land use applications affecting the parcels identified for sale. The parcels may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel.

Terms and Conditions: FLPMA section 209, 43 U.S.C. 1719(a), states that "all conveyances of title issued by the Secretary . . . shall reserve to the United States all minerals in the lands." Accordingly, all minerals for the sale

parcels will be reserved to the United States. The patents, when issued, will contain a mineral reservation to the United States for all minerals.

In response to requests to clarify this mineral reservation as it relates to mineral materials, such as sand and gravel, we refer interested parties to the regulations at 43 CFR 3601.71(b), which provides that the owner of the surface estate of lands with reserved Federal minerals may “use a minimal amount of mineral materials” for “personal use” within the boundaries of the surface estate without a sales contract or permit. The regulation provides that all other use, absent statutory or other express authority, requires a sales contract or permit. The BLM refers interested parties to the explanation of this regulatory language in the preamble to the final rule published in the **Federal Register** in 2001, available at <https://www.federalregister.gov/d/01-29001>, which states that minimal use “would not include large-scale use of mineral materials, even within the boundaries of the surface estate” (66 FR 58892). Further explanation is contained in the BLM Instruction Memorandum No. 2014-085 (April 23, 2014), available on the BLM’s website at <https://www.blm.gov/policy/im-2014-085>.

The following numbered terms and conditions will appear on the conveyance documents for the sale parcels:

1. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary are reserved to the United States, together with all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcels are subject to valid existing rights.

4. The parcels are subject to reservations for roads, public utilities, and flood control purposes, both existing and proposed, in accordance with the local governing entities’ transportation plans.

5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee’s use, occupancy, or occupations on the patented lands.

To the extent required by law, the parcel is subject to the requirements of section 120(h) of the CERCLA, as amended. Accordingly, notice is hereby given that the lands have been examined, and no evidence was found

to indicate that any hazardous substances have been stored for one year or more, nor that any hazardous substances have been disposed of or released on the subject properties.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis.

(Authority: 43 CFR 2711.3-2.)

Bruce L. Sillitoe,

Field Manager, Las Vegas Field Office.

[FR Doc. 2026-03516 Filed 2-20-26; 8:45 am]

BILLING CODE 4331-21-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407-014-004-065516; #O2509-014-004-125222; NVN-097801]

Direct Sale of Public Lands in Lyon County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM), Sierra Front Field Office, proposes a non-competitive (direct) sale of 2,062.42 acres of public lands to Atlantic Richfield Company (ARC) at no less than fair market value (FMV). The direct sale includes the underlying mineral estate. The BLM administers these public lands, which are located within and adjacent to the Anaconda Copper Mine Site (ACMS). The BLM will conduct the sale under applicable provisions of the Federal Land Policy and Management Act of 1976, as amended (FLPMA) and BLM land sale regulations. The FMV is \$760,000 as appraised under the Uniform Standards of Professional Appraisal Practice (USPAP) for the sale parcels. The FMV presented in the appraisal is less than current remediation expenditures and the future remediation cost forecast. The conclusion is the subject has no market value based on the most reliable information provided.

DATES: Submit written comments regarding this direct sale until April 9, 2026.

ADDRESSES: Mail written comments to the BLM Carson City District Office, District Manager, 5665 Morgan Mill Rd., Carson City, NV 89701. Comments may also be emailed to kddow@blm.gov.

FOR FURTHER INFORMATION CONTACT:

Mary Feitz, Realty Specialist, BLM Sierra Front Field Office, telephone (775) 885-6194; or email: mfeitz@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The FMV as appraised under the USPAP for the sale parcels is \$760,000. The sale parcels were appraised as if unimpaired by prior or existing mining operations, land disturbances, or environmental contamination. Thus, for purposes of the appraisal, the sale parcels were considered to be vacant, undisturbed land.

ARC is responsible for specific remedial actions at the ACMS under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as a potentially responsible party. Conveying these lands would assist ARC to facilitate the remediation of health and safety hazards on the ACMS.

Because the USPAP appraisal did not account for the cost of remediation or contaminated condition of the site when considering the value of the sale parcels, the BLM sought an opinion on valuation considering the current contaminated condition of the property from the Appraisal and Valuation Services Office (AVSO). AVSO did not conduct another appraisal in accordance with USPAP standards, but did opine based on the facts that FMV of \$760,000 is less than the current remediation expenditures, concluding that the subject property in its current condition has no market value. Thus, considering the effect of the contamination on the marketability of the parcels, the BLM proposes to convey the property for \$0 as a more appropriate FMV.

ARC has also agreed to indemnify the BLM from past, present, and future use or occupancy of or operations on the sale parcels, subject to certain limitations, and to include a covenant not-to-sue the BLM in connection with the investigation and remediation of environmental conditions on or affecting the sale parcels.

Authorizing the proposed action (Serial Number NVN-097801) requires amending the 2001 Carson City Field Office Consolidated Resource

Management Plan (CRMP). Of the 2,062.42 acres identified in the proposed action for disposal, 2,002.42 acres were previously designated for disposal in the CRMP and record of decision signed May 9, 2001. The Anaconda Mine Site Conveyance Project Environmental Assessment and Resource Management Plan Amendment (Yerington Anaconda RMP Amendment/EA) (DOI-BLM-NV-C020-2025-0010-RMP-EA) analyzed the eligibility of the additional 60 acres for disposal under FLPMA section 203(a)(1). The Yerington Anaconda RMP Amendment/EA Decision Record, when signed, would amend the CRMP to designate the additional 60 acres as suitable for disposal by sale from Federal ownership under FLPMA section 203(a)(1), which states that a tract of public land may be sold if the Secretary of the Interior determines that: “(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands.”

The Yerington Anaconda RMP Amendment/EA can be found online at: <https://eplanning.blm.gov/eplanning-ui/project/2035766/510>.

The disposal lands are comprised of five parcels that are west of the City of Yerington and east of the community of Weed Heights, at the eastern foot of the Singatse Range. The lands that the BLM is considering for disposal to ARC, under applicable provisions of sections 203 and 209 of FLPMA and the BLM land sale regulations at 43 CFR part 2710, are within and around the ACMS in Mason Valley, Lyon County, Nevada.

The public lands proposed for direct sale are legally described as:

Mount Diablo Meridian, Nevada

- T. 13 N., R. 25 E.,
 Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, lots 1 thru 3, lots 5 thru 7, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, lots 1, 3, and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 16, lots 3 thru 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 17, lot 7, lots 13 thru 15, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 20, lots 2 thru 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

- Sec. 21, lots 1 thru 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 2062.42 acres, according to the official plats of the surveys of said lands on file with the BLM.

The direct sale of the land to ARC would allow ARC to retain significant control over the historic ACMS. The site is an abandoned open pit copper mine and processing facility, located in Lyon County's Mason Valley, in western Nevada. The majority of copper mining, milling, and processing at the ACMS occurred between 1953 and 1978, and secondary milling and processing of ores occurred between 1978 and 2000. Anaconda merged with an ARC subsidiary in 1977, which merged into Atlantic Richfield Company in 1981.

ARC is the only private entity to which the BLM can convey the lands, because ARC is identified as a potentially responsible party and is already under an obligation (pursuant to the Interim Administrative Order on Consent between the Nevada Division of Environmental Protection (NDEP) and ARC, dated February 5, 2018 (NDEP, 2018)). A direct sale would allow ARC to perform the CERCLA remedial action selected in 2017 by NDEP, the BLM, and the Environmental Protection Agency, for the Anaconda Copper Mine Site.

Upon publication of this notice in the **Federal Register**, the described lands will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of FLPMA. Upon publication of this notice and until completion of this sale, the BLM will no longer accept land use applications affecting the parcels identified for sale. The parcels may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcels. Subject to limitations prescribed by law and regulation, prior to patent issuance, a holder of any right-of-way within the parcels may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or to an easement.

The segregative effect of this notice terminates upon issuance of a patent or other document of conveyance to such

lands, or publication in the **Federal Register** of a termination of the segregation, whichever occurs first. The segregation period may not exceed 2 years unless extended by the Nevada BLM State Director, in accordance with 43 CFR 2711.1–2(d), prior to the termination date.

The BLM will also publish this notice of realty action once a week for 3 consecutive weeks in the local newspaper, *Mason Valley News*.

The public land would not be offered for sale to ARC prior to 60 days from the date of publication of this notice in the **Federal Register**. The patent, if issued to ARC, would be subject to the following terms, conditions, and reservations:

(1) A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890;

(2) Subject to valid existing rights;

(3) The parcels are subject to reservations for roads, public utilities, and flood control purposes, both existing and proposed, in accordance with the local governing entities' transportation plans;

(4) An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or occupations on the patented lands;

(5) A covenant not to sue or assert claims or causes of action against the United States Department of Interior Bureau of Land Management, in connection with the investigation and remediation of environmental conditions on or affecting the patented lands, and

(6) Any other reservations, terms, and conditions that the Authorized Officer deems appropriate.

ARC will have until 4:30 p.m., Pacific time (PT), 30 days from the date of receiving the sale offer to accept the offer and a completed certificate of eligibility form. Failure to meet conditions established for this sale will void the sale and any funds received will be forfeited.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase or withdraw any parcel of land or interest therein from sale within 30 days, if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full price is paid.

To determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the BLM advises that these assumptions may not be endorsed or approved by units of local government.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis.

It is ARC's responsibility to be aware of all applicable Federal, State, and local government laws, regulations, and policies that may affect the subject land, including any required dedication of lands for public uses. It is also ARC's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the land will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of ARC to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. ARC should make itself aware of any Federal or State law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such and acquiring future access will be the responsibility of ARC.

Information concerning the sale, encumbrances of record, reservations, procedures, and conditions, CERCLA, and other environmental documents that may appear in the BLM public files for the sale parcels, is available for review by appointment only, during business hours, from 8 a.m. to 4:30 p.m. PT, Monday through Friday, at the BLM Carson City District Office, except during Federal holidays.

Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding the proposed sale will be reviewed by the

BLM Nevada State Director, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, and following completion of appropriate land use planning, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.1–2(a) and (c))

Jon K. Raby,

Nevada State Director, Bureau of Land Management.

[FR Doc. 2026–03464 Filed 2–20–26; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6930; NPS–WASO–NAGPRA–NPS0042036; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: Beloit College, Logan Museum of Anthropology, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Beloit College, Logan Museum of Anthropology (LMA) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Nicolette B. Meister, Beloit College, Logan Museum of Anthropology, 700 College Street, Beloit, WI 53511, email meister@beloit.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are a feather box (5384) and crocheted leggings (5380). The

objects were collected in the Pueblo of Santa Ana, New Mexico by Dr. Florence Hawley Ellis in 1968 and sold to Dr. Andrew Whiteford, Director of the LMA, the same year. Between the 1950s and 1970s, Dr. Ellis worked extensively with the Pueblo of Santa Ana on land claims and water rights and collected hours of oral history recordings archived at the University of New Mexico. Dr. Ellis had first-hand knowledge of Pueblo of Santa Ana traditional cultural conservatism. Correspondence between Dr. Ellis and Dr. Whiteford on file at the LMA reveals that Dr. Ellis was aware that the objects were ceremonial and part of ongoing religious traditions. The LMA has no record of treating the cultural items with potentially hazardous substances.

Determinations

The LMA has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Pueblo of Santa Ana, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03554 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6942; NPS–WASO–NAGPRA–
NPS0042049; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Intended Repatriation: Haffenreffer Museum of Anthropology, Brown University, Bristol, RI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Haffenreffer Museum of Anthropology, Brown University (HMA) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kellie Bowers, Brown University, Haffenreffer Museum of Anthropology, 300 Tower Street, Bristol, RI 02809, email kellie_bowers@brown.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the HMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four sacred objects are one tapa (or kapa), or textile (83–141a–b), one fishhook (61–472), one stone adze (68–10003), and one plaster cast of a god stick (60–4607). The tapa (or kapa), or textile (83–141a–b) is made of pounded bark. It was collected by Dr. W.M. Wood, U.S.N. in Hawaii in 1939. It was originally donated to the Smithsonian and was

subsequently donated sometime in the 19th century to the Jenks Museum of Natural History (Jenks Museum) at Brown University. The fishhook (61–472) is made of bone and dates to the 19th century. It was carved in two parts and lashed together with olona plant fiber. Provenance for this item is unknown. The adze (68–10003) is a chipped and ground basalt blade. It was originally donated to the Jenks Museum by Jas. A. Law in the 19th century. The plaster cast of a god stick (60–4607) was a gift from the Roger Williams Museum Park Museum of Natural History. All items were removed from Hawaii. The HMA is unaware of any treatment of these items with hazardous substances.

Determinations

The HMA has determined that:

- The four sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the HMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The HMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03566 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6940; NPS–WASO–NAGPRA–
NPS0042046; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Inventory Completion: La Sierra University Museum, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the La Sierra University Museum has completed an inventory of human remains and have determined that there is a cultural affiliation between the human remains and Native Hawaiian organizations or Indian Tribes in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to La Sierra University, 4500 Riverwalk Pkwy., Riverside, CA 92505, email naturalhistory@lasierra.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the La Sierra University Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the available information, ancestral human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. This ancestor was identified during the inventory of a stored collection. According to a handwritten document from the donor found with this ancestor, the remains were exhumed from a burial site on the Island of Hawai'i during the donor's medical residency. There is no reliable information present for the specific location and time of this

exhumation, however, timeframe can be constructed based on extraneous evidence that places the donor on the island of Hawai'i between approx. 1959–1975. Further information likely indicates that the geographic origin of this ancestor's burial was along the western shores of the island, possibly what is now Kealahou Bay State Park or Puuhonua o Hōnaunau. According to available La Sierra University records, no known hazardous substances are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the information available about the human remains, described in this notice.

Determinations

The La Sierra University Museum has determined that:

- The ancestral remains described in this notice represent the physical remains of one individual of Native Hawaiian ancestry.
- There is a reasonable connection between the ancestral human remains described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Native Hawaiian organizations or Indian Tribes identified in this notice.
2. Any lineal descendant, Native Hawaiian organization or Indian Tribe not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or culturally affiliated Native Hawaiian organization or Indian Tribe.

Repatriation of the human remains described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the La Sierra University Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The La Sierra University Museum is responsible for sending a copy of this notice to the lineal descendant and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03564 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6941; NPS–WASO–NAGPRA–NPS0042048; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: Turtle Bay Exploration Park, Redding, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Turtle Bay Exploration Park (TBEP) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Julia Cronin, Turtle Bay Exploration Park, 844 Sundial Bridge Drive, Redding, CA 96001, email jcronin@turtlebay.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Turtle Bay Exploration Park, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are a medium twined basket bowl and a medium winnowing tray. The twined basket bowl is constructed using multiple colors of alder-dyed bracken fern forming a design of three diagonal bands. A full twist overlay displays part of the pattern on the interior. The basket bowl was donated to TBEP by Carolyn Bond and is culturally attributed as Whilkut.

The winnowing tray (circa 1900) is constructed of pine root and bear grass with a single face overlay twining technique. It features a light pattern on

a brown background showing signs of wear consistent with age and use. The tray was purchased by the Redding Museum and Art Center, TBEP's predecessor institution, from Don Boyd. The tray is culturally attributed as Lassic or Waliki.

The Bear River Band of Rohnerville Rancheria is a Federally recognized Indian Tribe whose membership includes individuals from the Bear River, Lassic, Mattole, Sinkyone, Whilkut, Nongatl, Waliki, and Wiyot Tribes. The ancestral territory of the Bear River Band of the Rohnerville Rancheria spans approximately 2,800 square miles across portions of Humboldt, Mendocino, and Trinity counties in Northern coastal California, including the watersheds of the Van Duzen, Mattole, Bear River, and Eel River. Following consultation with Tribal officials and review of available museum records and documentation, TBEP determined that the basket bowl is of Whilkut origin and craftsmanship and that the winnowing tray is of Lassic or Waliki origin and craftsmanship, cultures represented within the membership of the Bear River Band of the Rohnerville Rancheria.

Turtle Bay Exploration Park does not treat Indigenous belongings with hazardous materials. However, available documentation does not indicate whether these items were treated prior to entering the care of the Redding Museum and Art Center.

Determinations

Turtle Bay Exploration Park has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Bear River Band of the Rohnerville Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, Turtle Bay Exploration Park must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Turtle Bay Exploration Park is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03565 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6935; NPS-WASO-NAGPRA-NPS0042041; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Milwaukee Public Museum intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dawn Scher Thomae, Milwaukee Public Museum, 800 W Wells Street, Milwaukee, WI 53233, email thomae@mpm.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Milwaukee Public Museum, and additional

information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four objects of cultural patrimony are a wooden bow, a powder horn, a wall basket, and a tin pipe. The bow and powder horn were owned and used by Austin E. Quinney of Stockbridge, Wisconsin. They were collected in Stockbridge at an unknown date by Clarence Sheriff and were purchased by the Milwaukee Public Museum from Sheriff in 1932. The wall basket was collected by Dr. Samuel A. Barrett, MPM Curator of Anthropology from 1909–1921, during a museum funded expedition to the Menominee Indian Reservation in August of 1910. Basket identified as Stockbridge-Munsee. The tin pipe was collected in Stockbridge, Wisconsin, at an unknown date by C. A. Tousey (Stockbridge-Munsee) and was acquired by Henry H. Hayssen, a local collector. It was purchased for the MPM collections from Hayssen in 1897.

The Milwaukee Public Museum has no specific information about the above items being treated with pesticides or preservatives that may represent a potential hazard. However, we do know that other items in the collection, mainly clothing and textiles, were treated with chemicals by our museum in the first part of the 20th century.

Determinations

The Milwaukee Public Museum has determined that:

- The four objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or

Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Milwaukee Public Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Milwaukee Public Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03559 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6932; NPS-WASO-NAGPRA-NPS0042038; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Brady Wolf, Missouri Historical Society, 225 S Skinker Blvd., St. Louis, MO 63105, email bwolf@mohistory.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least two individuals from Sacramento County, CA, have been identified. The 34 associated funerary objects are: six lots of baked clay, four bird bone whistles or "sucking tubes", two worked bird bones, three lots of strung shell beads, three bone awls, two ceramic ear plugs, two baked clay bird effigies, three baked clay spools, two stone projectile points, one obsidian projectile point, one stone ball, one baked clay net sinker, one shell pendant, one stone spindle whorl, one lot of milk glass beads, and one large drilled abalone shell.

At an unknown time prior to 1958, an unknown person or persons disinterred two Ancestors and 33 associated funerary objects from multiple burial sites in Sacramento County, CA including but not limited to: CA-SAC-006, CA-SAC-085, CA-SAC-88,89, or 90, CA-SAC-113, Cliff Mound, and Vernon Mound. At an unknown time, these Ancestors and associated funerary objects were transferred to Dr. Max Goldstein of St. Louis, MO where they were stored and possibly displayed at his private museum within the Central Institute for the Deaf. Following the death of Dr. Goldstein, his estate transferred control of the Ancestors and associated funerary objects to the Missouri Historical Society in 1958.

At an unknown time prior to 1993, an unknown person or persons removed one carved stone spindle whorl from CA-SAC-006 and transferred to the Missouri Historical Society. The whorl was catalogued during a 1993 internal inventory.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The MHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 34 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the MHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The MHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03556 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6934; NPS-WASO-NAGPRA-NPS0042040; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Fowler Museum at UCLA, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Fowler Museum at UCLA intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Allison Fischer-Olson, Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095-1549, email afischerolson@arts.ucla.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Fowler Museum at UCLA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 216 lots of cultural items have been requested for repatriation.

The five lots of objects of cultural patrimony are a projectile point fragment, projectile point, shell bead, and abalone shell fragments. These cultural items were removed from the surface of site KN-2, located in Kern County, CA, prior to 1953 by an unknown collector. They were received by the Fowler Museum at UCLA prior to October 1953 and comprise Accession 81. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory.

The 33 lots of objects of cultural patrimony are chipped stone artifacts, lithic flakes, shell beads, and a shell

fragment. These cultural items were removed from the surface of site KN-61, located in Kern County, CA, circa 1950 by Georgiana Guthrie, a UCLA Department of Anthropology graduate student. They were received by the Fowler Museum at UCLA prior to October 1953 and comprise Accession 82. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory.

The one lot of objects of cultural patrimony is a sandstone mortar fragment. This cultural item was removed from the surface near Pleito Creek in Kern County, CA. The exact collection date and collector are unknown, but the item was likely collected prior to 1952 and received by the Fowler Museum at UCLA prior to October 1953, comprising Accession 88. Treatment history of the item is unknown. In consultation with the Tejon Indian Tribe, this item was identified as culturally affiliated with the Tribe and was removed from one of the most important locations within their ancestral territory.

The three lots of objects of cultural patrimony are ceramic sherds, a projectile point, and a china fragment. These cultural items were removed from the surface of CA-KER-197, located in the Sage Springs/Sage Canyon area of Kern County, CA, in October 1953 by Clement W. Meighan. The cultural items removed from this site were received by the Fowler Museum at UCLA in October 1953 and comprise Accession 109. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory.

The seven lots of objects of cultural patrimony are ceramic sherds, lithic flakes, and a leaf-shaped point. These cultural items were removed from the surface of a site in the vicinity of Phillips Ranch in Sand Canyon, Kern County, CA (likely CA-KER-769), in October 1955 by E.V. Winans and M. Kowta. They were received by the Fowler Museum at UCLA on January 19, 1956, and comprise Accession 127. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory near one of the most well-known and protected Indigenous state parks, Tomo-Kahni.

The two lots of objects of cultural patrimony are a ceramic sherd and a

flake scraper. These cultural items were removed from the surface of CA-KER-199, located in Kern County, CA, on April 30, 1954, by Frank Davis. They were received by the Fowler Museum at UCLA on May 26, 1955, and comprise Accession 149. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory.

The 43 lots of objects of cultural patrimony are chipped stone artifacts, groundstone artifacts, lithic flakes, faunal bone, stone fragments, glass fragments, a china fragment, metal fragments, shell fragments, charcoal fragments, seeds, and organic fragments. These cultural items were removed during test excavations at CA-KER-312, located near Cyprus Creek in Kern County, CA, in 1973 by Jon Ericson. They were received by the Fowler Museum at UCLA on August 8, 1973, and comprise Accession 194. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from a well-known village site within their ancestral territory.

The 60 lots of unassociated funerary objects are ceramic sherds, chipped stone artifacts, groundstone artifacts, worked lithic flakes, lithic flakes, faunal bone, an iron rail spike, a polished stone pebble, and granite pitted stones. These cultural items were removed from various locations in the Upper Kern River area of Kern County, CA, including CA-KER-41, Goat Canyon/Goat Canyon Ranch, Scovern Hot Springs/Kern River Drainage, Lake Isabella area/So. Fork Drainage, Erskine Creek Ranch, and other unknown locations (likely also Erskine Creek Ranch). These items were collected circa 1963 (possibly by Archaeological Survey staff) and were donated by Dorothy Griffin (Los Angeles City College). They were received by the Fowler Museum at UCLA prior to November 1968 and comprise Accession 546. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from locations within their ancestral territory that are associated with a known burial site, CA-KER-41. During consultations in 2025, the Santa Rosa Rancheria Tachi Yokut Tribe also identified these items as having been removed from locations within Tachi Yokut territory.

The 20 lots of objects of cultural patrimony are lithic flakes, retouched

flakes, chipped stone artifacts, and a glass trade bead. These cultural items were removed from the surface of various sites in Horse Canyon, Kern County, CA, including CA-KER-268, CA-KER-269, CA-KER-270, CA-KER-271, and CA-KER-272. They were collected in September 1969 by Sam Mayhew and Gary Stickel and were received by the Fowler Museum at UCLA on September 16, 1969, forming Accession 561. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from a well-known Indigenous travel route in an area with a high concentration of sites within their ancestral territory.

The nine lots of objects of cultural patrimony are chipped stone artifacts. These cultural items were removed from the surface of various sites in Kern County, CA, including CA-KER-15 and others with unknown trinomials. They were collected on various dates from 1964 to 1969 by Alex Apostolides and were received by the Fowler Museum at UCLA on April 24, 1978, forming a portion of Accession 586. The remainder of Accession 586 is under the legal control of one or more Federal agencies and is not reflected in this notice. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from well-known village sites near Lake Isabella in their ancestral territory.

The 32 lots of objects of cultural patrimony are lithic flakes and shatter, utilized flakes, ceramic sherds, chipped stone artifacts, and groundstone artifacts. These cultural items were removed from the surface of various sites in Kern County, CA, including CA-KER-1, CA-KER-1682, CA-KER-15, and CA-KER-690. They were collected in December 1983 by Brian Dillon and were received by the Fowler Museum at UCLA on October 9, 1984, forming a portion of Accession 661. The remainder of Accession 661 is under the legal control of one or more Federal agencies and is not reflected in this notice. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from sites within their ancestral territory.

The one lot of objects of cultural patrimony includes miscellaneous fragments of reeds, cut twigs or possible arrow shafts, shells, and basketry. These cultural items were found in the museum's collections in April 1977 and given accession number X77.23. A note

on the original packaging material stated that these items were removed from a test pit in a rock shelter in Pleito Canyon, CA, on December 2, 1962. It is unclear when the items originally arrived at the Fowler Museum at UCLA. Treatment history of these items is unknown. In consultation with the Tejon Indian Tribe, these items were identified as culturally affiliated with the Tribe and were removed from one of the most important locations within their ancestral territory.

Determinations

The Fowler Museum at UCLA has determined that:

- The 60 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The 156 lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing

requests for repatriation are received, the Fowler Museum at UCLA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Fowler Museum at UCLA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03558 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6937; NPS-WASO-NAGPRA-NPS0042043; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore, St. Marys, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore (CUIIS) intends to carry out the disposition of human remains and associated funerary objects removed from Federal lands to the consulting tribes with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026. If no claim for disposition is received by February 23, 2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and associated funerary objects in this notice to Melissa Trenchik, Superintendent, Cumberland Island National Seashore, 101 Wheeler Street, St. Marys, GA 31558, email melissa_trenchik@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, CUIIS, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

Based on the information available, human remains representing, at least one individual have been reasonably identified. At least one lot of associated funerary objects are pottery sherds. The remains and associated funerary objects were uncovered in Camden County, Georgia on September 12, 2024, during a Section 110 Archeological Survey.

Determinations

The CUIIS has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one lot of objects are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town have priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by February 23, 2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice

may occur on or after March 25, 2026. If competing claims for disposition are received, CUIS must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. CUIS is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03561 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6931; NPS-WASO-NAGPRA-NPS0042037; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Salt River Agricultural Improvement and Power District, Tempe, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Salt River Project Agricultural Improvement and Power District intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Marissa Sotomayor, Salt River Project Agricultural Improvement and Power District, 1500 N Mill Avenue, Tempe, AZ 85288, email Marissa.Sotomayor@srpnet.com.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Salt River

Project Agricultural Improvement and Power District, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 231 cultural items have been requested for repatriation. The 148 unassociated funerary objects are ceramic vessels, ceramic effigies, shells, groundstone palettes, mortars, and censers, ceramic and glass beads. The 80 sacred objects are stone hoes, picks, palettes, censers, mortars, shat straighteners, metates, slate pendants, axes, and shells. The three objects of cultural patrimony are a ceramic vessel and two stone hoes.

Based on the information available, 226 of the cultural items were removed from a site in Arizona, Maricopa County, by Audie Russell Kelley (b. 1907 d. 1954); the date of removal is unknown. The collection was previously in the possession of archaeologist Audie Russell Kelley and was sold to the Salt River Project Agricultural Improvement and Power District in 1973 by his wife, Peggy Kelley, following his decease.

The other five cultural items were also removed from a site in Arizona, Maricopa County, by Frank Midvale (b. 1903, d. 1971) and Omar Turney (b. 1866, d. 1929); the date of removal is unknown. The collection was previously in the possession of archaeologist Frank Midvale and was sold to the Salt River Project Agricultural Improvement and Power District in the early 1970s by his family following his decease.

The Salt River Project Agricultural Improvement and Power District records indicate no known hazardous substances used to treat any of the cultural items.

Determinations

The Salt River Project Agricultural Improvement and Power District has determined that:

- The 148 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the

evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 80 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Gila River Indian Community of the Gila River Indian Reservation, Arizona and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Salt River Project Agricultural Improvement and Power District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Salt River Project Agricultural Improvement and Power District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03555 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6946; NPS–WASO–NAGPRA–NPS0042053; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arizona State Museum, University of Arizona, intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Cristin Lucas, Repatriation Coordinator, Arizona State Museum, University of Arizona, 1013 E University Blvd., Tucson, AZ 85721–0026, email lucasc@arizona.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Arizona State Museum, University of Arizona, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 10 cultural items have been requested for repatriation. The 10 sacred objects/objects of cultural patrimony are saguaro wine baskets. These cultural items were collected by various individuals from southern Arizona from circa 1900 to the 1940s and received by the Arizona State Museum as donations or, in a few cases, acquisitions. The

items represented in this request were identified through historic documentation and consultation as being representative of Tohono O'odham stylistic traditions. There are no documented applications of hazardous substances for the items represented in this request. However, given the years of acquisition, it is likely that chemical treatments were used. If these items are to be returned to use, it is strongly recommended that testing for the presence of hazardous substances is conducted by a qualified professional.

Determinations

The Arizona State Museum, University of Arizona, has determined that:

- The 10 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Tohono O'odham Nation of Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Arizona State Museum, University of Arizona, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Arizona State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations

identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03570 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6944; NPS–WASO–NAGPRA–NPS0042051; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Illinois State Museum intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Brooke M. Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street, Springfield, IL 62703, email brooke.morgan@illinois.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Illinois State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four sacred objects are three sections of kapa cloth and one piece of cordage (kaula). These items were reportedly purchased on the island of O'ahu in Ke Aupuni Hawai'i (the Hawaiian Kingdom) in 1863 by Frank Rezor and donated to the

Illinois State Museum in 1890. To our knowledge, no hazardous substances have been used to treat these objects.

Determinations

The Illinois State Museum has determined that:

- The four sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Illinois State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Illinois State Museum is responsible for sending a copy of this notice to the Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03568 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6939; NPS-WASO-NAGPRA-NPS0042045; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Connecticut, Storrs-Mansfield, CT

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Connecticut has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Roxanne Beason, University of Connecticut, 350 Mansfield Dr Unit 1245, Storrs-Mansfield, CT 06269, email roxanne.beason@uconn.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Connecticut, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 47 individuals have been identified. The 190 associated funerary objects include copper beads, projectile points, scrapers, axes, and pottery sherds. The individuals are from various archaeological sites across the state of Connecticut and are affiliated with the Mashantucket Pequot Tribe and Mohegan Tribe. There are no known hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the

geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Connecticut has determined that:

- The human remains described in this notice represent the physical remains of 47 individuals of Native American ancestry.
- The 190 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the University of Connecticut must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Connecticut is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03563 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6943; NPS-WASO-NAGPRA-
NPS0042050; PPWOCRADN0-
PCU00RP14.R50000]

**Notice of Inventory Completion:
Tennessee Department of Environment
and Conservation Division of
Archaeology, Nashville, TN**

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains and associated funerary objects from site 40MT43, Montgomery County, TN, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The 1,581 associated funerary objects are described below.

40MT43, Montgomery County, TN

The materials described in this notice were excavated from 40MT43 (Dunbar Cave) by TDEC-DOA staff in 1977 and 1978. Those excavations recovered temporally diagnostic artifacts dating to the Late Paleoindian, Archaic, Woodland, and Mississippian

archaeological periods, as well as Euro-American use of the cave. Human remains representing, at least, three individuals were removed during the 1977–1978 excavations. Additional test excavations were conducted by faculty from the University of Tennessee, Knoxville in 2007–2008.

At the request of consulting Tribal Nations, the TDEC-DOA attempted to inventory the 40MT43 collection for the purposes of identifying any as-yet unidentified human remains and/or Cultural Items. Upon inventory, it was apparent that fragmentary human remains were ubiquitous in the collection and, due to the complexity of the cave's stratification and that improper excavation methods were employed, the context and association of the site is compromised and cannot be remedied. It was subsequently determined in consultation to treat the entire collection as a mortuary context. The TDEC-DOA completed the inventory, but only at the box level with the goal of assigning lot numbers to each bag of pre-contact material according to general artifact type. As a result of this process the associated funerary objects included in this notice include 1,581 lots of artifacts consisting of: 733 lots of lithic artifacts; 177 lots of ceramic artifacts; 444 lots of faunal remains; 110 lots of botanical material; 25 lots of carbon samples; and 92 lots of unsorted pre-contact artifacts. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC-DOA has determined that:

- The human remains described in this notice represent the physical remains of at least three individuals of Native American ancestry.
- The 1,581 lots of artifacts described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation;

The Osage Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the TDEC-DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC-DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03567 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6947; NPS-WASO-NAGPRA-
NPS0042054; PPWOCRADN0-
PCU00RP14.R50000]

**Notice of Intended Repatriation: The
Museum of Kansas City, Kansas City,
MO**

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Museum of Kansas City (MKC) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural

affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Lisa Shockley, The Museum of Kansas City, 3218 Gladstone Blvd., Kansas City, MO 64123, email lschockley@museumofkansascity.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of MKC, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation.

The five objects of cultural patrimony are two horns, one pipe bowl, one pipe fragment, and one woven yarn bag. The two horns were purchased by MKC in 1980 from a collector in Tulsa, OK. The pipe bowl was collected from the Great Osage Village site 23VE1 and sold to the Bushwacker Museum. MKC purchased it from that museum in 1976. The pipe fragment was collected from the Little Osage Village site in 1938. It was donated to MKC in 1978. The woven yarn bag was collected in Oklahoma in 1915. It was donated to MKC in 1976.

There are no institutional records indicating the presence of any potentially hazardous substances used to treat these items.

Determinations

The MKC has determined that:

- The five objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and The Osage Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this

notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, The Museum of Kansas City must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Museum of Kansas City is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03571 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6938; NPS-WASO-NAGPRA-NPS0042044; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore, St. Marys, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore (CUIIS) intends to carry out the disposition of human remains and associated funerary objects removed from Federal lands to the consulting tribes with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026. If no claim for disposition is received by February 23,

2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and associated funerary objects in this notice to Melissa Trenchik, Superintendent, Cumberland Island National Seashore, 101 Wheeler Street, St. Marys, GA 31558, email melissa_trenchik@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, CUIIS, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. At least one lot of associated funerary objects from the shovel test were secured after the identification of human remains. The remains and associated funerary objects were uncovered in Camden County, Georgia during a Section 110 Archeological Survey and discovered on October 28, 2024 during laboratory analysis.

Determinations

The CUIIS has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one lot of objects are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Micosukee Tribe of Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town have priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this

notice under **ADDRESSES**. If no claim for disposition is received by February 23, 2027, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026. If competing claims for disposition are received, CUIS must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. CUIS is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03562 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6933; NPS-WASO-NAGPRA-NPS0042039; PPWOCDADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Fowler Museum at UCLA, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Fowler Museum at UCLA has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Allison Fischer-Olson, Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095-1549, email afischerolson@arts.ucla.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Fowler Museum at UCLA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 46 lots of associated funerary objects are chipped stone artifacts, groundstone artifacts, a lithic flake, shell beads, and steatite beads. These cultural items were removed from cremation burials located at Cole's Levee on the shore of Buena Vista Lake in Kern County, CA, during a UCLA archaeological field class led by Ralph L. Beals around 1940 or 1941. They were received by the Fowler Museum at UCLA prior to October 1953 and comprise a portion of Accession 60. The collection also included human remains and associated funerary objects that were repatriated to the Santa Rosa Rancheria Tachi Yokut Tribe on March 22, 2006. During initial consultations in 2006, Cole's Levee was identified as within traditional Yokut territory. In consultations with the Tejon Indian Tribe in 2025, these items were identified as culturally affiliated with the Tribe and were removed from their ancestral territory. Santa Rosa Rancheria Tachi Yokut Tribe also reiterated that Cole's Levee is within Tachi Yokut territory during 2025 consultations. Treatment history of these items is unknown.

The one lot of associated funerary objects is a bag of faunal bone. During initial NAGPRA work in 1995, this faunal bone was found with human remains in a drawer with the label "McKittrick Survey Area" or "burial" from McKittrick Survey." The remains and faunal bone were incorporated into the Fowler Museum at UCLA's collections as Accession 925. The history of this collection is unclear, but they were likely removed during a 1977 archaeological survey of the McKittrick area of Kern County, CA, directed by C. William Clewlow (UCLA Archaeological Survey), then brought to UCLA by Michael Walsh. Following Tribal

consultation, the human remains were transferred to the Kern County Coroner's Office in 2004, while the faunal bone remained at UCLA. UCLA staff contacted the Coroner's Office in 2025 regarding the remains, but the investigation into their current whereabouts is ongoing. During initial consultations prior to 2004, the McKittrick Survey area was identified as within traditional Yokut territory. In consultations with Tejon Indian Tribe in 2025, the faunal bone was identified as associated funerary objects that are culturally affiliated with the Tribe and were removed from their ancestral territory. Santa Rosa Rancheria Tachi Yokut Tribe also reiterated that the McKittrick area is within Tachi Yokut territory during 2025 consultations. Treatment history of these items is unknown.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Fowler Museum at UCLA has determined that:

- The 47 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California and the Tejon Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Fowler

Museum at UCLA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Fowler Museum at UCLA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03557 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6936; NPS-WASO-NAGPRA-NPS0042042; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Oakland Museum of California, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Oakland Museum of California (OMCA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after March 25, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Anna Bunting, Oakland Museum of California, 1000 Oak Street, Oakland, CA 94607, email nagpra@museumca.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Oakland Museum of California, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 89 cultural items, represented by 76 catalog numbers, have been requested for repatriation. All of these items were removed from the Hawaiian Islands by various collectors in the late 19th and early 20th centuries and were donated to the Oakland Public Museum (OPM) or the Oakland Museum of California (OMCA) between 1912 and 1982. OPM's collection was incorporated into the OMCA in 1969.

The four unassociated funerary objects, represented by three catalog numbers, are two Kapa (Bark Cloth) cataloged with one number with a tag stating "Found in cave on Hawaii" acquired by OPM in December 1925. Donated by the Ebell Society. And two Kapa Moe (Bark Cloth Sleeping Blanket), collected from unidentified burial caves, acquired by OPM in November 1952, donated by Mrs. R. Sutphen.

The 85 sacred objects, represented by 73 catalog numbers are: one sperm whale tooth, two Pōhaku Ku'i 'Ai (Stone Food Pounders), two 'Ulumaika (Stone Disc for Bowling), one 'I'e Kūkū (Kapa Beater), one Mea Kapu (Ceremonial Object), one Papa Ku'i 'Ai (Poi Pounding Board), one Kapa Moe (Bark Cloth Sleeping Blanket), one Huewai (Water Carrying Gourd) four 'Umeke (Gourd Bowl) cataloged with one number, one Lei Pūpū (Shell Necklace) of Land Snails, and three Kapa (Bark Cloth) cataloged with one number. (Nine of these items were acquired by the OPM in April 1912, purchased from Sarah Deming. The other nine were acquired by OPM in October 1922, donated by Sarah Deming as part of her estate). One Ko'i (Adze) from the island of Kaua'i acquired by OPM in December 1917. Donated by W.C. Hollinsead. One Pōhaku Poho (Stone Lamp Base) acquired by OPM in June 1919. Donated by Amelia Sellander.

Two 'I'e Kūkū (Kapa Beater) acquired by OPM in July 1921. Donated by Samuel M. Marks. Two Kapa (Bark Cloth) cataloged with one number, acquired by OPM in July 1921. Donated by Mrs. Jas. MacLise. One Pōhaku Poho (Stone Lamp Base), one Ko'i (Adze), one Kapa Moe (Bark Cloth Sleeping Blanket) acquired by OPM in June 1922. Donated by Mrs. Gertrude Warwick. One Pōhaku Lūhe'e (Octopus Lure Sinkers) and one Ko'i (Adze) acquired by OPM in June 1924. Donated by Mrs. C.H. King. One 'Aha (Cordage) acquired by OPM in September 1924 and one Pāpale (Hat) acquired by OPM in May 1930. Both were donated by Agnes Jewett. One 'Eke

(Basket) for a Fisherman, two Kapa Moe (Bark Cloth Sleeping Blanket), three Pōhaku Ku'i 'Ai (Stone Food Pounder), one 'I'e Kūkū (Kapa Beater) acquired by OPM in May 1927, donated by Mrs. Henry Wetherbee. One Pāpale (Hat) acquired by OPM in September 1927, donated by Mrs. Philip E. Bowels. One Kapa Moe—Kilohana (Bark Cloth Sleeping Blanket) and one Pōhaku Poho (Stone Lamp Base) acquired by OPM in August 1927, donated by Mrs. B. Garcin. One description of Papa Ku'i 'Ai (Poi Pounding Board) of Kamehameha. Acquired by OPM in August 1913, donated by Charles Wilcomb. One Ko'i (Adze Blade) with Handle and one Lei Hulu (Feather Necklace) of O'o Feathers, acquired by OPM in 1921, purchased from Dr. John Rabe. One Ipu (Gourd), one 'I'e Kūkū (Kapa Beater), one 'Aha (Cordage), one Kapa (Bark Cloth), two Ko'i (Adze Blade), acquired by OPM in March 1939, donated by the C.S. Lewis Estate. Three Kapa Moe (Bark Cloth Sleeping Blanket) and three Kapa (Bark Cloth), acquired by OPM in July 1948, donated by Elise M. Dodge. The Kapa were removed from Hawaii between 1890—1900 by the donor's grandfather. One Pāpale (Hat), one 'I'e Kūkū (Kapa Beater), acquired by OPM in June 1937, donated by Mrs. Jesse M. Acuff. Four 'Umeke Poi (Poi Bowl), acquired by OPM in January 1962, donated by Miguel P. Wall. One Lapa (Bamboo Liner for Kapa Printing) and one Kapa (Bark Cloth) acquired by OPM in November 1967, donated by Dr. Michael Mathes. Two 'I'e Kūkū (Kapa Beater), one Lūhe'e (Squid Lure) with a Metal Hook, acquired by OPM in August 1968, Donated by Mrs. George Werkley. Two Kapa (Bark Cloth), cataloged as one number, acquired by the Oakland Museum in 1973. Donated by Marie Wheeler. One 'Umeke Poi (Poi Bowl), one 'I'e Kūkū (Kapa Beater), one Papa Ku'i 'Ai (Poi Pounding Board) were found in collections in 1974 and given 'Object of Unknown Origin' numbers. Three Lei Niho Palaoa (Whale Tooth and Human Hair Pendant Necklace), two Pōhaku Ku'i 'Ai (Stone Food Pounder), two Ki'i Pōhaku (Stone Image), six Leka (Letterhead) cataloged as one number from the Kingdom of Hawai'i, acquired by the Oakland Museum in December 1982. Donated by Milton C. Buckley.

The presence of potentially hazardous substances on these particular items is unknown.

Determinations

The Oakland Museum of California has determined that:

- The four unassociated funerary objects described in this notice are

reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The 85 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the Oakland Museum of California must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Oakland Museum of California is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026-03560 Filed 2-20-26; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6945; NPS-WASO-NAGPRA-NPS0042052; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 25, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor, University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email nagpra-ucb@berkeley.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

In 1907, ancestral remains representing at least one individual and 13 associated funerary objects were removed from Puerta La Cruz, Warner's Ranch, San Diego County, CA by Thomas T. Waterman, a student of Alfred Kroeber, and accessioned into the University of California Museum of

Anthropology (today the Phoebe A. Hearst Museum of Anthropology). The 13 funerary objects are ground stone and worked stone.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The University of California, Berkeley has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- The 13 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Pala Band of Mission Indians.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after March 25, 2026. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: February 13, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–03569 Filed 2–20–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1125 (Third Review)]

Electrolytic Manganese Dioxide From China; Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on electrolytic manganese dioxide from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on June 2, 2025 (90 FR 23367), and determined on September 5, 2025, that it would conduct an expedited review (90 FR 48056, October 3, 2025).²

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on February 18, 2026. The views of the Commission are contained in USITC Publication 5703 (February 2026), entitled *Electrolytic Manganese Dioxide from China: Investigation No. 731–TA–1125 (Third Review)*.

By order of the Commission.

Issued: February 19, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03498 Filed 2–20–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–608]

USMCA Automotive Rules of Origin: Economic Impact and Operation, 2027 Report

AGENCY: United States International Trade Commission.

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: In accordance with section 202A(g)(2) of the United States-Mexico-Canada Agreement Implementation Act (“the Act”), the U.S. International Trade Commission (Commission) has instituted Investigation No. 332–608, *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2027 Report*, for the purpose of preparing the 2027 report.

DATES:

September 29, 2026: Deadline for filing requests to appear at the public hearing.

October 1, 2026: Deadline for filing prehearing briefs and statements.

October 6, 2026: Deadline for filing electronic copies of hearing oral statements.

October 14, 2026: Public hearing.

October 21, 2026: Deadline for filing posthearing briefs.

November 2, 2026: Deadline for filing all other written submissions.

No later than July 1, 2027: Transmittal of Commission report to the President, the Senate Committee on Finance, and the House Committee on Ways and Means.

ADDRESSES: All Commission offices, including the Commission’s hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC 20436. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Project Leaders Fernando Gracia (202–205–2747 or fernando.gracia@usitc.gov) and Dixie Downing (202–205–3164 or dixie.downing@usitc.gov) or Deputy Project Leaders Conor Hargrove (202–708–5409 or conor.hargrove@usitc.gov) and Tamara Gurevich (202–205–3403 or tamara.gurevich@usitc.gov) for information specific to this investigation. For information on the legal aspects of this investigation, contact Brian Allen (202–205–3034 or

brian.allen@usitc.gov) of the Commission’s Office of the General Counsel. The media should contact Claire Huber, Office of External Relations (202–205–1819 or claire.huber@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission’s TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (<https://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background: The 2027 report will be the third of five reports that section 202A(g)(2) of the Act (19 U.S.C. 4532(g)(2)) requires that the Commission provide on the United States-Mexico-Canada Agreement (USMCA) automotive rules of origin (ROOs) and their impact on the U.S. economy, effect on U.S.

competitiveness, and relevancy considering recent technology changes. In particular, the Act requires that the Commission report on the following:

(1) The economic impact of the USMCA automotive ROOs on U.S. gross domestic product (GDP); U.S. exports and imports; U.S. aggregate employment and employment opportunities; production, investment, use of productive facilities, and profit levels in the U.S. automotive industries and other pertinent industries; wages and employment of workers in the U.S. automotive sector; and the interests of U.S. consumers.

(2) The operation of the ROOs and their effects on the competitiveness of the United States with respect to production and trade in automotive goods, taking into account developments in technology, production processes, or other related matters.

(3) Whether the ROOs are relevant in light of technological changes in the United States.

(4) Such other matters as the Commission considers relevant to the economic impact of the ROOs, including prices, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production in the United States.

As part of this investigation, the Commission intends to conduct a survey and will post the associated questionnaire on its website at a later date. The Act requires that the Commission transmit its report in this investigation “to the appropriate

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in a subsequent notice published in the **Federal Register** on December 11, 2025 (90 FR 57485).

congressional committees and the President” no later than July 1, 2027, two years following submission of its previous report, *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2025 Report*, Inv. No. 332–600, Pub. 5642 (August 2025). The Commission is required to submit reports on the USMCA automotive ROOs every two years until 2031, for a total of five reports.

Public hearing: A public hearing in connection with this investigation will be held beginning at 9:30 a.m., October 14, 2026, in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The hearing can also be accessed remotely using the WebEx videoconference platform. A link to the hearing will be posted on the Commission’s website at <https://www.usitc.gov/calendarpad/calendar.html>.

Requests to appear at the hearing should be filed with the Secretary to the Commission no later than 5:15 p.m., September 11, 2026, in accordance with the requirements in the “Written Submissions” section below. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear as a witness via videoconference must include a statement explaining why the witness cannot appear in person; the Chair, or other person designated to conduct the investigation, may at their discretion for good cause shown, grant such requests. Requests to appear as a witness via videoconference due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing.

All prehearing briefs and statements should be filed no later than 5:15 p.m., September 30, 2026. To facilitate the hearing, including the preparation of an accurate written public transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, October 9, 2026. All posthearing briefs and statements should be filed no later than 5:15 p.m., October 23, 2026. Posthearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the “Definitions” section below.

In the event that, as of the close of business on September 11, 2026, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should check the Commission website as indicated above for information

concerning whether the hearing will be held.

Written submissions: In lieu of or in addition to participating in the hearing, interested persons are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received no later than 5:15 p.m., November 4, 2026. All written submissions must conform to the provisions of section 201.8 of the Commission’s *Rules of Practice and Procedure* (19 CFR 201.8). Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), email EDIS3help@usitc.gov, or consult the Commission’s *Handbook on Filing Procedures*.

Definitions of types of documents that may be filed; Requirements: In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: prehearing briefs, hearing oral statements, posthearing briefs, and other written submissions.

(1) *Prehearing briefs* refers to written materials relevant to the investigation and submitted in advance of the hearing, and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Hearing oral statements* refers to the actual oral statement that you intend to present at the hearing. Do not include any confidential business information (CBI) in that statement. If you plan to testify, you must file a copy of your oral statement by the date specified in this notice. This statement will allow Commissioners to understand your position in advance of the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (e.g., names spelled correctly).

(3) *Posthearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) should be limited to matters that arose during the hearing; (b) should respond to any Commissioner and staff questions addressed to you at the hearing; (c) should clarify, amplify, or correct any statements you made at

the hearing; and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refers to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

In accordance with the provisions of section 201.8 of the Commission’s *Rules of Practice and Procedure*, the document must identify on its cover (1) the investigation number and title and the type of document filed (i.e., prehearing brief, hearing oral statement of (name), posthearing brief, or written submission); (2) the name and signature of the person filing it; (3) the name of the organization that the submission is filed on behalf of; and (4) whether it contains CBI. If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than hearing oral statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential business information: Any submissions that contain CBI must also conform to the requirements of section 201.6 of the Commission’s *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the “confidential” or “nonconfidential” version, and that the CBI is clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested persons.

The Commission will not include any CBI in its report. However, all information, including CBI, submitted in this investigation may be disclosed to and used by: (i) 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) U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a way that would reveal the operations of the firm supplying the information.

Summaries of views of interested persons: Interested persons wishing to have a summary of their views included in the report should include a summary with a written submission on or before November 4, 2026, and should mark the summary as having been provided for that purpose. The summary should be clearly marked as “summary for inclusion in the report” at the top of the page. The summary may not exceed 500 words and should not include any CBI. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link where the written submission can be found.

By order of the Commission.

Issued: February 19, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03499 Filed 2–20–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for NASGRO Development and Support, (NASGRO)

Notice is hereby given that, on September 17, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Southwest Research Institute—Cooperative Research Group on Consortium for NASGRO Development and Support (“NASGRO”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Northrup Grumman Systems Corporation, Melbourne, FL; Relativity Space, Long Beach, CA; and Honda Aero LLC, Burlington, NC, have been added as parties to this venture.

Also, Sikorsky Aircraft Corporation, Stratford, CT; Spirit AeroSystems, Inc., Wichita, KS; and Sierra Space Corporation, Louisville, CO, have withdrawn as parties to this venture.

In addition, Raytheon Technologies Corporation, Waltham, MA, has changed its name to RTX Corporation, Arlington, VA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NASGRO intends to file additional written notifications disclosing all changes in membership.

On October 3, 2001, NASGRO filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 22, 2002 (67 FR 2910).

The last notification was filed with the Department on February 1, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 28, 2024 (89 FR 54043).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03513 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—RailPulse, LLC

Notice is hereby given that, on August 25, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), RailPulse, LLC (“RailPulse”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CSX Transportation, Inc., Jacksonville, FL; and TTX Company, Charlotte, NC, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RailPulse intends to file additional written notifications disclosing all changes in membership.

On April 20, 2021, RailPulse filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 25, 2021 (86 FR 28151).

The last notification was filed with the Department on January 24, 2024. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26927).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03512 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Defense Industrial Based Consortium

Notice is hereby given that, on October 14, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Defense Industrial Based Consortium (“DIBC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Alitheon Inc., Bellevue, WA; Alpha Six Analytics LLC, Bristow, VA; Alpha-En Corporation, Hopewell Junction, NY; Alvarez & Marsal Federal, LLC, Washington, DC; American Energy Technologies CO, Glenview, IL; American Triad Limited Liability CO, Miami, FL; API Innovation Center, Saint Louis, MO; Applied Information Sciences Inc., Reston, VA; Arcam Corporation, Weston, MA; Ascend Elements, Inc., Westborough, MA; Atome Incorporated, Ipswich, MA; Auterion Government Solutions Inc., Arlington, VA; Axle Box Innovations LLC, College Station, TX; Axyde Analytics, LLC, Alexandria, VA; Blueshift Carbon, Inc., Somerville, MA; Brainstorm Technologies LLC, Slidell, LA; BrightSpark Graphite Pty Ltd, Queensland, COMMONWEALTH OF AUSTRALIA; Caci, Inc.—Federal, Chantilly, VA; Chesapeake Technology International, Corp., Prince Frederick, MD; Chz Technologies LLC, Canfield, OH; CMBlu Energy, Inc., Petaluma, CA; Computer Conversions Corporation, East Northport, NY; Conamix Inc., Ithaca, NY; Controlled Thermal Resources (US) Inc., Imperial, CA; Copperwood Resources Inc., Wakefield, MI; Critical Materials Recycling, Inc., Boone, IA; Cypress Holdings Nevada, Limited, Twin Falls, ID; D & T Contractors, Inc., Lucedale, MS; Desert Energy Corp., Surprise, AZ; Drs

Network & Imaging Systems LLC, Melbourne, FL; Elementum Materials, Inc., Somerville, MA; Ensign-Bickford Aerospace & Defense Company, Simsbury, CT; Fluorionics, Inc., Austin, TX; Ftl Labs Corp, Amherst, MA; Geoquantum Resources, Inc., Calgary, CANADA; Gietter, Marc, Elkton, MD; Golden Metal Resources LLC, Las Vegas, NV; Govsignals, Inc., New York, NY; Graymatter Robotics, Inc., Carson, CA; Greentech Minerals Holdings, Inc., Washington, DC; Haddy, Inc., Saint Petersburg, FL; Harmonic Alpha LLC, Frederick, MD; Henrietta Mine, LLC, Chandler, AZ; Hylo Industries, Inc., Simpsonville, SC; Hypersciences, Inc., Spokane, WA; Impossible Metals, Inc., San Jose, CA; Integrated Solutions for Systems, Inc., Huntsville, AL; Janicki Industries, Inc., Sedro Woolley, WA; Jessica Dapelo Enterprises, Inc., Patchogue, NY; Kadure Global Impex LLC, Brooklyn, NY; Kato Engineering, Inc., North Mankato, MN; Kerria USA LLC, Tustin, CA; Liberty Star Uranium & Metals Corp., Madisonville, KY; M2i Global, Inc., Incline Village, NV; Machina Labs, Inc., Chatsworth, CA; Magnetic Instrumentation Company, LLC, Indianapolis, IN; Magnetics Corporation, Tallahassee, FL; Maverick Labs, Inc., San Antonio, TX; Merge Plot LLC, Huntingdon Valley, PA; Metals Innovation Initiative, Inc., Bowling Green, KY; Modalai, Inc., San Diego, CA; Negative Emissions Materials, Inc., Brooklyn, NY; Niron Magnetics, Inc., Minneapolis, MN; Noah Technologies Corporation of Texas, San Antonio, TX; Orefine LLC, Bee Caves, TX; Pacific Engineering, Inc., Roca, NE; Parcell Company, Columbus, OH; Pareek Group LLC, Potomac, MD; Partworks, LLC, Atlanta, GA; Performance Results Plus Inc., Galena, OH; Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Princeton Nuenergy, Inc., Bordentown, NJ; Public Access LLC, Salem, OH; Quantumscape Battery, Inc., San Jose, CA; R. Stresau Laboratory, Inc., Spooner, WI; Rad Wifi LLC, Ogden, UT; Radiation Detection Technologies, Inc., Manhattan, KS; Readyone Industries, Inc., El Paso, TX; Rising Tide Associates LLC, Marblehead, MA; RMGS, Inc., Virginia Beach, VA; Romeo Alpha Holdings, CO, The Villages, FL; Senesco Marine, LLC, North Kingstown, RI; Sierra Nevada Company, LLC, Englewood, CO; Srr International, Inc., Riviera Beach, FL; Summit Nanotech USA Corporation, Lafayette, CO; Swift Solar, Inc., San Carlos, CA; Systems Planning and Analysis, Inc., Alexandria, VA; Taber Extrusions, LLC, Russellville, AR; Targetx, LLC, Roanoke, TX; Tecma, Inc., Sacramento, CA; Tectus

Corporation, Cupertino, CA; Temperature Testing Technologies LLC, Phoenixville, PA; Terragia Biofuel, Inc., Hanover, NH; Tetra Tech, Inc., Pasadena, CA; The Oakley Office, LLC, Lineville, AL; Theradaptive, Inc., Frederick, MD; Thorin Resources, LLC, Ouray, CO; Titomic USA, Inc., Madison, AL; Tst Fab & Machine LLC, Norfolk, VA; Twelve Benefit Corporation, Berkeley, CA; University of North Carolina at Charlotte, Charlotte, NC; Ussemi, Inc., Williamsburg, VA; Valinor Enterprises, Inc., Alexandria, VA; Vital Gritworks Corp, Chelmsford, MA; Volt Energy Materials LLC, Bordentown, NJ; Vulcanforms, Inc., Devens, MA; Western Alaska Copper & Gold Company, Talkeetna, AK; Worcester Polytechnic Institute, Worcester, MA; Xerion Advanced Battery Corp., Kettering, OH; Xometry, Inc., North Bethesda, MD; and Zulu Pods, Inc., Amherst, MA, have been added as parties to this venture.

Also, Blacksky Geospatial Solutions, LLC, Herndon, VA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DIBC intends to file additional written notifications disclosing all changes in membership.

On February 21, 2024, DIBC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 24, 2024 (89 FR 52508).

The last notification was filed with the Department on July 2, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 14, 2025 (90 FR 39224).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03546 Filed 2-20-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on November 11, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Armaments Consortium ("NAC") has filed written notifications simultaneously with the Attorney

General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Absolute Machining LLC, Fort Wayne, IN; AMERICAN TRIAD LLC, Miami, FL; Amsted Graphite Materials, LLC, Anmoore, WV; AngmarTek LLC, Kenmore, WA; Applied Research Solutions, Beavercreek, OH; Arc Space Innovation LLC, Herndon, VA; Archaius LLC, Durham, NC; Basic Commerce and Industries, Inc., Moorestown, NJ; Brainstorm Technologies, Slidell, LA; BROCO, INC., Ontario, CA; C3A Solutions LLC, Carthage, NC; Concepts NREC LLC, White River Junction, VT; Core4ce LLC, Arlington, VA; Created Solutions Inc., Harvest, AL; Critical Defense, Inc., Windber, PA; Daniel H. Wagner Associates, Inc., Hampton, VA; Davis Defense Group, Inc., Stafford, VA; Dynovas Inc., Poway, CA; ELEVATE, CREATE, INNOVATE CONSULTING LLC, Sunderland, MD; EOTECH LLC, Plymouth, MI; Gallatin AI, Inc., Washington, DC; Gartner, Inc., Stamford, CT; Geissele Automatics, LLC, North Wales, PA; Govsignals, Inc., New York, NY; Hadrian Automation Inc., Torrance, CA; IDV USA, Inc., York, PA; Innovative Rocket Technologies, East Islip, NY; Intrinsic Enterprises, Inc., Bellevue, WA; Maritech, Panama City, FL; McKinsey & Company, Inc., Washington, DC; Metalware, Inc., San Francisco, CA; Michael Baker International, Inc., Moon Township, PA; MSM GROUP NORTH AMERICA, Inc., St. Petersburg, FL; N.J. Precision Technologies, Inc., Mountainside, NJ; Obviant, Inc., Arlington, VA; Organization of Strategic Sciences LLC, Draper, UT; Palantir USG, Inc., Palo Alto, CA; Pilot Systems International LLC, Farmington Hills, MI; Preferred Program Solutions, Inc., Madison, AL; PROMESS INCORPORATED, Brighton, MI; Purdue Applied Research Institute LLC, West Lafayette, IN; Radical Defense LLC, Stafford, TX; Raglan LLC, Wilmington, NC; Research and Engineering Solutions LLC, Purcellville, VA; Rune Technologies, Inc., Alexandria, VA; Saronic Technologies, Inc., Austin, TX; Science, Engineering, Mgmt Solutions, LLC dba Sem-Sol, Albuquerque, NM; Seal Company Enterprises, Inc., Tulsa, OK; Sherpa 6, Inc., Littleton, CO; Sierra Lobo, Inc., Fremont, OH; SitScape, Inc., Vienna, VA; Southeastern Computer Consultants, Inc., King George, VA; Supernova Industries Corp, Austin, TX;

System Studies & Simulation, Inc., Huntsville, AL; TAP Engineering LLC, Columbia, MD; ThinKom Solutions Inc., Hawthorne, CA; Trimer Technologies LLC, Ann Arbor, MI; and VIGO Photonics Corporation, St. Petersburg, FL, have been added as parties to this venture.

Also, Blacksky Geospatial Solutions, LLC, Herndon, VA; NanoElectromagnetics LLC, Columbia, MO; Barrett Firearms Manufacturing, Inc., Christiana, TN; Electronics Development Corp., Columbia, MD; Rapid Imaging Technologies LLC, Middleton, WI; Illinoisrocstar LLC, Champaign, IL; Numerica Corporation, Fort Collins, CO; Alloy Surfaces CO, Inc., Aston, PA; American Material Handling, Inc., Watkinsville, GA; and Princeton Infrared Technologies, Inc., Monmouth Junction, NJ, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on July 11, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39421).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03536 Filed 2-20-26; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Resilient Infrastructure + Secure Energy Consortium

Notice is hereby given that, on October 10, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), the Resilient Infrastructure + Secure Energy Consortium (“RISE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the

Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Enlighten IT Consulting LLC, Columbia, MD; Interecha LLC, Alexandria, VA; NOW Renewables Inc., San Diego, CA; Ongrid Options LLC, McLean, VA; Public Access LLC, Salem, OH; and Vaisala Inc., Louisville, CO, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RISE intends to file additional written notifications disclosing all changes in membership.

On July 2, 2021, RISE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 23, 2021 (86 FR 47155).

The last notification was filed with the Department on July 15, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39422).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03535 Filed 2-20-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Customer Experience Hub

Notice is hereby given that, on October 2, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Customer Experience Hub (“CX Hub”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Analyticon Discovery, LLC, Gaithersburg, MD; Antheia, INC, Menlo Park, CA; Bifrost Biosystems INC, Berkeley, CA; CD Biosciences INC, Shirley, NY; Cosmosid, INC, Rockville, MD; Defense Operations & Execution Solutions INC, W Melbourne, FL; Diagnostics Inc., Madison, CT; Dnanexus, Inc., Mountain View, CA;

Eastern Research Group INC, Concord, MA; eDNAtec, Inc., St. John’s, CANADA; Elixia Health, Hollywood, FL; Federal University of Health Sciences Ila Orangun, Ila Orangun, FEDERAL REPUBLIC OF NIGERIA; FiteBac Technology, Marietta, GA; Hexagon Bio, Inc., Menlo Park, CA; Isomerase Therapeutics Ltd., Cambridge, UNITED KINGDOM; Jonah Ventures, LLC, Boulder, CO; Katz Water Technologies, Inc., Houston, TX; Luminary Labs LLC, New York, NY; Mycostories Ltd., London, UNITED KINGDOM; Oneida Technology Services LLC, Milwaukee, WI; Pittsburgh Life Science Alliance, Pittsburgh, PA; Plasmidsaurus Inc., Arcadia, CA; Psomagen INC, Rockville, MD; Recursion Charitable Foundation dba Altitude Lab, Salt Lake City, UT; Regents of the University of California, The, Berkeley, CA; Senphonix, INC, North Oaks, MN; Sgs North America Inc., Bloomfield, NJ; Sun Vectors, Inc., San Diego, CA; Terra Bioworks INC, Middleton, WI; Tetra Tech INC, Chantilly, VA; The Two Frontiers Project, Inc., Fort Collins, CO; University of California, San Diego, La Jolla, CA; University of Wisconsin System, Madison, WI; X Prize Foundation, Inc., Frisco, TX; and Zymo Research Corporation, Irvine, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the CX Hub intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, the CX Hub filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26929).

The last notification was filed with the Department on July 1, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 2, 2026 (91 FR 163).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03537 Filed 2-20-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Halon Alternatives Research Corporation, Inc.

Notice is hereby given that, on October 16, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Halon Alternatives Research Corporation, Inc. (“HARC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Embraer, Sao Paulo, FEDERATIVE REPUBLIC OF BRAZIL; Icool USA, Hartselle, AL; and Umlaut, Hamburg, FEDERAL REPUBLIC OF GERMANY, have been added as parties to this venture.

Also, Honeywell, Morris Plains, NJ; Hilcorp, Anchorage, AK; and Meridian Technical Services, Kent, UNITED KINGDOM, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HARC intends to file additional written notifications disclosing all changes in membership.

On February 7, 1990, HARC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 7, 1990 (55 FR 8204).

The last notification was filed with the Department on February 21, 2019. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2019 (84 FR 8545).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03524 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Undersea Technology Innovation Consortium

Notice is hereby given that, on October 8, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Undersea Technology Innovation Consortium (“UTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Chance Technologies LLC, Lafayette, LA; Saronic Technologies, Inc., Austin, TX; Thomson Reuters Special Services LLC, McLean, VA; Defense Unicorns, Inc., Colorado Springs, CO; Washtenaw Precision Engineering LLC, Samaria, MI; Lean Scaled Architects LLC, Saint Petersburg, FL; Orpheus Ocean, Inc., New Bedford, MA; Red Cedar USA LLC, Arlington, VA; Caci, Inc.—Federal, Chantilly, VA; General Dynamics Information Technology, Inc., Falls Church, VA; Sofar Ocean Technologies, Inc., San Francisco, CA; Marestella, Inc., Albuquerque, NM; Hayward Tyler, Inc., Colchester, VT; Hii Mission Technologies Corp, McLean, VA; and N8tive Solutions LLC, Winchester, VA, have been added as parties to this venture.

Also, Kenautics, Inc., Las Vegas, NV; Greensea Systems, Inc., Richmond, VT; and Universal Solutions International, Inc., Newport News, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UTIC intends to file additional written notifications disclosing all changes in membership.

On October 9, 2018, UTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 2, 2018 (83 FR 55203).

The last notification was filed with the Department on July 8, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39425).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03544 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Utility Broadband Alliance, Inc.

Notice is hereby given that, on October 20, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Utility Broadband Alliance, Inc. (“UBBA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ubicquia, Inc., Fort Lauderdale, FL, has been added as a party to this venture.

Also, Advantech Co., Ltd., Blue Ash, OH, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UBBA intends to file additional written notifications disclosing all changes in membership.

On May 4, 2021, UBBA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 10, 2021 (86 FR 30981).

The last notification was filed with the Department on July 14, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39423).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03530 Filed 2–20–26; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International**

Notice is hereby given that, on October 7, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), ASTM International (“ASTM”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM activities originating between May 13, 2025, and September 26, 2025, designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at <http://www.astm.org>.

On September 15, 2004, ASTM filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on May 22, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 20, 2025 (90 FR 26328).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03521 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Canton Foundation (f/k/a Global Synchronizer Foundation)**

Notice is hereby given that, on December 22, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Canton Foundation (f/k/a Global Synchronizer Foundation) (“Canton Foundation”) has filed written notifications simultaneously with the

Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Depository Trust and Clearing Corporation (DTCC), Tampa, FL; Pigment, Inc., Toronto, CANADA; Send, Inc., Rarotonga, COOK ISLANDS; Lithium Digital Limited, Manchester, UNITED KINGDOM; and Blockdaemon, Los Angeles, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Canton Foundation intends to file additional written notifications disclosing all changes in membership.

On September 18, 2024, Canton Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 11, 2024 (89 FR 82632).

The last notification was filed with the Department on October 15, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 2, 2026 (91 FR 166).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03551 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Training & Readiness Accelerator II**

Notice is hereby given that, on December 1, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Training & Readiness Accelerator II (“TRex II”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, VoiceIt Technologies, Inc. dba EnQuanta, Eden Prairie, MN; C2 Technologies, Inc., McLean, VA;

Virtualitics, Pasadena, CA; Pacific Aerospace Consulting, Inc., San Diego, CA; Via Science, Inc., Somerville, MA; Kestrel Intelligence, Eagle, ID; Manan LLC dba Gyrus Systems, Henrico, VA; Defense Operations & Execution Solutions, Inc. (DOES), West Melbourne, FL; Engineering Support Personnel, Inc., Orlando, FL; HiddenLayer, Inc., Leander, TX; Collaboration.AI LLC, Minneapolis, MN; DaaX Technologies, Inc., Santa Clara, CA; Intelligent Payload Solutions, Inc. dba Paper Boat Systems, Colorado Springs, CO; Aviation Resources & Consulting Services, Inc. (ARCS), Cookeville, TN; Productable, Austin, TX; Obviant, Arlington, VA; MAIK APP, Boynton Beach, FL; Newton Design LLC, Catoosa, OK; Snowflake, Inc., Bozeman, MT; Rohirrim, Inc., Tyson’s Corner, VA; Kovr.AI, Reston, VA; Imagine Believe Realize LLC, Rockledge, FL; OpenPolicy, Arlington, VA; Dan Solutions, Inc., Arlington, VA; Pryzm Dynamics, Inc., Boston, MA; Saber Technology Solutions LLC, Baltimore, MD; Exa Labs, Inc., San Francisco, CA; Smartronix LLC, Hollywood, MD; One Kappa Corp. (dba Icarus), El Segundo, CA; In-Depth Engineering Corp., Fairfax, VA; Science Systems and Applications, Inc., Lanham, MD; Kratos Unmanned Aerial Systems, Inc., Sacramento, CA; Threat Tech LLC, Hampton, VA; Oak Grove Technologies LLC, Raleigh, NC; Skyline Software Systems, Inc., Herndon, VA; Yurts Technologies, San Rafael, CA; University of Notre Dame, Notre Dame, IN; Vsolvit, Henderson, VA; Universal Solutions International, Inc., Newport News, VA; Eastern Research Group, Inc., Concord, MA; CyberMyte, Sanford, FL; S10 Fitness LLC, San Diego, CA; Liberty Business Associates LLC, Ladson, SC; Titannia Solutions Group, McLean, VA; TITENN, Inc., Orlando, FL; Cryptic Vector LLC, Liberty Township, OH; Limit Labs LLC, Cambridge, MA; Patriot Products LLC, Franklin, IN; Carnegie Mellon University, Pittsburgh, PA; Percival, Inc., Columbia, MD; Eikon Research, Inc., Huntsville, AL; and McKinsey & Company, Washington, DC, have been added as parties to this venture.

Also, Virtualitics, Pasadena, CA; ATA Engineering, Inc., San Diego, CA; Intelligent Training Innovations LLC, Doylestown, PA; Pro-Active Technologies, Inc., Orlando, FL; Universal Solutions International, Inc., Newport News, VA; ThayerMahan, Inc., Groton, CT; dSPACE, Inc., Wixom, MI; Fireline Science LLC, Tempe, AZ; Sensing Strategies, Inc., Pennington, NJ; Joy Lab Consulting LLC, Arvada, CO; Intelligent Training Innovations LLC,

Doylestown, PA; SPARC Research LLC, Warrenton, VA; Quantum Research Sciences LLC, Lafayette, IN; Tier 1 Performance Solutions LLC, Covington, KY; Learntowin, Inc., Redwood City, KY; Daax Technologies, Inc., Santa Clara, CA; Dan Solutions, Inc., Arlington, VA; DKW Consulting LLC, Tallahassee, FL; Fuse Federal Enterprise LLC, San Lenadro, CA; Spectral Labs, Inc., San Diego, CA; Treble One LLC, Dayton, OH; Nano Nuclear Energy, Inc., New York, NY; Infiltron Software Suite LLC, Warner Robins, GA; Data Squared USA Inc., Wilmington, DE; Genuen LLC, Lenexa, KS; 6th Dimension, Inc., Madison, AL; Taiga Ventures LLC, Chesterfield, MO; Training Center Pros, Inc., Franklin, TN; General Atomics Aeronautical Systems, Inc., Poway, CA; Kestrel Intelligence, Inc., Boise, ID; Hiddenlayer, Inc., Leander, TX; Engineering Support Personnel, Inc., Orlando, FL; Nightwing Intelligence Solutions LLC, Indialantic, FL; Solers Research Group, Inc., Sanford, FL; Intelligent Decision Sytems, Inc., Clifton, VA; Inspired Engineering Solutions LLC, Niceville, FL; Aptima, Inc., Wolburn, MA; HigherEchelon, Inc., Huntsville, AL; DESE Research, Inc., Huntsville, AL; Nanohmics, Inc., Austin, TX; and True Bear Engineering LLC, Iron Mountain, MI, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TReX II intends to file additional written notifications disclosing all changes in membership.

On February 17, 2023, TReX II filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 13, 2023 (88 FR 38536).

The last notification was filed with the Department on June 5, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 13, 2025 (90 FR 38997).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03533 Filed 2-20-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Institute of Electrical and Electronics Engineers, Inc.

Notice is hereby given that, on December 17, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 100 new standards have been initiated and 26 existing standards are being revised. More detail regarding these changes can be found at:

<https://standards.ieee.org/about/sasb/sba/04nov2025/>.

<https://standards.ieee.org/about/sasb/sba/10dec2025/>.

The following pre-standards activities associated with IEEE Industry Connections Activities were launched or renewed: <https://standards.ieee.org/about/bog/cag/approvals/december2025/>.

The following training and conformity assessment programs associated with published IEEE standards and supporting their promulgation were launched:

<https://standards.ieee.org/about/training/ieee-responsible-procurement-of-ai/>.

<https://blp.ieee.org/product/responsible-procurement-of-ai-rpai-training/?wmc-currency=USD>.

<https://standards.ieee.org/products-programs/icap/online-age-verification/>.

<https://standards.ieee.org/products-programs/icap/ieee-certified/professional-certification/>.

On September 17, 2004, IEEE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on September 24, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on October 3, 2025 (90 FR 48058).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026-03519 Filed 2-20-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on October 1, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Countering Weapons of Mass Destruction (“CWMD”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Attogene Corporation, Austin, TX; Bascom Hunter Technologies, Inc., Baton Rouge, LA; Black Cow Labs, LLC, Earlysville, VA; Forward Edge AI, Inc., San Antonio, TX; Modus Operandi, Inc., Melbourne, FL; Novateur Research Solutions LLC, Ashburn, VA; Safe—Decon, Inc., Greeneville, TN; Universal Solutions International, Inc., Newport News, VA; SRR International, Inc., Riviera Beach, FL; and Supernova Industries Corp., Austin, TX, have been added as parties to this venture.

Also, American Type Culture Collection, Manassas, VA; Apl Engineered Materials, Inc., Urbana, IL; Asell, LLC, Owings Mills, MD; Blacksky Geospatial Solutions, LLC, Herndon, VA; Cape Henry Associates, Inc., Virginia Beach, VA; Federal-Fabrics-Fibers, Inc., Solon, OH; Mine Survival Inc., Panama City, FL; Universal Solutions International, Inc., Newport News, VA; and University of Southern California, Los Angeles, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 12, 2018 (83 FR 10750).

The last notification was filed with the Department on July 3, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39422).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03525 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rapid Response Partnership Vehicle

Notice is hereby given that, on October 3, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Rapid Response Partnership Vehicle (“RRPV”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Acurx Pharmaceuticals Inc., Staten Island, NY; Advanced Concept Innovations, LLC, Lakeland, FL; Altis Biosystems, Inc., Durham, NC; Amplitude Therapeutics, Inc., Boston, MA; Ananda Devices, Inc., Laval, CANADA; Arizona State University, Tempe, AZ; Arzeda Corp, Seattle, WA; Athem LLC, Morrisville, NC; Avocet Bio GmbH, Goettingen, FEDERAL REPUBLIC OF GERMANY; Baebies, Inc., Durham, NC; Barupon L.L.C., Irvine, CA; Beckman Research Institute of the City of Hope, Duarte, CA; Bethyl Laboratories, Inc., Montgomery, TX; BioStrategies LC, Jonesboro, AR; Biopico Systems INC, Irvine, CA; Biosynchronicity Corporation, Bellevue, WA; Blueprint Biosecurity, Washington, DC; CURA Diagnostics, Inc., Woburn, MA; Caci, Inc.—Federal, Chantilly, VA; Cfd Research Corporation, Huntsville, AL; Chembio Diagnostic Systems Inc., Medford, NY; Curavit Clinical Research Corp, Scarsdale, NY; Curi Bio INC, Seattle, WA; Darwin Biosciences, Inc., Broomfield, CO; Diagemetrics Inc.,

Madison, CT; Dlh, LLC, Bethesda, MD; Dnae Group Holdings Limited, London, UNITED KINGDOM; Eitr Biologics, Inc., San Diego, CA; Emerja Corporation, Monte Sereno, CA; Enterprise Coding Solutions, LLC, Lombard, IL; Evoworks Bio, Cambridge, MA; Exo Imaging, Inc., Santa Clara, CA; FOMAT Medical Research, Oxnard, CA; Frontier Bio Corporation, Hayward, CA; GCM Pharma, St. Louis, MO; Gerresheimer Glass INC, Vineland, NJ; Global Health Investment Corporation, New York, NY; Grifols Therapeutics LLC, Research Triangle Park, NC; Hesperos, INC, Orlando, FL; Intero Biosystems Inc., Ann Arbor, MI; Jessica Dapelo Enterprises INC, Patchogue, NY; Johns Hopkins Center for Health Security, Baltimore, MD; Jw3 Biotechnologies LLC, Bothell, WA; Kaleo, Inc., Richmond, VA; Kemp Proteins, LLC, Frederick, MD; Kensington Street Consulting LLC, Arlington, VA; Lavik Consulting LLC, Oakland, MD; Lo Biosciences, Rockville, MD; Martin Blanck & Associates LLC, Alexandria, VA; MedMira, Inc., Halifax, CANADA; Methodist Hospital, The, Houston, TX; Micromedics INC, Woodland Hills, CA; Mpf Federal, LLC, Gaithersburg, MD; Nathe Management Consulting LLC, Austin, TX; NeuroAgent AI, Inc., Baltimore, MD; Neuroene Therapeutics INC, Kensington, MD; Next Labs, LLC, Rochester, NY; Northstar Emergency Management, LLC, Pittsburgh, PA; OmniSpirant Limited, Clonmel, IRELAND; Oralance, INC, Seattle, WA; Paratek Pharmaceuticals, INC, Boston, MA; Partner Therapeutics, Inc., Lexington, MA; Quantoom Biosciences SA, Nivelles, KINGDOM OF BELGIUM; Recourse Biologics, Inc., Houston, TX; RenBio, Inc., Long Island City, NY; Rho Federal Systems Division INC, Durham, NC; SIGA Technologies, New York, NY; Sagitta Biotech, Liège, KINGDOM OF BELGIUM; Sandia Biotech, Inc., Albuquerque, NM; Secondcell Bio, New York, NY; Seek Labs, INC, Salt Lake City, UT; Sensanna Inc., Hanover, MD; Serodopa Therapeutics INC, Gainesville, FL; Ship Odyssey, Inc., Sevierville, TN; Silver Lake Research Corporation, Irwindale, CA; Spy Biotech, Ltd., Boston, MA; Synergistic INC, New Baltimore, MI; Synvivo INC, Huntsville, AL; THOR Network Foundation, Sewickley, PA; Temple University-Of the Commonwealth System of Higher Education, Philadelphia, PA; The Charles Stark Draper Laboratory, Inc., Cambridge, MA; The Coalition to Stop Flu, Washington, DC; Thorheed Titan, Washington, DC; Thylacine Biotherapeutics, Inc., Miami Beach, FL; Tissuse GmbH, Berlin, FEDERAL

REPUBLIC OF GERMANY; University of Rochester, Rochester, NY; Vasomune Therapeutics INC, Toronto, CANADA; Virica Biotech Inc., Ottawa, CANADA; and hVIVO, Inc., Boston, MA; have been added as parties to this venture.

Also, Winsight Consulting LLC, St Michaels, MD has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RRPV intends to file additional written notifications disclosing all changes in membership.

On January 5, 2024, RRPV filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26928).

The last notification was filed with the Department on July 7, 2025. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 20, 2026 (91 FR 2370).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03517 Filed 2–20–26; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on January 8, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Information Warfare Research Project Consortium (“IWRP Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Technology Service Corp., Arlington, VA; West 4th Strategy LLC, McLean, VA; Software, LLC, Prairie Village, KS; Zaden Technologies, Inc., Huntsville, AL; Riverside Research Institute, Fairfax, VA; Edgerunner Ai, Inc., Bellevue, WA; Decryptor, Inc., Richardson, TX; Restored Cloud, Inc., Ithaca, NY; Pilot Systems International LLC, Farmington Hills, MI; Applied

Research Solutions, Inc., Beavercreek, OH; Striveworks Inc., Austin, TX; Infusionpoints LLC, North Wilkesboro, NC; Apex Tk LLC, Tampa, FL; Cellularswap, LLC, Farmers Branch, TX; Zenithflow Inc., Fredericksburg, VA; Aerovironment, Inc., Simi Valley, CA; Ocean Aero, Inc., Gulfport, MS; TDI Novus, Inc., Philadelphia, PA; DataRobot, Inc., Boston, MA; S5 Analytics LLC, Centennial, CO; Cydaptiv Solutions Inc., Rockville, MD; Red Cedar USA, LLC, Arlington, VA; Talon Defense, Inc., Sarasota, FL; RJA Technologies LLC, New York, NY; DRS Advanced ISR LLC, Beavercreek, OH; Makai LLC, Hopkinton, MA; Leonardo Electronics US Inc., Huntsville, AL; EOTECH LLC, Plymouth, MI; Aforge LLC, Lorton, VA; Quoherent, Inc., Huntsville, AL; Pryzm Dynamics Inc., Boston, MA; and Kearney & Company, P.C., Alexandria, VA, have been added as parties to this venture.

Also, Nakupuna Solutions, LLC, Arlington, VA; Caci Azure Summit Technology, LLC, Fairfax, VA; Braetr Fp, LLC, Hanahan, SC; Broadleaf Services, Inc., Manassas, VA; Barbaricum LLC, Washington DC; Corellium, Inc., Delray Beach, FL; Morgan 6, LLC, Charleston, SC; Intelligent Decision Systems, Inc., Clifton, VA; Triple Crown Consulting LLC, Austin, TX; Universal Solutions International, Inc., Newport News, VA; Thermoai Inc., Alexandria, VA; Numerica Corp., Fort Collins, CO; Silicon Mountain Technologies, LLC, Lakewood, CO; Strategic Technical Services LLC, Carmel, IN; Sealing Technologies, LLC, Columbia, MD; Sabel Systems Technology Solutions, LLC, Beavercreek, OH; Mercury Systems Inc., Andover, MA; Royce Geospatial Consultants, LLC, Arlington, VA; Koam Engineering Systems, Inc., San Diego, CA; Tagup, Inc., Boston, MA; Concept Solutions LLC, Reston, VA; Cog Systems Inc., Hawthorn Woods, IL; Sextant Technologies LLC, Washington, DC; 8 Consulting LLC, Shenandoah, VA; Quiet Professionals, LLC, Tampa, FL; Vg It Services Inc., Ashburn, VA; W.S. Darley & Co., Itasca, IL; Alluvion Inc., Melbourne, FL; Trinity Information Technology, LLC, Yardley, PA; Rebel Space Technologies Inc., Long Beach, CA; and Ciyis LLC, Atlanta, GA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP Consortium intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on October 7, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 2, 2026 (91 FR 163).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03572 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance, INC.

Notice is hereby given that, on December 30, 2025 pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), UHD Alliance, Inc. (“UHD Alliance”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Vestel Elektronik Sanayi ve Ticaret A.S., Yunusemre, REPUBLIC OF TURKEY has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on July 25, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39421).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03552 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Naval Surface Technology & Innovation Consortium

Notice is hereby given that, on October 3, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Naval Surface Technology & Innovation Consortium (“NSTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, 22nd Century Technologies, Inc., McLean, VA; Additive Innovations LLC, Pittsburgh, PA; Adsys Controls Inc, Irvine, CA; Advanced Thin Films, Inc., Longmont, CO; Analytical Engineering, Inc., Columbus, IN; Auriga Space, Inc., Garden Grove, CA; Banduri LLC, Fredericksburg, VA; Brainstorm Technologies LLC, Slidell, LA; Bridgehill Corporation, Paramus, NJ; Cahaba Federal Solutions, LLC, Huntsville, AL; Canopy Aerospace, Inc., Littleton, CO; Centurum Information Technology, Inc., Marlton, NJ; Chance Technologies LLC, Lafayette, LA; Chickasaw Aerospace, LLC, Norman, OK; CPI Electron Device Business, Inc., Beverly, MA; Danbury Mission Technologies LLC, Danbury, CT; Electronics Service Inc., Great Mills, MD; Element 119 LLC, Plainville, CT; Elementum 3D, Inc., Erie, CO; Eotech, LLC, Plymouth, MI; Espey Mfg and Electronics Corp, Saratoga Springs, NY; Ethos Technologies LLC, Clifton, VA; FiveNine Optics Inc, Boulder, CO; Foxhole Technology LLC, Herndon, VA; Global Business Solutions, LLC, Pensacola, FL; Great Lakes Crystal Technologies, Inc, East Lansing, MI; Gxm Consulting LLC, Midlothian, VA; Ikaros Industries, Inc., El Segundo, CA; Innovision LLC, Dayton, OH; Intelligenesis LLC, Columbia, MD; Kiski Precision Industries, LLC, Leechburg,

PA; Kms Solutions, LLC, Alexandria, VA; L3 Technologies, Inc., Orlando, FL; Lean Scaled Architects LLC, Saint Petersburg, FL; Learntown Inc, Redwood City, CA; Left Hand Design Corporation, Longmont, CO; Lockheed Martin Coherent Technologies, Inc., Louisville, CO; Merge Plot LLC, Huntingdon Valley, PA; Nu-Tek Precision Optical Corp., Aberdeen, MD; Optimax Systems, Inc., Ontario, NY; Preferred Program Solutions INC, Madison, AL; Radiation Monitoring Devices, Inc., Watertown, MA; Redhelm Labs LLC, College Park, MD; Rune Technologies Inc., Alexandria, VA; Sabel Systems Technology Solutions, LLC, Beavercreek, OH; Sentinel Infrared Imaging, Inc., Vero Beach, FL; Shift5, Inc., Arlington, VA; Supernova Industries Corp., Austin, TX; Torchlight Solutions LLC, Arlington, MA; Total Machine LLC, King George, VA; Turnkey Federal LLC, Tampa, FL; Universal Solutions International, Incorporated, Newport News, VA; University of North Carolina at Charlotte, Charlotte, NC; and Zeus Research and Technology Inc, Huntsville, AL, have been added as parties to this venture.

Also, Accenture Federal Services LLC, Mclean, VA; Blacksky Geospatial Solutions, LLC, Herndon, VA; Cape Henry Associates, Inc., Virginia Beach, VA; NanoElectromagnetics LLC, Columbia, MO; Princeton Infrared Technologies Inc, Monmouth Junction, NJ; Quantitative Scientific Solutions LLC, Arlington, VA; Rwc, LLC, Annapolis, MD; Smart Embedded Computing Inc, Tempe, AZ; and Systems and Proposal Engineering Company, Manassas, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSTIC intends to file additional written notifications disclosing all changes in membership.

On October 8, 2019, NSTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 12, 2019 (84 FR 61071).

The last notification was filed with the Department on July 9, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39425).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03539 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Expeditionary Missions Consortium—Crane

Notice is hereby given that, on October 14, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Expeditionary Missions Consortium—Crane (“EMC²”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Forward Edge AI INC, San Antonio, TX; Govsignals Inc., New York, NY; Great Lakes Sound & Vibration INC, Houghton, MI; Matsys Incorporated, Sterling, VA; Red Research Group, LLC, Southern Pines, NC; Redhelm Labs LLC, College Park, MD; Seaward Services, Inc., New Albany, IN; Sentinel Infrared Imaging, Inc., Vero Beach, FL; Supernova Industries Corp., Austin, TX; Cana LLC, Haymarket, VA; Chance Technologies LLC, Lafayette, LA; Cx2, Inc., El Segundo, CA; and Element 119 LLC, Plainville, CT, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EMC² intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, EMC² filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2024 (89 FR 18439).

The last notification was filed with the Department on July 28, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on August 15, 2025 (90 FR 39424).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03531 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—America’s Datahub Consortium

Notice is hereby given that, on December 17, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), America’s DataHub Consortium (“ADC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 5side Strategy LLC, Kensington, MD; datHere, Inc., Parlin, NJ; Defenseeye, Corp., Redmond, WA; Design West Technologies INC, Tustin, CA; Govsignals Inc., New York, NY; Integrity Management Services Inc., Alexandria, VA; Intelligenesi LLC, Columbia, MD; Pistevo Decision LLC, Herndon, VA; Tiber Solutions LLC, Leesburg, VA; Viderity INC, Leesburg, VA; Visual Technologies INC, Hartford, CT; Voiceit Technologies, INC, Eden Prairie, MN; and Vsolvit LLC, Henderson, NV, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ADC intends to file additional written notifications disclosing all changes in membership.

On November 11, 2021, ADC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 22, 2021 (86 FR 72628).

The last notification was filed with the Department on September 22, 2025. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act January 20, 2026 (91 FR 2371).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03534 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on August 24, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Open Source Imaging Consortium, Inc. (“Open Source Imaging Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, GMV Soluciones Globales internet S.A.U., Tres Cantos, KINGDOM OF SPAIN; and University of Alabama, Birmingham, Birmingham, AL, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Source Imaging Consortium intends to file additional written notifications disclosing all changes in membership.

On March 20, 2019, Open Source Imaging Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 12, 2019 (84 FR 14973).

The last notification was filed with the Department on September 27, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 2, 2024 (89 FR 95239).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–03514 Filed 2–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[Docket No. ODAG173]

Granting of Relief; Federal Firearms Privileges

AGENCY: Department of Justice.

ACTION: Notice of granting of restoration of Federal firearms privileges.

SUMMARY: The Attorney General has granted relief from disabilities imposed by Federal laws with respect to certain individuals regarding the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

SUPPLEMENTARY INFORMATION: The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. Section 922(g) of title 18 of the United States Code prohibits certain persons from shipping or transporting “in interstate or foreign commerce, or possess[ing] in or affecting commerce, any firearm or ammunition; or [from] receiv[ing] any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” Section 925(c) of title 18 provides that a person who is prohibited under section 922(g) may make an application to the Attorney General to remove the firearms disabilities if it is established to the Attorney General’s satisfaction that the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Section 925(c) also provides that whenever the Attorney General grants relief to any person pursuant to this section, she “shall promptly publish in the **Federal Register** notice of such action, together with the reasons therefor.”

The Attorney General has reviewed all the relevant facts for each individual listed below, including the materials that each individual submitted seeking either a pardon or relief from Federal firearms disabilities, and it is established to her satisfaction that each individual will not be likely to act in a manner dangerous to public safety and that the granting of the relief to each individual would not be contrary to the public interest. Accordingly, on February 6, 2026, the Attorney General granted relief from Federal firearms disabilities to these individuals pursuant to section 925(c):

Samuel Aaron Baacke
James P. Bailey

William Henry Bashlor
Larry Bolles
Anthony Pashay Brown
David Quittman Burkett
Giovanna Campo
John Sudie Cecil, IV
Charles Cooper
John Kevin Foster
Jacob “Jake” Michael Hoffman
Edward Frank Hucks
James Klos
Jon Steven Lewis
George Manosis
John Mastrangelo
Starlin O. Perry
Fred Rietveld
Nicholas R. Sabatine, III
Gilbert Santana
Charles Edgar VanHorn
Debra Ann Wilson

Dated: February 18, 2026.

Todd Blanche,

Deputy Attorney General.

[FR Doc. 2026–03458 Filed 2–20–26; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0008]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Revision of a Previously Approved Collection; Title: Immigrant and Employee Rights Section Charge Form

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Civil Rights Division, 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 April 24, 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 Sara-Daisy Dygert, U.S. Department of Justice, 150 M Street, Washington, DC 20530 at email: sara-daisy.dygert@usdoj.gov or phone (202–532–5270).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- 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 Immigrant and Employee Rights Section (IER) enforces the anti-discrimination provision (Sec. 274B) of the Immigration and Nationality Act (INA), 8 U.S.C. 1324b. The statute prohibits: (1) citizenship or immigration status discrimination in hiring, firing, or recruitment or referral for a fee, (2) national origin discrimination in hiring, firing, or recruitment or referral for a fee, (3) unfair documentary practices during the employment eligibility verification process (Form I-9 and E-Verify), and (4) retaliation or intimidation for asserting rights or privileges covered by the statute. IER, within the Department's Civil Rights Division, investigates and, where reasonable cause is found, litigates charges alleging discrimination. The public may submit charges of discrimination through IER's charge form. If the Department lacks jurisdiction over a particular charge but believes another agency has jurisdiction over the claim, IER may forward the charge to the applicable Federal, state or local agency for any action deemed appropriate. IER is updating the interface of its charge form so it is easier for the public to complete and is also more functional on mobile devices. There are no major substantive changes to the IER Charge Form as part of this process.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* IER Charge Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* IER-1 DOJ Component: Civil Rights Division.

4. *Affected public who will be asked or required to respond:* General Public.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* It is estimated that 918 individuals will complete an IER Charge Form annually; each response will be completed in approximately 30 minutes.

7. *Estimated Time per Respondent:* 30 minutes per IER Charge Form.

8. *Frequency:* Annually.

9. *Total Estimated Annual Time Burden:* 459 hours associated with individuals completing IER Charge Forms annually.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: February 19, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026-03580 Filed 2-20-26; 8:45 am]

BILLING CODE 4410-13-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Corps Application Data

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 March 25, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/

PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: ETA 652, Job Corps Applicant Data Sheet, is critical to the screening process. This form is completed by the admissions representative in collaboration with each applicant to determine the applicant's eligibility for the Job Corps program in accordance with WIOA and Job Corps policy and to collect socio-demographic and employment barriers information for program planning, evaluation, and data reporting purposes. This ICR also contains verbal questions on dependents and childcare. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 25, 2025 (90 FR 41412).

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: Job Corps Application Data.
OMB Control Number: 1205–0025.
Affected Public: State, Local and Tribal Government.
Total Estimated Number of Respondents: 382,510.
Total Estimated Number of Responses: 382,510.
Total Estimated Annual Time Burden: 29,852 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. 2026–03490 Filed 2–20–26; 8:45 am]
BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–012; NASA Docket Number: NASA–2026–0001]

Name of Information Collection: Reports Requested for Contracts With an Estimated Value Greater Than \$500,000

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of a reinstatement with change of a previously approved information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are due by April 24, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at <http://www.regulations.gov> and search for NASA Docket NASA–2026–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256–714–8575, or email hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Information collection is for reports, other than financial, property, or patent,

data or copyrights reports (covered under separate OMB Control numbers), required for effective management and administration of contracts with an estimated value of more than \$500,000, in support of NASA's mission.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to “provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof,” and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

NASA collects this information electronically where feasible. NASA encourages recipients to use the latest computer technology in preparing documentation, but information may also be collected by mail or fax.

III. Data

Title: Reports requested for contracts with an estimated value greater than \$500,000.

OMB Number: 2700–0089.

Type of review: Reinstatement of collection.

Affected Public: Businesses or other for-profit institutions.

Estimated Annual Number of Activities: 304.

Estimated Number of Respondents per Activity: 2.

Annual Responses: 608.

Estimated Time per Response: 7 hours.

Estimated Total Annual Burden Hours: 4,256 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–03466 Filed 2–20–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act meetings

The National Science Board (NSB) hereby gives notice of scheduled meetings for the transaction of NSB business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, February 25, 2026, from 11:35 a.m.–4:20 p.m. ET.

PLACE: The meetings will be held at 1155 16th Street NW, Washington, DC 20036, and by videoconference. Open portions of the meeting can be viewed on YouTube. The link is available from the NSB Events and Meetings page on the NSB website. <https://www.nsf.gov/nsb>.

STATUS: Some portions of the meeting will be open and some closed as listed in the detailed description below.

MATTERS TO BE CONSIDERED:

Wednesday, February 25, 2026

Plenary Board Meeting

Open Session: 11:35 a.m.–1:00 p.m.

- Briefing and Discussion of New NSF Management Structure
- NSF Merit Review Reform

Plenary Board Meeting

Open Session: 2:00–3:30 p.m.

- Chair's Remarks
- Approval of Open Minutes—July 2025
- NSB Merit Review Report
- Appointment of NSB Elections Committee
- *Indicators 2026 update*
- Business Group Update
- Committee on Oversight Report

Plenary Board Meeting

Closed Session: 3:30–3:50 p.m.

- Chair's Remarks
- Approval of Closed Minutes—July 2025
- A&F Committee Report out

Plenary Board Meeting

Executive Closed Session: 4:00–4:20 p.m.

- Chair's Opening Remarks
- Approval of Executive Plenary Closed Minutes—July 2025

- NSB NOMS Update

Meeting Adjourns: 4:20 p.m.

PORTIONS OPEN TO THE PUBLIC:

Wednesday, February 25, 2026

11:35 a.m.–1:00 p.m. Plenary open

2:00–3:30 p.m. Plenary open

PORTIONS CLOSED TO THE PUBLIC:

Wednesday, February 25, 2026

3:30–3:50 p.m. Plenary closed

4:00–4:20 p.m. Plenary Executive closed

Members of the public are advised that the NSB provides some flexibility around start and end times. A session may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next session will start no later than 15 minutes after the noticed start time. If a session ends early, the next meeting may start up to 15 minutes earlier than the noticed start time. Sessions will not vary from the times noticed by more than 15 minutes.

CONTACT PERSON FOR MORE INFORMATION:

The NSB Office contact is Christopher Blair, cblair@nsf.gov, 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, nlymn@nsf.gov, 703–292–2490. Please refer to the NSB website for additional information: <https://www.nsf.gov/nsb>.

Ann E. Bushmiller,

Senior Legal Counsel to the National Science Board.

[FR Doc. 2026–03467 Filed 2–19–26; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–025; NRC–2026–0925]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 3; License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Combined License (COL) NPF–91, issued to Southern Nuclear Operating Company, Inc. (SNC, the licensee), for operation of the Vogtle Electric Generating Plant (Vogtle), Unit 3, located in Burke County, Georgia. The proposed license amendment would delay the implementation of Amendment No. 203 for Vogtle, Unit 3,

for one refueling cycle. For this amendment request, the NRC proposes to determine that the amendment involves no significant hazards consideration.

DATES: Submit comments by March 25, 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 before this date. A request for a hearing or petition for leave to intervene must be filed by April 24, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–0925. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov.

For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3100; email: John.Lamb@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–0925 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–0925.
- *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 Web-based ADAMS 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. The application for amendment, dated February 6, 2026, is available in ADAMS under Accession No. ML26037A257.

- *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. ET, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2026–0925 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of a license amendment to COL NPF–91, issued to SNC, for operation of the Vogtle Unit 3, located in Burke County, Georgia. By letter dated February 6, 2026, SNC submitted a license amendment request to delay the implementation of Vogtle, Unit 3, Amendment No. 203 for one refueling cycle. Amendment No. 203 was issued to revise Technical Specifications (TS) 3.3.8, “Engineered Safeguards Actuation System Instrumentation,” Table 3.3.8–1,

to add a new Function 11.b, “Reactor Coolant System (RCS) Cold Leg Temperature (T_{cold})—High.” The NRC issued Amendment No. 203 on August 8, 2025 (ADAMS Accession No. ML25199A048), which required implementation prior to startup from the Spring 2026 refueling outage. The proposed license amendment would change the required implementation to prior to startup from the Fall 2027 refueling outage.

Before issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC’s regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration (NSHC). Under the NRC’s regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of NSHC, which is presented as follows:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment implementation schedule extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, or entail changes in plant operation. The proposed changes do not affect the previously evaluated accident probability because the UFSAR Chapter 15 initiating events for analyzed accidents does not change. The proposed change does not adversely affect accident initiators or precursors, and does not alter the design assumptions, conditions, or configuration of the plant or the manner in which the plant is operated or maintained. The proposed change continues to provide that the Engineered Safety Features Actuation System (ESFAS) functions will perform their design basis function.

Therefore, the proposed changes do not result in any increase in probability of an analyzed accident occurring.

The proposed change continues to be supported by the safety analyses described in the UFSAR. Thus, the consequences of the accidents previously evaluated are not adversely affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment implementation schedule extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, or entail changes in plant operation. The proposed changes do not involve the installation of any new or different type of equipment or a change to the methods governing normal plant operation. The proposed changes continue to provide the required functional capability, including single-failure protection, of the safety systems for previously evaluated accidents and anticipated operational occurrences. The proposed changes do not adversely impact the function of any related systems, and thus, the changes do not introduce a new failure mode, malfunction, or sequence of events that could adversely affect safety or safety-related equipment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment implementation schedule extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, or entail changes in plant operation. The proposed change continues to provide the required functional capability of the safety systems for previously evaluated accidents and anticipated operational occurrences. The proposed change does not change the function of the related systems. The proposed change was evaluated and demonstrated that the safety analyses specified acceptable fuel design limits and the design conditions of the reactor coolant pressure boundary continue to be met. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee’s analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves NSHC.

The NRC is seeking public comments on this proposed determination that the license amendment request involves NSHC. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the license amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves NSHC. In addition, the Commission may issue the license amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, the Commission will publish a notice of issuance in the **Federal Register**. Should the Commission make a final NSHC determination, any hearing on the license amendment will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission’s “Agency Rules of Practice and Procedure” in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the “Electronic Submissions (E-Filing)” section of this document. Petitions and motions for leave to file new or amended

contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and the NRC's public website (<https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>).

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is

granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system

may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated February 6, 2026 (ADAMS Accession No. ML26037A257).

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295

NRC Director: Aida Rivera-Varona.

Dated: February 19, 2026.

For the Nuclear Regulatory Commission.

Aida Rivera-Varona,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2026-03550 Filed 2-20-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104862; File No. SR-NYSEARCA-2026-13]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments To Facilitate the Transfer and Trading of Options That Overlie the MSCI EAFE Index and the MSCI Emerging Markets Index

February 18, 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 6, 2026, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) 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 Act³ 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 5.12–O (Designations of the Index Broad-Based Index Options), Rule 5.15–O (Position Limits for Broad-Based Index Options), Rule 5.19–O (Terms of Index Option Contracts), Rule 5.20–O (Trading Sessions), Rule 5.22–O (Disclaimers), Rule 5.35–O (Position Limits for FLEX Options), and Rule 6.4–O (Series of Options Open for Trading). The proposed changes are based on CBOE Rules 24.1, 24.2, 24.6, 24.9, 24A.7, and 24B.7⁵ 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 launched in 1969 and calculated by MSCI Inc. (“MSCI”) designed to

measure the equity market performance of developed markets, excluding the U.S. and 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

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 American LLC, 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>.

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) available 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>.

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).

Index, is an actively traded product listed on 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 Emerging Markets 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 is an actively traded product listed on NYSE Arca. NYSE Arca 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 5.19–O(b)(23), for the purpose of determining which of the Exchange’s rules apply to options on such indices and, as noted, the options for each are P.M.-settled with European-style exercise provisions settled in cash. ¹⁷

Trading of EAFE options and EM options will be subject to the trading halt procedures applicable to index 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

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, but not on or after, the fourth business day prior to expiration for an option contract expiring on a business day, or, in the case of an option contract expiring on a day that is not a business day, the fifth business day prior to expiration. ²² Consistent with existing Rule 5.19–O, 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 6.4–O, the Exchange will list Short Term options that expire on the Friday of each week, provided that Short Term options will not be listed if an existing third Friday expiration or Monthly Option expiration would coincide with the expiration of a Short Term option.

In order to ensure continuity with existing expirations listed by CBOE, the Exchange proposes to amend existing Rule 5.19–O to allow for the listing of up to twelve near-term expiration months with a third Friday expiration date. ²³ Additionally, the Exchange proposes an amendment to Rule 5.19–O to permit the listing of up to ten expirations in Long-Term Index Option Series (“LEAPS”) on the EAFE index and the EM index with expirations between 12 and 180 months. ²⁴ 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. ²⁵

²⁰ See Rule 5.19–O(c)(4). The rule sets forth the criteria for listing additional series of the same class as the current value of the underlying index moves. Generally, additional series must be “reasonably related” to the current index value, which means that strike prices 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 5.19–O(c)(5).

²² See Rule 5.19–O(c)(2).

²³ See proposed amendment to Rule 5.19–O(a)(3)(A). The Exchange is proposing to allow the listing of up to twelve expiration months at any one time for EAFE options and EM options.

²⁴ See proposed amendment to Rule 5.19–O(b)(1).

²⁵ See, e.g., Rules 5.19–O(b) (Index LEAPS Options Series); 6.4–O, Commentary .07 (Short Term Option Series); and 6.1–O, Commentary .08 (Quarterly Option Series). The Exchange proposes to amend Commentary .07 to Rule 6.4–O to provide that, notwithstanding the provisions of Commentary .07(a), Short Term Option Series on the MSCI EAFE Index and the MSCI EM Index will be P.M.-settled and that the Exchange may have up

Continued

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 5.19–O(4) to provide for European-style exercise of EAFE options and EM options, with P.M. settlement.

¹⁸ See Rule 5.20–O(c).

¹⁹ See Rule 5.19–O(a)(1).

The Exchange proposes that the minimum quoting increment for EAFE options and EM options will be \$0.05 for series trading below \$3, and \$0.10 for series trading at or above \$3, consistent with Rule 6.72–O.

Trading hours for EAFE options and EM options would be from 9:30 a.m. to 4:00 p.m. (New York time).²⁶ Additionally, 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.²⁷

Initial and Continued Listing Criteria

The MSCI EAFE Index and the MSCI EM Index each meet the definition of a broad-based index as set forth in Rule 5.10–O(b)(23).²⁸ In addition, the Exchange proposes to incorporate 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 .01(a) to Rule 5.12–O (Designation of the Index Broad-Based Index Options) would provide that the Exchange may list for trading EAFE options and EM options if each of the following conditions is satisfied:

(1) The index is broad-based, as defined in 5.10–O(b)(23);

(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 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 trade solely on markets with which the Exchange does not have 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 new Commentary .01(b) to Rule 5.12–O 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 .01(a) (1), (2), (3), (4), (8), (9) and (10) must continue to be satisfied. The conditions set forth in Commentary .01(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 .01(a)(7) must be satisfied as of the first day of the month following the Reporting Authority's²⁹ 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 would continue to be 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. 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)).³⁰ However, the EAFE Futures contract that trades on ICE will be trading during this time period³¹ 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

to 12 Short Term Weekly Expirations in such series, consistent with how EAFE options and EM options currently trade.

²⁶ See proposed Rule 5.20–O, Commentary .01.

²⁷ See proposed Rule 5.20–O, Commentary .02.

²⁸ Rule 5.10–O(b)(23) defines a broad-based index to mean an index designed to be representative of a stock market as a whole or of a range of companies in unrelated industries.

²⁹ As defined in the proposed amendment to Rule 5.22–O, Commentary .01. See note 32, *infra*.

³⁰ 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).

³¹ 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>.

approximately 6:00 p.m. (New York time) each trading day.³²

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 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.

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 LEAPS, 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 expiration day of the expiring contract.³³

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 5.15–O(a) to establish position limits for EAFE options and EM options equal to 50,000 contracts on the same side of the market similar to CBOE. The Exchange further proposes to adopt Rule 5.35–O(a)(iv) 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 EM Index would be equal to the position limits for non-FLEX options on such indices. Additionally, pursuant to Rule 5.14–O, 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.

Applicable Exchange Rules

The trading of EAFE options and EM options will be subject to the same rules that presently govern the trading of Exchange index options, including sales practice rules and trading rules.

Rule 9.18–O(b), “Opening of Accounts,” is designed to protect public customer trading and shall apply to trading in EAFE options and EM options. Specifically, Rule 9.18–O(b) prohibits an OTP Firm or OTP Holder 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 9.18–O(c), “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 9.18–O(e), “Discretionary Accounts,” permits an OTP Firm or OTP Holder 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 9.18–O(e) also requires a record to be made of every option transaction for an account in respect to which an OTP Firm or OTP Holder 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 9.18–O(d), “Supervision of Accounts,” Rule 9.18–O(f), “Confirmations,” and Rule 9.18–O(g), “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.³⁴ 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

³² 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.

³³ See proposed amendment to Rule 5.22–O, Commentary .01, to identify MSCI, Inc. as the Reporting Authority for the MSCI EAFE Index (EAFE) and the MSCI Emerging Markets Index (EM). As the designated Reporting Authority for each of these indexes, the disclaimers set forth in Rule 5.22–O (Disclaimers) would apply to MSCI, Inc.

³⁴ 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.

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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,³⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,³⁶ 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 on the Exchange 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 designed 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.

The Exchanges 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, as noted, the Exchange represents that it has an adequate surveillance program in place to detect potentially manipulative trading in EAFE options and EM options. The Exchange also represents that it has the necessary systems capacity to continue

to support the 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 EEM 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 Act³⁷ and Rule 19b-4(f)(6) thereunder.³⁸ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii)

³⁵ 15 U.S.C. 78f(b).

³⁶ 15 U.S.C. 78f(b)(5).

³⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

³⁸ 17 CFR 240.19b-4(f)(6).

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 Act³⁹ and Rule 19b-4(f)(6)(iii) thereunder.⁴⁰

A proposed rule change filed under Rule 19b-4(f)(6)⁴¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),⁴² 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.⁴³

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)⁴⁴ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2026-13 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-2026-13. 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-2026-13 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁵

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104854; File No. SR-NYSEAMER-2026-10]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Rule 7.35E

February 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 6, 2026, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.35E (Auctions) regarding the calculation of the Auction Reference Price. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.35E (Auctions), which describes how the Exchange conducts auctions, to enhance reference price calculations for the Core Open Auction, Trading Halt Auction, and Closing Auction. The

³⁹ 15 U.S.C. 78s(b)(3)(A).

⁴⁰ 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.

⁴¹ 17 CFR 240.19b-4(f)(6).

⁴² 17 CFR 240.19b-4(f)(6)(iii).

⁴³ 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).

⁴⁴ 15 U.S.C. 78s(b)(2)(B).

⁴⁵ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

proposed change would reflect an augmented calculation of the Auction Reference Price, as defined in Rule 7.35E(a)(8)(A), that more accurately reflects price movements in a dynamic market environment, thereby promoting greater transparency in the auction process and the Exchange's marketplace.

The Auction Reference Price is a price used in determining the Indicative Match Price³ for an auction. For example, as provided in Rule 7.35E(a)(8)(A), if there are two or more prices at which the maximum volume of shares is tradable, the Indicative Match Price will be the price closest to the Auction Reference Price, provided that the Indicative Match Price will not be lower (higher) than the price of an order to buy (sell) ranked Priority 2—Display Orders that was eligible to participate in the applicable auction.

Rule 7.35E(a)(8)(A) currently defines the Auction Reference Price for the Core Open Auction as the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price. If there is no Auction NBBO, the Auction Reference Price would be the prior trading day's Official Closing Price. The Auction Reference Price for the Closing Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day's Official Closing Price. The Auction Reference Price for a Trading Halt Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day's Official Closing Price (except as provided for in Rule 7.35E(e)(7)(A)).

The Exchange proposes to amend Rule 7.35E(a)(8)(A) regarding the calculation of the Auction Reference Price for the Core Open Auction to reflect a cascading calculation that would consider, in addition to the benchmarks currently reflected in the rule, the price of the last consolidated trade of at least one round lot of that trading day. The Exchange notes that this proposed change would promote consistency with the Auction Reference Price calculation for the Closing Auction and Trading Halt Auction.⁴ As

proposed, the Auction Reference Price for the Core Open Auction would be defined as:

- The price of the last consolidated trade of at least one round lot of that trading day, or
- If there were no such trades, the midpoint of the Auction NBBO, or
- If the Auction NBBO is locked, the locked price, or
- If there is no Auction NBBO, the prior trading day's Official Closing Price for the initial calculation of the Auction Reference Price, and for each subsequent calculation of the Auction Reference Price, the most recently calculated Auction Reference Price.

With the addition of the price of the last consolidated trade of at least one round lot of that trading day as a benchmark for calculating the Auction Reference Price for the Core Open Auction, the Exchange proposes to distinguish between the initial calculation of the Auction Reference Price for the Core Open Auction and subsequent calculations pursuant to the cascading calculation, in the event that there is no Auction NBBO. For the initial calculation, the Exchange proposes that, if there is no Auction NBBO, the Auction Reference Price would, as currently, be the prior trading day's Official Closing Price. However, for subsequent calculations of the Auction Reference Price when there is no Auction NBBO, the Exchange proposes that the Auction Reference Price would instead be the most recent Auction Reference Price, which the Exchange believes would provide a more recent reference price for the auction. In addition, the Exchange proposes to specify that each Auction Reference Price calculation would be based on an evaluation of the period since the last calculation of the Auction Reference Price. This proposed change is intended to ensure that, in cases where there was no consolidated trade of at least one round lot in the period since the last calculation of the Auction Reference Price, the Auction Reference Price would instead be the midpoint of the Auction NBBO (or other price as provided for in Rule 7.35E(a)(8)(A)) to reflect a more recent reference price for the auction.

that trading day." These proposed changes are not intended to change how the Exchange determines the Auction Reference Price for the Closing Auction or Trading Halt Auction, but would add clarity and consistency in Rule 7.35E(a)(8)(A) with respect to the determination of the Auction Reference Price. The Exchange also proposes non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, Trading Halt Auction, and IPO Auction to further improve clarity in Rule 7.35E(a)(8)(A).

The Exchange also proposes that Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session.

The Exchange believes the proposed enhancements to the calculations of the Auction Reference Price for auctions on the Exchange would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security, to the benefit of investors. The proposed rule change would therefore promote the fair and orderly operation of auctions on the Exchange by using reference prices that are consistent with the most recent market activity in a given security, which would also allow more buy and sell interest to participate in such auctions. The Exchange further notes that the proposed changes to its Auction Reference Price calculations are comparable to approaches currently taken by other equities exchanges in considering only certain pricing benchmarks, as specified in their rules, in determining reference prices for their auctions.⁵

⁵ For example, the Nasdaq Stock Market ("Nasdaq") uses certain auction reference prices based on either the previous trading day's Nasdaq Official Closing Price, Nasdaq last sale price, or consolidated closing price. *See, e.g.*, Nasdaq Rules 4752(a)(8) (defining "First Opening Reference Price," in connection with the Nasdaq opening process, as the previous day's Nasdaq Official Closing Price of the security for Nasdaq-listed securities or the consolidated closing price otherwise); 4120(c)(7)(A) (defining "Auction Reference Price," in connection with releasing a security for trading following certain trading halts, as the Nasdaq last sale price or, if there is no such price, the prior trading day's Nasdaq Official Closing Price). In addition, like the Exchange's Auction Reference Price, Nasdaq disseminates the "Current Reference Price" as part of its "Order Imbalance Indicator" in connection with its opening, reopening, and closing processes. *See, e.g.*, Nasdaq Rules 4752(a)(3)(A) and 4754(a)(7)(A) (defining "Current Reference Price," in connection with the Nasdaq opening and closing processes, respectively, as the price at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of certain auction-eligible orders can be paired, or other alternative prices as set forth in subparagraphs (ii) through (iv) if more than one such price exists under each subsequent specified calculation); 4752(a)(3) (describing the Order Imbalance Indicator for the Nasdaq Opening Cross); 4753(a)(3) (describing the Order Imbalance indicator for the Nasdaq Halt Cross); 4754(a)(3) (describing the Order Imbalance Indicator for the Nasdaq Closing Cross). In connection with its auction process, Cboe BZX Exchange ("BZX") uses a "Reference Price" and "Reference Price Range," where the Reference Price is the price within the Reference Price Range that maximizes the number of Eligible Auction Order shares associated with the lesser of the Reference Buy Shares and the Reference Sell Shares as determined at each price level within the Reference Price Range, that minimizes the absolute difference

³ The Indicative Match Price is the best price at which the maximum volume of shares, including the non-displayed quantity of Reserve Orders, is tradable in the applicable auction, subject to Auction Collars. *See* Rule 7.35E(a)(8).

⁴ The Exchange proposes conforming changes to the definition of Auction Reference Price for the Closing Auction and Trading Halt Auction to use the same language as is proposed for the Auction Reference Price for the Core Open Auction. Specifically, the Exchange proposes to use the "price of the last consolidated trade of at least one round lot of that trading day" formulation in place of the existing "last consolidated round-lot price of

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to effectiveness of this proposed rule change, the Exchange anticipates that such changes will be implemented no later than in the third quarter of 2026.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5),⁷ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because it is intended to enhance the process for reference price calculations for auctions conducted by the Exchange. Specifically, the proposed change is intended to reflect an augmented calculation of the Auction Reference Price for the Core Open Auction,

Closing Auction, and Trading Halt Auction to more accurately reflect price movements in a dynamic market environment, thereby promoting transparency and removing impediments to and perfecting the mechanisms of a free and open market and a national market system. As noted above, the proposed changes to Rule 7.35E(a)(8)(A) would reflect that the calculation of the Auction Reference Price for the Core Open Auction would take into account the price of the last consolidated sale of at least one round lot of the trading day and would be based on an evaluation of the period since the last calculation of the Auction Reference Price. In addition, the Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session. The Exchange believes that the proposed change would result in Auction Reference Prices that better reflect more recent trading activity and which may reflect a more recent valuation for a security. The Exchange believes that the proposed change would thus remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it is intended to provide market participants with reference price information that could encourage additional liquidity in auctions conducted on the Exchange. The Exchange notes that the proposed calculation of the Auction Reference Price is comparable to the methods used by other equities exchanges for their auction reference prices, in that it looks to certain pricing benchmarks, as specified in the Exchange's rules, to determine the Auction Reference Price.⁸

The Exchange believes that the proposed non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, and IPO Auction would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because they are not intended to effect any change to these definitions and are intended only to promote clarity in Rule 7.35E(a)(8)(A).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance

of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the reference prices the Exchange utilizes for the Core Open Auction, Closing Auction, and Trading Halt Auction. The proposed rule change does not implicate any intermarket competition concerns because it relates to how the Exchange would facilitate auctions in Exchange-listed securities.

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 Act⁹ and Rule 19b-4(f)(6) thereunder.¹⁰ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹³ of the Act to determine whether the proposed rule

between Reference Buy Shares and Reference Sell Shares, and minimizes the distance from the Volume Based Tie Breaker. See BZX Rules 11.23(a)(19) (defining "Reference Price"); 11.23(a)(23) (defining "Volume Based Tie Breaker" as the midpoint of the NBBO for a particular security if the NBBO is a Valid NBBO or else the price of the Final Last Sale Eligible Trade). The Reference Price Range is the range between the NBB and NBO for a particular security or, if there is no NBB or NBO, the price of the Final Last Sale Eligible Trade. See BZX Rules 11.23(a)(20) (defining "Reference Price Range"); 11.23(a)(9) (defining "Final Last Sale Eligible Trade" as the last round lot trade occurring during Regular Trading Hours on the BZX if the trade was executed during the last one second prior to either the Closing Auction or, for Halt Auctions, trading was halted, or else the last round lot trade reported to the consolidated tape received by BZX during Regular Trading Hours or prior to trading being halted (as applicable), or else the BZX Official Closing Price from the previous trading day). Like the Exchange's Auction Reference Price, the Reference Price is published by BZX in advance of opening, closing, IPO, and halt auctions. See, e.g., BZX Rules 11.23(b)(2)(A) (describing the publication of auction information related to the BZX opening auction); 11.23(c)(2)(A) (describing the publication of auction information related to the BZX closing auction); 11.23(d)(2)(A) (describing the publication of auction information related to BZX IPO and trading halt auctions).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ See note 6, *supra*.

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ 15 U.S.C. 78s(b)(2)(B).

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-2026-10 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-2026-10. 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-2026-10 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-03439 Filed 2-20-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104859; File No. SR-SAPPHIRE-2026-06]

Self-Regulatory Organizations; MIA X Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 531 To Establish the New Purge Liquidity Taker Event Report

February 18, 2026.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 5, 2026, MIA X Sapphire, LLC ("MIA X Sapphire" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 531 to establish the new "Purge Liquidity Taker Report".

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, and at MIA X Sapphire's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 Exchange Rule 531, Reports and Market Data Products, to establish the new

"Purge Liquidity Taker Report" (the "Report"). The proposed Report will be an optional product³ available to Market Makers.⁴ The Exchange proposes that the rule text for the Report will be under subparagraph (d) to Exchange Rule 531 and current subparagraph (d) will be renumbered to subparagraph (e).⁵

Report Content

The proposed Report will be a daily report that provides a Market Maker (referred to as the "Recipient Member") with the liquidity response/taker time details for executions against quotes⁶ entered by the Recipient Member that are resting on the Simple Order Book⁷ that occur before and after the receipt of a purge⁸ message sent by the Recipient Member, where that Recipient Member attempted to cancel such resting quote within certain timeframes described in proposed Exchange Rule 531(d)(2), described below. It is important to note that the content of the Report will be specific to the Recipient Member and the Report will not include any information related to any Member⁹ other than the Recipient Member, other than certain information about the resting quote described below. The Exchange will restrict all other market participants, including the Recipient Member, from receiving another market participant's data.

Proposed subparagraph (d)(1) of Exchange Rule 531 would describe the content of the proposed Report and delineate which information would be provided regarding the resting quote, the purge message that was sent by the Recipient Member and the next

³ The Exchange intends to submit a separate filing with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Act to propose fees for the Report.

⁴ See Exchange Rule 100.

⁵ The purpose of this change is to provide consistency within the Rulebook. Currently, subparagraphs (a)-(c) of Exchange Rule 531 provide the rule text for the three Liquidity Taker Event Reports offered by the Exchange (Simple Orders, Complex Orders, and Resting Simple Orders), and subparagraph (d) provides the rule text for the Open-Close Report. The proposed Report is similar in nature and provides similar information as the Exchange's various Liquidity Taker Event Reports; accordingly, the Exchange believes it provides better consistency throughout the Rulebook to include the rule text for the proposed Report immediately following the rule text for the Liquidity Taker Event Reports.

⁶ See Exchange Rule 100.

⁷ See Exchange Rule 100.

⁸ Purge messages are sent over purge ports, which support only MEO mass cancel messages. See MIA X Sapphire Options Exchange Electronic User Manual, Version 1.2.0, Section 5.01 (dated December 19, 2025), available at https://www.miaxglobal.com/miax_sapphire_electronic_market_user_manual.pdf.

⁹ See Exchange Rule 100.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁴ 17 CFR 200.30-3(a)(12).

response that successfully executed against the resting quote.

Resting Quote and Contra-Side Response Information. Proposed Exchange Rule 531(d)(1)(i) would provide that the following information would be included in the Report regarding the resting quote and contra-side response: (A) the time of execution of a contra-side response against a resting quote; (B) symbol; (C) origin type (e.g., Priority Customer,¹⁰ Market Maker); (D) side (buy or sell); (E) displayed price and size of the resting quote;¹¹ (F) resting liquidity identification number (a unique reference number assigned to a new quote at the time of receipt); and (G) trade reference number (unique reference number assigned to a trade at the time of execution).

Execution Against the Resting Quote Information. Proposed Exchange Rule 531(d)(1)(ii) would provide that the following information would be included in the Report regarding the execution of the resting quote: (A) SBBO¹² at the time of the execution;¹³ and (B) the ABBO¹⁴ at the time of execution.¹⁵

Purge Message(s) Sent by Recipient Member Information. Proposed Exchange Rule 531(d)(1)(iii) would provide that the following information would be included in the Report regarding the purge message(s) sent by the Recipient Member to cancel the resting quote: (A) Recipient Member identifier; (B) the time a purge message was received by the Exchange; (C) the time difference between the time the first response that executes against the resting quote was received by the Exchange and the time that the purge

message that was sent by the Recipient Member to cancel that resting quote was received by the Exchange; (D) the time difference between the time the purge message that was sent by the Recipient Member to cancel the resting quote was received by the Exchange and the time of the next response that executes against a resting quote was received by the Exchange, after the initial purge message; (E) size and type of each response submitted by the contra-side that executes against the resting quote before and after the purge message is sent by the Recipient Member; and (F) purge message identifier (a unique identifier attached to the purge message sent by the Recipient Member).

Timeframe for Data Included in Report

Proposed Exchange Rule 531(d)(2) would describe the timeframes covered by the proposed Report. Proposed Exchange Rule 531(d)(2)(i) would provide that for the purge message sent by the Recipient Member to cancel the resting quote after the response that executes against that resting quote is received by the Exchange pursuant to paragraph (d)(1)(iii)(C) above, the Report will include the data listed in proposed paragraph (d)(1) of Exchange Rule 531 within 100 microseconds from the time the resting quote was executed against to the Exchange's receipt of the purge message.¹⁶ Proposed Exchange Rule 531(d)(2)(ii) would provide that for the purge message sent by the Recipient Member to cancel the resting quote before the next response that executes against that resting quote was received by the Exchange pursuant to paragraph (d)(1)(iii)(D) above, the Report will include the data listed in proposed paragraph (d)(1) of Exchange Rule 531 within 200 microseconds from the time the Exchange received the purge message to when the Exchange receives the next execution.¹⁷

¹⁶ For example, Market Maker A provides two-sided quotes in a particular symbol and Member B, at some point thereafter, submits a marketable order to execute against Market Maker A's resting quotes. Within 100 microseconds of submission of Member B's order, Market Maker A sends a purge message to cancel all or a subset of the quotes. Because Member B's order is processed at the matching engine by the Exchange before Market Maker A's purge message, Member B's order executes against Market Maker A's quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed canceling all or a subset of their quotes for that particular symbol.

¹⁷ For example, Market Maker A provides two-sided quotes in a particular symbol and determines to send a purge message to cancel all or a subset of quotes in that symbol. Within 200 microseconds of Market Maker A's purge message, Member B sends a marketable order to execute against Market Maker A's resting quotes. Because Member B's order (or part of that order) is processed at the

Scope of Data Included in the Report

Proposed Exchange Rule 531(d)(3) would provide that the proposed Report will only include trading data related to the Recipient Member and will not include any other Member's trading data other than that listed in proposed paragraphs (1)(i) and (ii) of proposed Exchange Rule 531(d), as described above.

Historical Data

Proposed Exchange Rule 531(d)(4) would specify that the proposed Report will contain historical data from the previous trading day and will be available after the end of the trading day, generally on a T+1 basis.

Like for the existing reports (i.e., the Liquidity Taker Event Report—Simple Orders, Liquidity Taker Event Report—Complex Orders, and Liquidity Taker Event Report—Resting Simple Orders),¹⁸ the Exchange believes the additional data points from the matching engine described above for the proposed Report may also help Market Makers gain a better understanding about their interactions with the Exchange. The Exchange believes the proposed Report will provide Market Makers with an opportunity to improve quote cancel success, particularly as market conditions change throughout the day and Market Makers seek to update their quotes accordingly. The proposed Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange. Like the existing reports, none of the components of the proposed Report include real-time market data.

Like the existing reports,¹⁹ the proposed Report will be a Member-specific report and will help Market Makers to better understand how to best improve success rates with respect to canceling their quotes, which may help reduce exposure and manage risk. Like the existing reports,²⁰ the Exchange proposes to provide the Report on a T+1 basis. The proposed Report will be

matching engine by the Exchange before Market Maker A's purge message, Member B's order executes against some (or all) of Market Maker A's quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed cancelling all or a subset of their quotes for that particular symbol.

¹⁸ See Exchange Rules 531(a)–(c).

¹⁹ See Exchange Rules 531(a)–(c).

²⁰ See Exchange Rules 531(a)–(c).

¹⁰ See Exchange Rule 100.

¹¹ The Exchange notes that the displayed price and size are also disseminated via the Exchange's proprietary data feeds and the Options Price Reporting Authority ("OPRA"). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

¹² The term "SBBO" means the best bid or offer on the Simple Order Book of the Exchange. See Exchange Rule 100.

¹³ Exchange Rule 531(d)(1)(ii)(A) would further provide that if multiple contra-side responses execute against a resting quote, only the SBBO at the time of the execution against the first response will be included.

¹⁴ The term "ABBO" or "Away Best Bid or Offer" means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

¹⁵ Exchange Rule 531(d)(1)(ii)(B) would further provide that if multiple contra-side responses execute against a resting quote, only the ABBO at the time of the execution against the first response will be included.

specific and tailored to the Member that is subscribed to the Report and any data included in the Report that relates to a Member other than the Member receiving the Report will be anonymized.

The data information contained within the proposed Report is similar to the data provided in reports that currently are offered by other exchanges.²¹ The Exchange notes that a difference between the proposed Report and the Missed Cancels Report offered by Cboe BZX and Cboe EDGX is that the proposed Report is specific to Market Makers attempting to cancel quotes while the Missed Cancels Report provides response details concerning messages for individual order cancellations, mass cancels, and purge order messages.²² The Exchange tailored the proposed Report specifically to response details for Market Makers attempting to cancel quotes because Market Makers have expressed the most interest in learning about their interactions with the Exchange when attempting to cancel quotes. Further, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may use Immediate-or-Cancel (“IOC”) orders to ensure immediate execution in whole or part upon the Exchange’s receipt of that order with the remainder of the order being cancelled.²³

²¹ See, e.g., Cboe BZX Exchange, Inc. (“Cboe BZX”) Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report) (providing the “. . . liquidity response time details for executions of orders and quotes that rest on the book where the Member receiving the report attempted to cancel a resting order or quote within an Exchange-determined period of time (not to exceed 1 millisecond) after receipt of the first attempt to execute against that resting order or quote and within an Exchange-determined period of time (not to exceed 100 microseconds) before receipt of the first attempt to execute against that resting order or quote.”) and Cboe EDGX Exchange, Inc. (“Cboe EDGX”) Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report); see also Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR–CboeBZX–2025–004) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR–CboeEDGX–2025–002).

²² See Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR–CboeBZX–2025–004) (footnote 8 in the rule filing) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR–CboeEDGX–2025–002) (footnote 9 in the rule filing).

²³ See Exchange Rule 516(e). Members may also avail themselves of several optional order protections offered by the Exchange. See Risk Protections Guide, Section 2.b., available at https://www.miaxglobal.com/miax_exchange_group_options_risk_guide.pdf. Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange’s Liquidity Taker Event Reports (Simple Orders, Complex Orders, and/or Resting Simple Orders), which provide liquidity response time taker details for orders

Implementation

The Exchange will issue an Alert to market participants regarding the implementation date of the proposed rule change.

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.²⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁵ 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. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Report to those interested in subscribing to receive the data. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with a new option for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed Report. The establishment of the proposed Report will promote just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any Member that chooses to subscribe to the proposed Report. As discussed, the proposed Report is not a real-time market data product, but rather provides only historical data for

resting on the Exchange’s book for the Member receiving the report. See Exchange Rules 531(a)–(c).

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ *Id.*

the previous trading day, generally on a T+1 basis. In addition, the data in the proposed Report regarding incoming purge messages that failed to cancel resting quotes would be specific to the Recipient Member. As noted above, no specific information about the resting quotes on the Exchange’s Simple Order Book will be provided and any information relating to another Member would be anonymized.

The proposed Report is designed for Market Makers that are interested in gaining insight into latency in connection with their purge messages that failed to cancel resting quotes. The Exchange believes that providing this optional data to interested market participants is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their quoting activity on the Exchange. More specifically, the proposed Report will provide greater visibility by showing how much time a purge message missed canceling a quote, particularly as market conditions change throughout the day and Market Makers attempt to cancel and replace quotes in certain symbols.

Like the existing reports,²⁷ the Exchange proposes to provide the Report on a voluntary basis and no Market Maker will be required to subscribe to the Report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Market Maker elect to receive, the Report. It is entirely a business decision of each Market Maker to subscribe to the Report. The Exchange proposes to offer the Report as a convenience to Market Makers to provide them with additional information regarding their purge message activity on the Exchange on a delayed basis after the close of regular trading hours. A Market Maker that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Market Maker determines that the information contained in the Report is no longer useful.

The Exchange believes the proposed Report being tailored to Market Makers does not permit unfair discrimination between customers, issuers, brokers, or dealers because Market Makers have expressed the most interest in learning about their interactions with the Exchange when attempting to cancel

²⁷ See Exchange Rules 531(a)–(c).

quotes, while order-entering Members have not. As described above, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may enter IOC orders to ensure immediate execution in whole or part upon the Exchange's receipt of that order with the remainder of the order being cancelled.²⁸ If, in the future, Members request that the Exchange provide similar information as contained in the proposed Report for messages attempting to cancel resting orders, in addition to quotes, the Exchange will be able to update the proposed Report to provide that information.

In summary, the proposed Report will help to protect a free and open market by providing additional data (offered on an optional basis) to the marketplace and by providing investors with greater choices.²⁹ Additionally, the proposal would not permit unfair discrimination because the proposed Report will be available to all Exchange Market Makers. As mentioned above, other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁰

The Exchange also believes its proposal to renumber current subparagraph (d) to Exchange Rule 531 to now be subparagraph (e) promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed change will provide greater clarity to Members and the public regarding the Exchange's Rulebook once the rule text for the proposed Report becomes operative. The proposed Report is similar in nature and provides similar information as the Exchange's various Liquidity Taker Event Reports in Exchange Rules 531(a)–(c); accordingly, the Exchange believes the proposed change to provide the rule text for the proposed Report under subparagraph (d) and renumber current subparagraph (d) provides consistency throughout the Rulebook. It is in the public interest for the

Exchange's Rulebook to be consistent to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposed Report will enhance competition³¹ by providing a new option for receiving market data to Market Makers. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include a report that is similar to reports currently offered by other exchanges concerning their members' opportunities to improve order cancel success on those exchanges.³²

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed Report, and the Exchange is not required to make the Report available to market participants. Rather, the Exchange is voluntarily making the Report available, as requested by Market Maker, and Market Makers may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

The Exchange also believes its proposal to renumber current subparagraph (d) to Exchange Rule 531 to now be subparagraph (e) does not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is not intended to address competitive issues but rather is concerned solely with ensuring the rules of the Exchange are consistent. The purpose of the proposed changes is to provide accuracy and consistency within the Exchange's Rulebook and eliminate the potential for confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act³³ and subparagraph (f)(6) of Rule 19b–4 thereunder.³⁴

A proposed rule change filed under Rule 19b–4(f)(6)³⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),³⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that it believes that the proposed changes will not adversely impact investors and will permit the Exchange to immediately offer the proposed Report to Market Makers. The Exchange also states that other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁷ For these reasons, and because the proposal raises no new or novel legal or regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.³⁸

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

³³ 15 U.S.C. 78s(b)(3)(A)(iii).

³⁴ 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.

³⁵ 17 CFR 240.19b–4(f)(6).

³⁶ 17 CFR 240.19b–4(f)(6)(iii).

³⁷ See *supra* note 21.

³⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁸ See Exchange Rule 516(e). Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange's Liquidity Taker Event Reports (Simple Orders, Complex Orders, and/or Resting Simple Orders), which provide liquidity response time taker details for orders resting on the Exchange's book for the Member receiving the report. See Exchange Rules 531(a)–(c).

²⁹ See Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

³⁰ See *supra* note 21.

³¹ See *id.*

³² See *supra* note 21.

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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-SAPPHIRE-2026-06 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-SAPPHIRE-2026-06. 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-SAPPHIRE-2026-06 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-03453 Filed 2-20-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104856; File No. SR-NYSE-2026-08]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change for Amendments to Rule 7.35A and Rule 7.35C

February 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 6, 2026, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amendments to Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) and Rule 7.35C (Exchange-Facilitated Auctions) to enhance reference price calculations for Core Open and Trading Halt Auctions conducted by Designated Market Makers and the Exchange. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes amendments to Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) and Rule 7.35C (Exchange-Facilitated Auctions) to enhance reference price calculations for Core Open and Trading Halt Auctions conducted by Designated Market Makers ("DMM") and the Exchange.

The proposed changes would reflect an augmented calculation of the reference price for opening and trading halt auctions conducted on the Exchange that more accurately reflects price movements in a dynamic market environment, thereby promoting greater transparency in the auction process and the Exchange's marketplace.

Specifically, the reference price for opening auctions would reflect a cascading calculation to be called the "Opening Reference Price" that would consider the price of the last consolidated trade of at least one round lot of that trading day or, if there were no such trades, the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price, or if there is no Auction NBBO, for the initial calculation, the prior trading day's Official Closing Price. Each subsequent calculation would then utilize the most recent Opening Reference Price. As proposed, Opening Reference Price calculations would be based on an evaluation of the period since the last calculation of the Opening Reference Price and would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session, thus providing for a more accurate snapshot of the current market. For reopening auctions, the reference price would similarly be based on a dynamic calculation to be called the "Trading Halt Reference Price" that would consider the price of the last consolidated trade of at least one round lot of that trading day and, if none, the prior trading day's Official Closing Price. Trading Halt Reference Price calculations would also exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session.

The Exchange also proposes that for both the Core Open and Trading Halt Auctions, the Opening Reference Price and the Trading Halt Reference Price, as applicable, would be used to determine whether there is a price disparity and whether to publish a pre-opening indication for securities that have

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³⁹ 17 CFR 200.30-3(a)(12), (59).

limited publicly available pricing information available. Similarly, the proposed Opening Reference Price and the Trading Halt Reference Price, as applicable, would be used as the Imbalance Reference Price for the Core Open and Trading Halt Auctions. The Opening Reference Price and the Trading Halt Reference Price would also be used for Core Open Auctions and certain Trading Halt Auctions conducted by the Exchange.

The Exchange believes the proposed enhancements to the calculations of the benchmarks for auctions on the Exchange would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security with which to assess whether an Auction Price would be at a price disparity and whether a security should be indicated, to the benefit of investors.

Background

Rule 7.35A sets forth the process for DMM-facilitated Core Open Auctions and Trading Halt Auctions. Rule 7.35A(a) sets forth both the DMM and Floor broker responsibilities for the opening and reopening of securities, and specifically provides that it is the responsibility of each DMM to ensure that registered securities open as close to the beginning of Core Trading Hours as possible or reopen at the end of the halt or pause, while at the same time not unduly hasty, particularly when at a price disparity from the Consolidated Last Sale Price, which means the Official Closing Price of a security prior to the beginning of Core Trading Hours, which may be the prior closing price on the Exchange.³

Rule 7.35A(a)(4) provides that Trading Officials participate in the opening and reopening process to provide an impartial professional assessment of unusual situations, as well as to provide guidance with respect to pricing when a significant disparity in supply and demand exists. Rule 7.35A(a)(4) provides that DMMs should consult with a Trading Official under specified circumstances, including if it is anticipated that the opening or reopening price will be at a significant disparity from the Consolidated Last Sale Price for such security.⁴

Rule 7.35A(c)(1) provides that, except under the conditions of Rules 7.35A(c)(2) and (c)(3), a DMM may not effect a Core Open or Trading Halt

Auction electronically under the conditions specified in subparagraphs (A)–(H) of Rule 7.35A. In particular, under subparagraph (F), the DMM could not effect a Core Open or Trading Halt Auction where there is no Consolidated Last Sale Price. Under subparagraph (G), the DMM would be constrained where the Core Open Auction Price will be more than 10% away from the Consolidated Last Sale Price, while under subparagraph (H) where the Trading Halt Auction Price will be more than 5% away from the Consolidated Last Sale Price.

Rule 7.35A(d) provides that a pre-opening indication would include the security and the price range within which the Auction Price is anticipated to occur and that a pre-opening indication would be published via the securities information processor and proprietary data feeds. Rule 7.35A(d)(2) addresses Indication Reference Prices, and provides that the Indication Reference Price for a security, other than an American Depository Receipt (“ADR”), would be, among others, the security’s last Official Closing Price on the Exchange, adjusted as applicable based on the publicly disclosed terms of a corporate action,⁵ or the security’s offering price in the case of an IPO.⁶

Rule 7.35A(d)(2)(B) provides that the Indication Reference Price for an ADR would be, among others, the closing price of the security underlying the ADR in the primary foreign market for such security when the trading day of the primary foreign market concludes after trading on the Exchange for the previous day has ended.⁷

Rule 7.35A(d)(2)(C) provides that the Indication Reference Price for reopening a security following a halt would be the Exchange Last Sale Price.

Rule 7.35A(e) specifies Auction Imbalance Information for the Core Open and Trading Halt Auctions. Rule 7.35A(e)(1)(D) provides that the Exchange would not disseminate Auction Imbalance Information for the Core Open Auction or Trading Halt Auction if there is no Consolidated Last Sale Price.

Rule 7.35A(e)(3) specifies how the Imbalance Reference Price would be determined and provides that the Imbalance Reference Price for the Auction Imbalance Information would be the Consolidated Last Sale Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price would be:

- the pre-opening indication bid price if the Consolidated Last Sale Price is lower than the bid price of the pre-opening indication;
- the pre-opening indication offer price if the Consolidated Last Sale Price is higher than the offer price of the pre-opening indication; or
- the Consolidated Last Sale Price if it is at or between the pre-opening indication bid and offer price.⁸

Rule 7.35C provides for how the Exchange would facilitate an Auction if a DMM cannot facilitate the opening or closing of trading. Rule 7.35C(b) sets forth definitions applicable to Rule 7.35C. Rule 7.35C(b)(1) defines the term “Auction Reference Price,” which is used by the Exchange for purposes of calculating the Indicative Match Price and Auction Collars. For Exchange-facilitated Auctions, the Exchange determines an Auction Price based on the Indicative Match Price for a security, which is bound by Auction Collars.⁹

Rule 7.35C(b)(1) specifies the Auction Reference Price used for determining Auction Collars for Exchange-facilitated Core Open Auctions. Currently, the Auction Reference Price for the Core Open Auction is the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price. If there is no Auction NBBO, it would be the Official Closing Price from the prior trading day. The Auction Reference Price for the Trading Halt Auction is, except as provided for in Rule 7.35C(e)(1), the Imbalance Reference Price as determined under Rule 7.35A(e)(3). The Auction Reference Price for the Closing Auction is the Imbalance Reference Price as determined under Rule 7.35B(e)(3). Finally, the Auction Reference Price for IPO Auctions would be a price determined under Rule 1.1(u)(1)(F).¹⁰

Proposed Rule Change

The Exchange proposes to refine the reference price calculations it utilizes for Core Open and Trading Halt Auctions and replace the Consolidated Last Sale Price as the current benchmark. To reflect the enhanced calculations and effectuate these changes, the Exchange proposes new definitions of “Opening Reference Price” and a “Trading Halt Reference Price” for Rule 7.35A that would likely reflect a more recent valuation information for a security to assess various aspects of the auction process on the Exchange, including how to

³ Pursuant to Rule 7.35(a)(12)(A), the term “Consolidated Last Sale Price” means the most recent consolidated last-sale eligible trade in a security during Core Trading Hours on that trading day, and if none, the Official Closing Price from the prior trading day for that security.

⁴ See Rule 7.35A(a)(4)(B).

⁵ See Rule 7.35A(d)(2)(A)(i).

⁶ See Rule 7.35A(d)(2)(A)(ii).

⁷ See Rule 7.35A(d)(2)(B)(i).

⁸ See Rules 7.35A(d)(3)(A)–(C).

⁹ See Rule 7.35C(b)(2).

¹⁰ The current Rule refers to Rule 1.1(s)(1)(F). The Exchange proposes to correct the reference.

measure whether the opening or reopening would be at a price disparity. Similarly, the Exchange proposes that the Opening Reference Price would be used to calculate the Auction Reference Price for Core Open Auctions during Exchange-facilitated auctions pursuant to Rule 7.35C.

As proposed, “Opening Reference Price” would mean

- the price of the last consolidated trade of at least one round lot of that trading day or,
- if there were no such trades, the midpoint of the Auction NBBO or,
- if the Auction NBBO is locked, the locked price, or
- if there is no Auction NBBO, for the initial calculation, the prior trading day’s Official Closing Price; for each subsequent calculation, the most recent Opening Reference Price.

Opening Reference Price calculations would be based on an evaluation of the period since the last calculation of the Opening Reference Price and would exclude trades on Trade Reporting Facilities (“TRF”) during the Early Trading Session (“ETS”) or Late Trading Session (“LTS”).

In addition, “Trading Halt Reference Price” would mean the price of the last consolidated trade of at least one round lot of that trading day and, if none, the prior trading day’s Official Closing Price. Trading Halt Reference Price calculations would similarly exclude TRF trades during the ETS or LTS.

The Exchange would replace Consolidated Last Sale with Opening Reference Price for an opening and Trading Halt Reference Price for a reopening, as applicable, in Rule 7.35A(a), governing DMM and Floor broker responsibilities, and Rule 7.35A(a)(4)(B), governing circumstances where a DMM should consult a Trading Official, both of which address assessments of whether an Auction Price would be at a price disparity.

Similarly, the Exchange would replace Opening Reference Price for an Opening or Trading Halt Reference Price for a reopening, as applicable, in Rule 7.35A(c)(1)(F)–(G), governing the conditions under which a DMM may not effect a Core Open or Trading Halt Auction electronically. In the condition set forth in Rule 7.35A(c)(1)(H), the Exchange would replace Consolidated Last Sale with Trading Halt Reference Price.

For the Indication Reference Price for pre-opening indications governed by Rule 7.35A(d), the Exchange would replace last Official Closing Price on the Exchange with Opening Reference Price in Rule 7.35A(d)(2)(A)(i). The Exchange would also delete the clause “adjusted

as applicable based on the publicly disclosed terms of a corporate action” following last Official Closing Price as unnecessary.¹¹ Further, the Opening Reference Price would replace “closing price of the security underlying the ADR in the primary foreign market for such security when the trading day of the primary foreign market concludes after trading on the Exchange for the previous day has ended” as one of the ways to determine the Indication Reference Price for ADRs in Rule 7.35A(d)(2)(B)(i).

Finally, the Indication Reference Price for reopening a security following a halt under Rule 7.35A(d)(2)(C) would be Trading Halt Reference Price, replacing Exchange Last Sale Price.

For the Imbalance Reference Price under Rule 7.35A(e), the Exchange proposes not to disseminate Auction Imbalance Information for the Core Open Auction if there is no Opening Reference Price and for a Trading Halt Auction if there is no Trading Halt Reference Price, replacing Consolidated Last Sale Price.

The determination of the Imbalance Reference Price for the Core Open Auction under Rule 7.35A(e)(3) would be the Opening Reference Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price would be the Opening Reference Price bounded by the pre-opening indication prices. For a Trading Halt Auction, the Imbalance Reference Price for the Auction Imbalance Information would be the Trading Halt Reference Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price will be the Trading Halt Reference Price bounded by the pre-opening indication prices.

Finally, the Exchange proposes to replace the existing text for the Auction Reference Price for Core Open Auction with “Opening Reference Price as determined under Rule 7.35A(a).”

The Exchange notes that the proposed changes relating to its Opening Reference Price and Trading Halt Reference Price calculations are comparable to approaches currently taken by other equities exchanges in considering only certain pricing benchmarks, as specified in their rules, in determining reference prices for their auctions.¹²

¹¹ The Exchange notes that the definition of the Official Closing Price in Rule 1.1(u)(6) provides that such a price may be adjusted to reflect corporate actions or a correction to a closing price, as disseminated by the primary listing market for the security.

¹² For example, the Nasdaq Stock Market (“Nasdaq”) uses certain auction reference prices based on either the previous trading day’s Nasdaq

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to effectiveness of this proposed rule change, the Exchange anticipates that such changes will be implemented no later than in the third quarter of 2026.

Official Closing Price, Nasdaq last sale price, or consolidated closing price. *See, e.g.,* Nasdaq Rules 4752(a)(8) (defining “First Opening Reference Price,” in connection with the Nasdaq opening process, as the previous day’s Nasdaq Official Closing Price of the security for Nasdaq-listed securities or the consolidated closing price otherwise); 4120(c)(7)(A) (defining “Auction Reference Price,” in connection with releasing a security for trading following certain trading halts, as the Nasdaq last sale price or, if there is no such price, the prior trading day’s Nasdaq Official Closing Price). In addition, like the Exchange’s Auction Reference Price, Nasdaq disseminates a “Current Reference Price” as part of its “Order Imbalance Indicator” in connection with its opening, reopening, and closing processes. *See, e.g.,* Nasdaq Rules 4752(a)(3)(A) and 4754(a)(7)(A) (defining “Current Reference Price,” in connection with the Nasdaq opening and closing processes, respectively, as the price at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of certain auction-eligible orders can be paired, or other alternative prices as set forth in subparagraphs (ii) through (iv) if more than one such price exists under each subsequent specified calculation); 4752(a)(3) (describing the Order Imbalance Indicator for the Nasdaq Opening Cross); 4753(a)(3) (describing the Order Imbalance indicator for the Nasdaq Halt Cross); 4754(a)(3) (describing the Order Imbalance Indicator for the Nasdaq Closing Cross). In connection with its auction process, Cboe BZX Exchange (“BZX”) uses a “Reference Price” and “Reference Price Range,” where the Reference Price is the price within the Reference Price Range that maximizes the number of Eligible Auction Order shares associated with the lesser of the Reference Buy Shares and the Reference Sell Shares as determined at each price level within the Reference Price Range, that minimizes the absolute difference between Reference Buy Shares and Reference Sell Shares, and minimizes the distance from the Volume Based Tie Breaker. *See* BZX Rules 11.23(a)(19) (defining “Reference Price”); 11.23(a)(23) (defining “Volume Based Tie Breaker” as the midpoint of the NBBO for a particular security if the NBBO is a Valid NBBO or else the price of the Final Last Sale Eligible Trade). The Reference Price Range is the range between the NBB and NBO for a particular security or, if there is no NBB or NBO, the price of the Final Last Sale Eligible Trade. *See* BZX Rules 11.23(a)(20) (defining “Reference Price Range”); 11.23(a)(9) (defining “Final Last Sale Eligible Trade” as the last round lot trade occurring during Regular Trading Hours on the BZX if the trade was executed during the last one second prior to either the Closing Auction or, for Halt Auctions, trading was halted, or else the last round lot trade reported to the consolidated tape received by BZX during Regular Trading Hours or prior to trading being halted (as applicable), or else the BZX Official Closing Price from the previous trading day). Like the Exchange’s Auction Reference Price, the Reference Price is published by BZX in advance of opening, closing, IPO, and halt auctions. *See, e.g.,* BZX Rules 11.23(b)(2)(A) (describing the publication of auction information related to the BZX opening auction); 11.23(c)(2)(A) (describing the publication of auction information related to the BZX closing auction); 11.23(d)(2)(A) (describing the publication of auction information related to BZX IPO and trading halt auctions).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁴ 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 facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to Rule 7.35A and Rule 7.35C to reflect an enhanced calculation of the reference price for opening and trading halt auctions conducted by DMMs or the Exchange would more accurately reflect price movements in a dynamic market environment, thereby promoting transparency and removing impediments to and perfecting the mechanisms of a free and open market and a national market system. As noted above, the Exchange would replace the static measures of Consolidated Last Sale Price or Official Closing Price from the prior trading day as the reference price for openings and reopenings in favor of a dynamic formula that would consider more recent trading activity of the impacted security in addition to the most recent closing activity. The proposed Opening Reference Price and Trading Halt Reference Price would be used to determine whether there is a price disparity and whether to publish a pre-opening indication for securities that have limited publicly available pricing information available. The Exchange believes the proposed enhancements would better reflect more recent trading activity on another exchange, and such price may reflect a more recent valuation for a security with which to assess whether an Auction Price would be at a price disparity and whether a security should be indicated, to the benefit of investors and the maintenance of a fair and orderly market consistent with the protection of investors and the public interest under Section 6(b)(5) of the Act.¹⁵

The Exchange believes that using the proposed dynamic calculations for various reference prices for openings

and reopenings would remove impediments to and perfect the mechanism of a free and open market because, as described in detail above, such prices would be based on the most recent valuation for purposes of assessing price movement leading into an Auction. For example, use of the term Opening Reference Price would incorporate the last eligible consolidated trade of at least one round lot or, if there were no such trades, the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price, or if there is no Auction NBBO, for the initial calculation, the prior trading day's Official Closing Price, while for each subsequent calculation, the most recent Opening Reference Price, for purposes of providing guidance to the DMM and determining the reference price for opening or reopening a security. The proposed rule change would therefore promote the fair and orderly operation of Core Open and Trading Halt Auctions by allowing securities to open or reopen at prices that are consistent with the most updated available buy and sell interest in a given security, which would also allow more buy and sell interest to participate in such Auction.

In addition, as noted above, the proposed calculations of the Opening Reference Price and Trading Halt Reference Price are comparable to the methods used by other equities exchanges for their auction reference prices, in that it looks to certain pricing benchmarks, as specified in the Exchange's rules, to determine these reference prices.¹⁶

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the reference prices the Exchange utilizes for Core Open and Trading Halt Auctions. The proposed rule change does not implicate any intermarket competition concerns because it relates to how a DMM or the Exchange would facilitate Auctions in Exchange-listed securities.

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 Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁰ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²¹ 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:

¹⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 17 CFR 240.19b-4(f)(6).

²⁰ 17 CFR 240.19b-4(f)(6)(iii).

²¹ 15 U.S.C. 78s(b)(2)(B).

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ See note 13, *supra*.

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSE–2026–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to file number SR–NYSE–2026–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–08 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104858; File No. SR–EMERALD–2026–06]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 531 To Establish the New Purge Liquidity Taker Event Report

February 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on February 5, 2026, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) filed with the

Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 531 to establish the new “Purge Liquidity Taker Report”.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings>, and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 Exchange Rule 531, Reports, Market Data Products and Services, to establish the new “Purge Liquidity Taker Report” (the “Report”). The proposed Report will be an optional product³ available to Market Makers.⁴ The Exchange proposes that the rule text for the Report will be under subparagraph (d) to Exchange Rule 531 and current subparagraphs (d)–(e) will be renumbered to subparagraphs (e)–(f).⁵

³ The Exchange intends to submit a separate filing with the Securities and Exchange Commission (“Commission”) pursuant to Section 19(b)(1) of the Act to propose fees for the Report.

⁴ See Exchange Rule 100.

⁵ The purpose of this change is to provide consistency within the Rulebook. Currently, subparagraphs (a)–(c) of Exchange Rule 531 provide the rule text for the three Liquidity Taker Event Reports offered by the Exchange (Simple Orders, Complex Orders, and Resting Simple Orders), subparagraph (d) provides the rule text for the Open-Close Report, and subparagraph (e) provides the rule text for the High Precision Network Time Signal Service. The proposed Report is similar in

Report Content

The proposed Report will be a daily report that provides a Market Maker (referred to as the “Recipient Member”) with the liquidity response/taker time details for executions against quotes⁶ entered by the Recipient Member that are resting on the Simple Order Book⁷ that occur before and after the receipt of a purge⁸ message sent by the Recipient Member, where that Recipient Member attempted to cancel such resting quote within certain timeframes described in proposed Exchange Rule 531(d)(2), described below. It is important to note that the content of the Report will be specific to the Recipient Member and the Report will not include any information related to any Member⁹ other than the Recipient Member, other than certain information about the resting quote described below. The Exchange will restrict all other market participants, including the Recipient Member, from receiving another market participant's data.

Proposed subparagraph (d)(1) of Exchange Rule 531 would describe the content of the proposed Report and delineate which information would be provided regarding the resting quote, the purge message that was sent by the Recipient Member and the next response that successfully executed against the resting quote.

Resting Quote and Contra-Side Response Information. Proposed Exchange Rule 531(d)(1)(i) would provide that the following information would be included in the Report regarding the resting quote and contra-side response: (A) the time of execution of a contra-side response against a resting quote; (B) symbol; (C) origin type (e.g., Priority Customer,¹⁰ Market Maker); (D) side (buy or sell); (E) displayed price and size of the resting quote;¹¹ (F) resting liquidity

nature and provides similar information as the Exchange's various Liquidity Taker Event Reports; accordingly, the Exchange believes it provides better consistency throughout the Rulebook to include the rule text for the proposed Report immediately following the rule text for the Liquidity Taker Event Reports.

⁶ See Exchange Rule 100.

⁷ See Exchange Rule 518(a)(15).

⁸ Purge messages are sent over purge ports, which support only quote mass cancel messages. See MIAX Emerald Options Exchange User Manual, Version 1.0.0, Section 5.01 (dated December 12, 2023), available at https://www.miaxglobal.com/miax_emerald_user_manual.pdf.

⁹ See Exchange Rule 100.

¹⁰ See Exchange Rule 100.

¹¹ The Exchange notes that the displayed price and size are also disseminated via the Exchange's proprietary data feeds and the Options Price Reporting Authority (“OPRA”). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price.

²² 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

identification number (a unique reference number assigned to a new quote at the time of receipt); and (G) trade reference number (unique reference number assigned to a trade at the time of execution).

Execution Against the Resting Quote Information. Proposed Exchange Rule 531(d)(1)(ii) would provide that the following information would be included in the Report regarding the execution of the resting quote: (A) EBBO¹² at the time of the execution;¹³ and (B) the ABBO¹⁴ at the time of execution.¹⁵

Purge Message(s) Sent by Recipient Member Information. Proposed Exchange Rule 531(d)(1)(iii) would provide that the following information would be included in the Report regarding the purge message(s) sent by the Recipient Member to cancel the resting quote: (A) Recipient Member identifier; (B) the time a purge message was received by the Exchange; (C) the time difference between the time the first response that executes against the resting quote was received by the Exchange and the time that the purge message that was sent by the Recipient Member to cancel that resting quote was received by the Exchange; (D) the time difference between the time the purge message that was sent by the Recipient Member to cancel the resting quote was received by the Exchange and the time of the next response that executes against a resting quote was received by the Exchange, after the initial purge message; (E) size and type of each response submitted by the contra-side that executes against the resting quote before and after the purge message is sent by the Recipient Member; and (F) purge message identifier (a unique identifier attached to the purge message sent by the Recipient Member).

This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

¹² The term “EBBO” means the best bid or offer on the Simple Order Book (as defined in the Rules) on the Exchange. See Exchange Rule 518(a)(10).

¹³ Exchange Rule 531(d)(1)(ii)(A) would further provide that if multiple contra-side responses execute against a resting quote, only the EBBO at the time of the execution against the first response will be included.

¹⁴ The term “ABBO” or “Away Best Bid or Offer” means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

¹⁵ Exchange Rule 531(d)(1)(ii)(B) would further provide that if multiple contra-side responses execute against a resting quote, only the ABBO at the time of the execution against the first response will be included.

Timeframe for Data Included in Report

Proposed Exchange Rule 531(d)(2) would describe the timeframes covered by the proposed Report. Proposed Exchange Rule 531(d)(2)(i) would provide that for the purge message sent by the Recipient Member to cancel the resting quote after the response that executes against that resting quote is received by the Exchange pursuant to paragraph (d)(1)(iii)(C) above, the Report will include the data listed in proposed paragraph (d)(1) of Exchange Rule 531 within 100 microseconds from the time the resting quote was executed against to the Exchange’s receipt of the purge message.¹⁶ Proposed Exchange Rule 531(d)(2)(ii) would provide that for the purge message sent by the Recipient Member to cancel the resting quote before the next response that executes against that resting quote was received by the Exchange pursuant to paragraph (d)(1)(iii)(D) above, the Report will include the data listed in proposed paragraph (d)(1) of Exchange Rule 531 within 200 microseconds from the time the Exchange received the purge message to when the Exchange receives the next execution.¹⁷

Scope of Data Included in the Report

Proposed Exchange Rule 531(d)(3) would provide that the proposed Report will only include trading data related to the Recipient Member and will not include any other Member’s trading data other than that listed in proposed paragraphs (1)(i) and (ii) of proposed Exchange Rule 531(d), as described above.

¹⁶ For example, Market Maker A provides two-sided quotes in a particular symbol and Member B, at some point thereafter, submits a marketable order to execute against Market Maker A’s resting quotes. Within 100 microseconds of submission of Member B’s order, Market Maker A sends a purge message to cancel all or a subset of the quotes. Because Member B’s order is processed at the matching engine by the Exchange before Market Maker A’s purge message, Member B’s order executes against Market Maker A’s quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed canceling all or a subset of their quotes for that particular symbol.

¹⁷ For example, Market Maker A provides two-sided quotes in a particular symbol and determines to send a marketable order to execute against Market Maker A’s resting quotes. Because Member B’s order (or part of that order) is processed at the matching engine by the Exchange before Market Maker A’s purge message, Member B’s order executes against some (or all) of Market Maker A’s quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed cancelling all or a subset of their quotes for that particular symbol.

Historical Data

Proposed Exchange Rule 531(d)(4) would specify that the proposed Report will contain historical data from the previous trading day and will be available after the end of the trading day, generally on a T+1 basis.

Like for the existing reports (*i.e.*, the Liquidity Taker Event Report—Simple Orders, Liquidity Taker Event Report—Complex Orders, and Liquidity Taker Event Report—Resting Simple Orders),¹⁸ the Exchange believes the additional data points from the matching engine described above for the proposed Report may also help Market Makers gain a better understanding about their interactions with the Exchange. The Exchange believes the proposed Report will provide Market Makers with an opportunity to improve quote cancel success, particularly as market conditions change throughout the day and Market Makers seek to update their quotes accordingly. The proposed Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange. Like the existing reports, none of the components of the proposed Report include real-time market data.

Like the existing reports,¹⁹ the proposed Report will be a Member-specific report and will help Market Makers to better understand how to best improve success rates with respect to canceling their quotes, which may help reduce exposure and manage risk. Like the existing reports,²⁰ the Exchange proposes to provide the Report on a T+1 basis. The proposed Report will be specific and tailored to the Member that is subscribed to the Report and any data included in the Report that relates to a Member other than the Member receiving the Report will be anonymized.

The data information contained within the proposed Report is similar to the data provided in reports that currently are offered by other exchanges.²¹ The Exchange notes that a

¹⁸ See Exchange Rules 531(a)–(c).

¹⁹ See Exchange Rules 531(a)–(c).

²⁰ See Exchange Rules 531(a)–(c).

²¹ See, e.g., Cboe BZX Exchange, Inc. (“Cboe BZX”) Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report) (providing the “. . . liquidity response time details for executions of orders and quotes that rest on the book where the Member receiving the report attempted to cancel a resting order or quote within an Exchange-determined

difference between the proposed Report and the Missed Cancels Report offered by Cboe BZX and Cboe EDGX is that the proposed Report is specific to Market Makers attempting to cancel quotes while the Missed Cancels Report provides response details concerning cancellations, mass cancels, and purge order messages.²² The Exchange tailored the proposed Report specifically to response details for Market Makers attempting to cancel quotes because Market Makers have expressed the most interest in learning about their interactions with the Exchange when attempting to cancel quotes. Further, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may use Immediate-or-Cancel ("IOC") orders to ensure immediate execution in whole or part upon the Exchange's receipt of that order with the remainder of the order being cancelled.²³

Implementation

The Exchange will issue an Alert to market participants regarding the implementation date of the proposed rule change.

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.²⁴ Specifically,

period of time (not to exceed 1 millisecond) after receipt of the first attempt to execute against that resting order or quote and within an Exchange-determined period of time (not to exceed 100 microseconds) before receipt of the first attempt to execute against that resting order or quote." and Cboe EDGX Exchange, Inc. ("Cboe EDGX") Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report); see also Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR-CboeBZX-2025-004) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR-CboeEDGX-2025-002).

²² See Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR-CboeBZX-2025-004) (footnote 8 in the rule filing) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR-CboeEDGX-2025-002) (footnote 9 in the rule filing).

²³ See Exchange Rule 516(c). Members may also avail themselves of several optional order protections offered by the Exchange. See Risk Protections Guide, Section 2.b., available at https://www.miaxglobal.com/miax_exchange_group_options_risk_guide.pdf. Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange's Liquidity Taker Event Reports (Simple Orders, Complex Orders, and/or Resting Simple Orders), which provide liquidity response time taker details for orders resting on the Exchange's book for the Member receiving the report. See Exchange Rules 531(a)-(c).

²⁴ 15 U.S.C. 78f(b).

the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁵ 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. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Report to those interested in subscribing to receive the data. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with a new option for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed Report. The establishment of the proposed Report will promote just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any Member that chooses to subscribe to the proposed Report. As discussed, the proposed Report is not a real-time market data product, but rather provides only historical data for the previous trading day, generally on a T+1 basis. In addition, the data in the proposed Report regarding incoming purge messages that failed to cancel resting quotes would be specific to the Recipient Member. As noted above, no specific information about the resting quotes on the Exchange's Simple Order Book will be provided and any information relating to another Member would be anonymized.

The proposed Report is designed for Market Makers that are interested in gaining insight into latency in connection with their purge messages that failed to cancel resting quotes. The

Exchange believes that providing this optional data to interested market participants is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their quoting activity on the Exchange. More specifically, the proposed Report will provide greater visibility by showing how much time a purge message missed canceling a quote, particularly as market conditions change throughout the day and Market Makers attempt to cancel and replace quotes in certain symbols.

Like the existing reports,²⁷ the Exchange proposes to provide the Report on a voluntary basis and no Market Maker will be required to subscribe to the Report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Market Maker elect to receive, the Report. It is entirely a business decision of each Market Maker to subscribe to the Report. The Exchange proposes to offer the Report as a convenience to Market Makers to provide them with additional information regarding their purge message activity on the Exchange on a delayed basis after the close of regular trading hours. A Market Maker that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Market Maker determines that the information contained in the Report is no longer useful.

The Exchange believes the proposed Report being tailored to Market Makers does not permit unfair discrimination between customers, issuers, brokers, or dealers because Market Makers have expressed the most interest in learning about their interactions with the Exchange when attempting to cancel quotes, while order-entering Members have not. As described above, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may enter IOC orders to ensure immediate execution in whole or part upon the Exchange's receipt of that order with the remainder of the order being cancelled.²⁸ If, in the future, Members

²⁷ See Exchange Rules 531(a)-(c).

²⁸ See Exchange Rule 516(c). Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange's Liquidity Taker Event Reports (Simple Orders, Complex Orders, and/or Resting Simple Orders), which provide

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ *Id.*

request that the Exchange provide similar information as contained in the proposed Report for messages attempting to cancel resting orders, in addition to quotes, the Exchange will be able to update the proposed Report to provide that information.

In summary, the proposed Report will help to protect a free and open market by providing additional data (offered on an optional basis) to the marketplace and by providing investors with greater choices.²⁹ Additionally, the proposal would not permit unfair discrimination because the proposed Report will be available to all Exchange Market Makers. As mentioned above, other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁰

The Exchange also believes its proposal to renumber current subparagraphs (d)–(e) to Exchange Rule 531 to now be subparagraphs (e)–(f) promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed changes will provide greater clarity to Members and the public regarding the Exchange's Rulebook once the rule text for the proposed Report becomes operative. The proposed Report is similar in nature and provides similar information as the Exchange's various Liquidity Taker Event Reports in Exchange Rules 531(a)–(c); accordingly, the Exchange believes the proposed change to provide the rule text for the proposed Report under subparagraph (d) and renumber current subparagraphs (d)–(e) provides consistency throughout the Rulebook. It is in the public interest for the Exchange's Rulebook to be consistent to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposed Report will enhance competition³¹ by providing a new option for receiving market data to Market Makers. The proposed Report

will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include a report that is similar to reports currently offered by other exchanges concerning their members' opportunities to improve order cancel success on those exchanges.³²

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed Report, and the Exchange is not required to make the Report available to market participants. Rather, the Exchange is voluntarily making the Report available, as requested by Market Maker, and Market Makers may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

The Exchange also believes its proposal to renumber current subparagraphs (d)–(e) to Exchange Rule 531 to now be subparagraphs (e)–(f) does not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is not intended to address competitive issues but rather is concerned solely with ensuring the rules of the Exchange are consistent. The purpose of the proposed changes is to provide accuracy and consistency within the Exchange's Rulebook and eliminate the potential for confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act³³ and

subparagraph (f)(6) of Rule 19b–4 thereunder.³⁴

A proposed rule change filed under Rule 19b–4(f)(6)³⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),³⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that it believes that the proposed changes will not adversely impact investors and will permit the Exchange to immediately offer the proposed Report to Market Makers. The Exchange also states that other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁷ For these reasons, and because the proposal raises no new or novel legal or regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.³⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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.

³⁴ 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.

³⁵ 17 CFR 240.19b–4(f)(6).

³⁶ 17 CFR 240.19b–4(f)(6)(iii).

³⁷ See *supra* note 21.

³⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

liquidity response time taker details for orders resting on the Exchange's book for the Member receiving the report. See Exchange Rules 531(a)–(c).

²⁹ See Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

³⁰ See *supra* note 21.

³¹ See *id.*

³² See *supra* note 21.

³³ 15 U.S.C. 78s(b)(3)(A)(iii).

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-EMERALD-2026-06 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-EMERALD-2026-06. 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 also 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-EMERALD-2026-06 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104864; File No. SR-MIAX-2026-09]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Amend Exchange Rule 308

February 18, 2026.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4

thereunder,² notice is hereby given that on February 11, 2026, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 308, Exemptions from Position Limits, to move the "box spread"³ qualified hedge transaction to the category of qualified hedge transactions that are exempt from established position limits as prescribed under Exchange Rule 307(d). The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings> and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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

Exchange Rule 307 currently establishes position limits for Members.⁴ Exchange Rule 308(a)

² 17 CFR 240.19b-4.

³ The term "box spread" refers to a transaction involving a long call position accompanied by a short put position with the same strike price and a short call position accompanied by a long put position with a different strike price. See Exchange Rule 308(a)(6).

⁴ In general, Members may not enter into opening transactions if the Member has reason to believe that as a result of such transaction the Member or its customer would, acting alone or in concert with others, directly or indirectly control an aggregate position in an option contract traded on the Exchange in excess of 25,000 or 50,000 or 75,000 or 200,000 or 250,000 option contracts (whether

provides several types of equity hedges that the Exchange codified in its rules that are qualified hedging transactions that are exempt from the position limits provided for in Exchange Rule 307(d). One such qualified hedging transaction is the box spread, which is subject to a position limit equal to five (5) times the standard limit established under Exchange Rule 307(d). All other qualified hedging transactions, other than as provided for in Exchange Rule 308(a)(8),⁵ are not subject to the five times position limit rule, but are exempt from established position limits as prescribed under Exchange Rule 307(d).

The Exchange now proposes to amend Exchange Rule 308(a) to move the box spread qualified hedging transaction to the category of equity hedges that are exempt from established position limits as prescribed under Exchange Rule 307(d). The Exchange's equity hedge exemption rule is based on the substantively similar rules in place at other options exchanges and the Financial Industry Regulatory Authority, Inc. ("FINRA"), all of which classify the box spread as a qualified hedging transaction that is exempt from the established position limits for each of those exchanges and FINRA.⁶

The Exchange notes that Exchange Rule 308 as proposed to be amended by this filing, is incorporated by reference

long or short) of the put type and the call type on the same side of the market respecting the same underlying security, combining for purposes of this position limit long positions in put options with short positions in call options, and short positions in put options with long positions in call options, or such other number of option contracts as may be fixed from time to time by the Exchange as the position limit for one or more classes or series of options; or (2) exceed the applicable position limit fixed from time to time by another exchange for an option contract not traded on the Exchange, when the Member is not a member of the other exchange on which the transaction was effected. See Exchange Rule 307.

⁵ Exchange Rule 308(a)(8) provides the equity hedge exemption for a listed option position hedged on a one-for-one basis with an over-the-counter ("OTC") option position on the same underlying security. The strike price of the listed option position and corresponding OTC option position must be within one strike of each other and no more than one expiration month apart.

⁶ See NYSE American LLC Rulebook, Rule 904, Commentary .09; NYSE Arca Inc. Rulebook, Rule 6.8-O, Commentary .07; and FINRA Rule 2360(b)(3)(A)(ii). Nasdaq ISE, LLC and Nasdaq PHILX, LLC recently filed to amend their respective rules to fix prior rule filings that inadvertently classified the box spread in the category of equity hedge exemptions that are limited to five times position limits instead of the fully exempt category. See SR-ISE-2026-03 and SR-Phlx-2026-04 (not yet noticed by the Commission). Both of those filings cite to a 2002 rule filing by the Philadelphia Stock Exchange, Inc., which eliminated position limits for certain qualified hedging transactions, including box spreads. See Securities Exchange Act Release No. 45889 (May 9, 2002), 67 FR 34980 (May 16, 2002) (SR-Phlx-2002-33).

³⁹ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

into the rulebooks of MIAX PEARL, LLC ("MIAX Pearl"), MIAX Emerald, LLC ("MIAX Emerald"), and MIAX Sapphire, LLC ("MIAX Sapphire"), and, therefore, is a MIAX Pearl, MIAX Emerald and MIAX Sapphire rule applicable to MIAX Pearl, MIAX Emerald, and MIAX Sapphire members.⁷

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes its proposal to amend Exchange Rule 308(a) to move the box spread qualified hedging transaction to the category of equity hedges that are exempt from established position limits promotes just and equitable principles of trade by providing the same position limit exemption for certain qualified hedging transactions on the Exchange as offered by competing exchanges and FINRA.¹⁰ As described above, NYSE Arca, NYSE American, and FINRA apply the five times position limit standard only to OTC options contracts and both exchanges exempt box spreads from their position limit rules. At this time, the Exchange has been applying a stricter position limit standard. With the proposed change, Members would not have a position limit for a box spread and, therefore, would not have to unwind any position as a result of this amendment.

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 believes its proposal to amend Exchange Rule 308(a) to move the box spread qualified hedging transaction to the category of equity hedges that are exempt from established position limits does not impose an undue burden on intra-market competition because all Members that transact box spreads

would be exempt from the position limits in Exchange Rule 307(d) on an equal basis. The Exchange believes its proposal does not impose an undue burden on inter-market competition as other options exchanges have similar position limit rules that exempt box spreads from position limits.¹¹

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹² and subparagraph (f)(6) of Rule 19b-4 thereunder.¹³

A proposed rule change filed under Rule 19b-4(f)(6)¹⁴ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁵ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change would align the Exchange's rule with NYSE American, NYSE Arca, and FINRA rules regarding exemptions from position limits.¹⁶ For this reason, and because the proposal raises no new or novel legal or regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day

operative delay and designates the proposed rule change to be operative upon filing.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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 (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2026-09 on the subject line.

Paper comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MIAX-2026-09. 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 also 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-MIAX-2026-09 and should be submitted on or before March 16, 2026.

¹⁷ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ See *supra* note 6.

¹² 15 U.S.C. 78s(b)(3)(A)(iii).

¹³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6)(iii).

¹⁶ See *supra* note 6.

⁷ See MIAX Pearl Options Exchange Rulebook, Chapter III; MIAX Emerald Options Exchange Rulebook, Chapter III; and MIAX Sapphire Options Exchange Rulebook, Chapter III.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ See *supra* note 6.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-03450 Filed 2-20-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104863; File No. SR-SAPPHIRE-2026-05]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay Implementation of a New Selective Liquidity Auto Purge (“SLAP”) Feature, Which Provides More Granular Mass Cancellation Functionality

February 18, 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 6, 2026, MIAX Sapphire, LLC (“MIAX Sapphire” 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 delay implementation of the change to Rule 519C to adopt new selective mass order cancellation functionality that will be available via the MEO Interface.³

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings>, and at the Exchange’s principal office.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 11, 2025, the Exchange filed a proposal to amend Exchange Rule 519C, Mass Cancellation of Trading Interest, to adopt a new Selective Liquidity Auto Purge (“SLAP”) feature, which provides more granular mass cancellation functionality.⁴ The proposal indicated that the Exchange would announce the implementation date of the proposed rule change by Regulatory Circular. Additionally, the proposal stated that the implementation date would be in the first quarter of 2026. The Exchange has not issued a Regulatory Circular and now proposes to delay the implementation of this functionality until the second quarter of 2026.

The Exchange proposes this delay in order to allow the Exchange and its Members ample time to complete the necessary technical changes prior to the implementation of the change. The Exchange proposes to issue a Regulatory Circular notifying market participants at least 30 days prior to implementing this functionality.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act⁶ 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 mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest by allowing the Exchange and its Members additional time to implement the proposed change.

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’s proposal to delay the implementation of the proposed functionality does not impose an undue burden on competition. Delaying the implementation will simply allow the Exchange and its Members additional time to properly prepare for, and implement, the proposed functionality.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the delay will apply equally to all Members of the Exchange.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the proposal is to delay the implementation of approved functionality which affects MIAX Sapphire Members only and does not impact intermarket competition.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6)⁸ thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if

¹⁸ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The MIAX Express Order (MEO) Interface is a messaging interface that MIAX Sapphire Members use to submit binary orders for trading on the Sapphire Options Market. See MIAX Express Orders, Binary Orders for Trading Options, MEO Interface Specification, version 1.1e (8/13/2024), available online at https://www.miaxglobal.com/sites/default/files/job-files/Sapphire_MIAX_Express_Orders_MEO_v1.1e_0.pdf.

⁴ See Securities Exchange Act Release No. 104372 (December 11, 2025), 90 FR 58316 (December 16, 2025) (SR-SAPPHIRE-2025-42).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6).

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-SAPPHIRE-2026-05 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-SAPPHIRE-2026-05. 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-SAPPHIRE-2026-05 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-03440 Filed 2-20-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104861; File No. SR-CBOE-2026-019]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.1 To Permit the Exchange To List Two Additional Products During Global Trading Hours ("GTH")

February 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 12, 2026, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5.1 to permit the Exchange to list the Cboe Bitcoin U.S. ETF Index ("CBTX") and Cboe Mini Bitcoin U.S. ETF Index ("MBTX") options during Global Trading Hours ("GTH"). The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/options/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.1 to permit the Exchange to list the Cboe Bitcoin U.S. ETF Index ("CBTX") and Cboe Mini Bitcoin U.S. ETF Index ("MBTX") options during Global Trading Hours ("GTH").

By way of background, Rule 5.1(c) provides that the Exchange may designate as eligible for trading during GTH³ any exclusively listed index option⁴ designated for trading under Chapter 4, Section B.4. Currently, options on S&P 500 Stock Index ("SPX"), Cboe Volatility Index ("VIX"), Mini-SPX Index ("XSP"), Russell 2000 Index ("RUT"), Mini-RUT Index ("MRUT"), and Cboe Magnificent 10 Index ("MGTN") are approved for trading during GTH.

The Exchange originally adopted the GTH trading session due to global demand from investors to trade SPX and VIX options, as alternatives for hedging and other investment purposes, particularly as a complementary investment tool to VIX futures.⁵ In response to customer demand for additional options to trade during the GTH trading session for similar purposes, the Exchange later designated XSP, RUT, MRUT, and MGTN options to provide additional hedging and investment opportunities consistent with the continued globalization of the securities markets.⁶

The Exchange now proposes to designate CBTX and MBTX⁷ options as eligible for trading during GTH. The proposed rule change amends Rules

³ Except under unusual conditions as may be determined by the Exchange or the Holiday hours set forth in Rule 5.1(d), Global Trading Hours are from 8:15 p.m. (previous day) to 9:25 a.m. on Monday through Friday. See Rule 5.1(c).

⁴ An "exclusively listed option" is an option that trades exclusively on an exchange because the exchange has an exclusive license to list and trade the option or has the proprietary rights in the interest underlying the option. An exclusively listed option is different than a "singly listed option," which is an option that is not an "exclusively listed option" but that is listed by one exchange and not by any other national securities exchange.

⁵ See Securities Exchange Act Release No. 34-73017 (September 8, 2014), 79 FR 54758 (September 12, 2014) (SR-CBOE-2014-062).

⁶ See Securities Exchange Act Nos. 34-75914 (September 14, 2015), 80 FR 56522 (September 18, 2015) (SR-CBOE-2015-079); 104228 (November 19, 2025) 90 FR 53013 (November 24, 2025) (SR-CBOE-2025-070); 104227 (November 19, 2025) 90 FR 53018 (November 24, 2025) (SR-CBOE-2025-071).

⁷ See Rule 4.13(a)(3), which provides that CBTX and MBTX are approved for trading on the Exchange.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁹ 17 CFR 200.30-3(a)(12).

5.1(c) to add these two products to the list of products the Exchange has approved for trading on the Exchange during GTH. The Exchange currently lists CBTX and MBTX options during Regular Trading Hours (“RTH”); the proposed rule change merely extends the hours during which these options will trade on the Exchange. During GTH, CBTX and MBTX options would trade in accordance with applicable Exchange Rules, as SPX, VIX, XSP, RUT, MRUT, and MGTN currently do; the proposed rule change makes no changes to the trading rules applicable to GTH.⁸

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.⁹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ 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)¹¹ 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 the proposed rule change will further improve the Exchange’s marketplace for the benefit of investors. The listing of CBTX and MBTX options for trading during GTH will provide more hedging and other investment opportunities within the options trading industry that is consistent with the continued globalization of the securities markets. Extending the timeframe in which

investors may trade CBTX and MBTX options is designed to provide investors with the ability to manage risk more efficiently, react to global macroeconomic events as they are happening and adjust CBTX and MBTX options positions nearly around the clock. This is particularly important for Bitcoin-based products, as Bitcoin and cryptocurrency markets trade 24 hours a day, seven days a week globally, and extending CBTX and MBTX options trading hours will allow investors to manage exposure to Bitcoin price movements during periods when significant price discovery may occur outside traditional U.S. trading hours.

During GTH, CBTX and MBTX options would trade in accordance with Exchange Rules that apply to trading during GTH, as SPX, VIX, XSP, RUT, MRUT, and MGTN options currently do. The proposed rule change makes no changes to the trading rules applicable to GTH; it merely permits the Exchange to list additional products during GTH, which two products already trade on the Exchange during RTH. The Exchange therefore believes that the proposed rule change is reasonably designed to provide an appropriate mechanism for extending the trading time for CBTX and MBTX options, while providing for appropriate Exchange oversight pursuant to the Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because the proposed rule change will apply equally to all Trading Permit Holders (“TPHs”). All TPHs will have the ability to trade CBTX and MBTX options during GTH in the same manner as they currently trade SPX, VIX, XSP, RUT, MRUT, and MGTN options during GTH. The proposed rule change does not favor or disadvantage any particular category of market participant; rather, it provides all market participants with expanded opportunities to trade CBTX and MBTX options.

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 because CBTX and MBTX options are proprietary Exchange products. The proposed rule change merely extends the trading hours during which these exclusively listed products may trade on

the Exchange and does not affect the ability of other exchanges to list or trade their own proprietary index options during extended trading hours.

To the extent that the proposed rule change makes the Exchange a more attractive marketplace for market participants, the Exchange does not believe that this burdens competition but rather promotes it, as the Exchange competes with other national securities exchanges for order flow. Any exchange that wishes to expand trading hours for its own exclusively listed index options may file a proposed rule change with the Commission to do so. Moreover, to the extent the proposed rule change enhances the Exchange’s competitive position, any such enhancement is the result of the Exchange’s efforts to meet customer demand for extended trading hours in Bitcoin-based index options, which benefits investors by providing additional hedging and investment opportunities aligned with the 24/7 nature of global cryptocurrency markets.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹² and Rule 19b-4(f)(6)¹³ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

⁸ For example, business conduct rules in Chapter 8 and rules related to doing business with the public in Chapter 9 will continue to apply during the GTH session. Additionally, a broker-dealer’s due diligence and best execution obligations apply during the GTH trading session. As there will still be no open outcry trading on the floor during the GTH trading, Chapter 5, Section G will continue not to apply as such rules pertain to manual order handling and open-outcry trading.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ *Id.*

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6).

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-2026-019 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-2026-019. 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-2026-019 and should be submitted on or before March 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-03446 Filed 2-20-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104860; File No. SR-PEARL-2026-09]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 531 To Establish the New Purge Liquidity Taker Report

February 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 5, 2026, MIAx PEARL, LLC ("MIAx Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 531 to establish the new "Purge Liquidity Taker Report".

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings> and at MIAx Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 Exchange Rule 531, Reports and Market Data Products, to establish the new "Purge Liquidity Taker Report" (the

"Report"). The proposed Report will be an optional product³ available to Market Makers.⁴ The Exchange proposes that the rule text for the Report will be under subparagraph (c) to Exchange Rule 531; current subparagraph (b) will be renumbered to subparagraph (d); and current subparagraph (c) will be renumbered to subparagraph (b).⁵

Report Content

The proposed Report will be a daily report that provides a Market Maker (referred to as the "Recipient Member") with the liquidity response/taker time details for executions against quotes⁶ entered by the Recipient Member that are resting on the Book⁷ that occur before and after the receipt of a purge⁸ message sent by the Recipient Member, where that Recipient Member attempted to cancel such resting quote within certain timeframes described in proposed Exchange Rule 531(c)(2), described below. It is important to note that the content of the Report will be specific to the Recipient Member and the Report will not include any information related to any Member⁹ other than the Recipient Member, other than certain information about the resting quote described below. The Exchange will restrict all other market participants, including the Recipient Member, from receiving another market participant's data.

Proposed subparagraph (c)(1) of Exchange Rule 531 would describe the

³ The Exchange intends to submit a separate filing with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Act to propose fees for the Report.

⁴ See Exchange Rule 100.

⁵ The purpose of this change is to provide consistency within the Rulebook. Currently, subparagraph (a) of Exchange Rule 531 provides the rule text for the Liquidity Taker Event Report; subparagraph (b) provides the rule text for the Open-Close Report; and subparagraph (c) provides the rule text for the Liquidity Taker Event Report (Resting Simple Orders). The Exchange does not offer complex order type functionality and, therefore, does not offer the Liquidity Taker Event Report (Complex Orders) like its affiliate options exchanges offer. See, e.g., MIAx Emerald, LLC Rule 531. The proposed Report is similar in nature and provides similar information as the Exchange's various Liquidity Taker Event Reports; accordingly, the Exchange believes it provides better consistency throughout the Rulebook to amend Exchange Rule 531 so that the various Liquidity Taker Event Reports are under subparagraphs (a)–(b), the proposed Report immediately follows that rule text and will be subparagraph (c), and then the rule text for the Open-Close Report will be subparagraph (d).

⁶ See Exchange Rule 100.

⁷ See Exchange Rule 100.

⁸ Purge messages are sent over purge ports, which support only MEO mass cancel messages. See MIAx Pearl Options Exchange User Manual, Version 1.1.3, Section 5.01 (dated December 30, 2025), available at https://www.miaxglobal.com/miax_pearl_user_manual.pdf.

⁹ See Exchange Rule 100.

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

content of the proposed Report and delineate which information would be provided regarding the resting quote, the purge message that was sent by the Recipient Member and the next response that successfully executed against the resting quote.

Resting Quote and Contra-Side Response Information. Proposed Exchange Rule 531(c)(1)(i) would provide that the following information would be included in the Report regarding the resting quote and contra-side response: (A) the time of execution of a contra-side response against a resting quote; (B) symbol; (C) origin type (e.g., Priority Customer,¹⁰ Market Maker); (D) side (buy or sell); (E) displayed price and size of the resting quote;¹¹ (F) resting liquidity identification number (a unique reference number assigned to a new quote at the time of receipt); and (G) trade reference number (unique reference number assigned to a trade at the time of execution).

Execution Against the Resting Quote Information. Proposed Exchange Rule 531(c)(1)(ii) would provide that the following information would be included in the Report regarding the execution of the resting quote: (A) PBBO¹² at the time of the execution;¹³ and (B) the ABBO¹⁴ at the time of execution.¹⁵

Purge Message(s) Sent by Recipient Member Information. Proposed Exchange Rule 531(c)(1)(iii) would provide that the following information would be included in the Report regarding the purge message(s) sent by the Recipient Member to cancel the resting quote: (A) Recipient Member identifier; (B) the time a purge message was received by the Exchange; (C) the

time difference between the time the first response that executes against the resting quote was received by the Exchange and the time that the purge message that was sent by the Recipient Member to cancel that resting quote was received by the Exchange; (D) the time difference between the time the purge message that was sent by the Recipient Member to cancel the resting quote was received by the Exchange and the time of the next response that executes against a resting quote was received by the Exchange, after the initial purge message; (E) size and type of each response submitted by the contra-side that executes against the resting quote before and after the purge message is sent by the Recipient Member; and (F) purge message identifier (a unique identifier attached to the purge message sent by the Recipient Member).

Timeframe for Data Included in Report

Proposed Exchange Rule 531(c)(2) would describe the timeframes covered by the proposed Report. Proposed Exchange Rule 531(c)(2)(i) would provide that for the purge message sent by the Recipient Member to cancel the resting quote after the response that executes against that resting quote is received by the Exchange pursuant to paragraph (c)(1)(iii)(C) above, the Report will include the data listed in proposed paragraph (c)(1) of Exchange Rule 531 within 100 microseconds from the time the resting quote was executed against to the Exchange's receipt of the purge message.¹⁶ Proposed Exchange Rule 531(c)(2)(ii) would provide that for the purge message sent by the Recipient Member to cancel the resting quote before the next response that executes against that resting quote was received by the Exchange pursuant to paragraph (c)(1)(iii)(D) above, the Report will include the data listed in proposed paragraph (c)(1) of Exchange Rule 531 within 200 microseconds from the time the Exchange received the purge message to when the Exchange receives the next execution.¹⁷

¹⁶ For example, Market Maker A provides two-sided quotes in a particular symbol and Member B, at some point thereafter, submits a marketable order to execute against Market Maker A's resting quotes. Within 100 microseconds of submission of Member B's order, Market Maker A sends a purge message to cancel all or a subset of the quotes. Because Member B's order is processed at the matching engine by the Exchange before Market Maker A's purge message, Member B's order executes against Market Maker A's quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed cancelling all or a subset of their quotes for that particular symbol.

¹⁷ For example, Market Maker A provides two-sided quotes in a particular symbol and determines to send a purge message to cancel all or a subset

Scope of Data Included in the Report

Proposed Exchange Rule 531(c)(3) would provide that the proposed Report will only include trading data related to the Recipient Member and will not include any other Member's trading data other than that listed in proposed paragraphs (1)(i) and (ii) of proposed Exchange Rule 531(c), as described above.

Historical Data

Proposed Exchange Rule 531(c)(4) would specify that the proposed Report will contain historical data from the previous trading day and will be available after the end of the trading day, generally on a T+1 basis.

Like for the existing reports (i.e., the Liquidity Taker Event Report and Liquidity Taker Event Report—Resting Simple Orders),¹⁸ the Exchange believes the additional data points from the matching engine described above for the proposed Report may also help Market Makers gain a better understanding about their interactions with the Exchange. The Exchange believes the proposed Report will provide Market Makers with an opportunity to improve quote cancel success, particularly as market conditions change throughout the day and Market Makers seek to update their quotes accordingly. The proposed Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange. Like the existing reports, none of the components of the proposed Report include real-time market data.

Like the existing reports,¹⁹ the proposed Report will be a Member-specific report and will help Market Makers to better understand how to best improve success rates with respect to canceling their quotes, which may help reduce exposure and manage risk. Like the existing reports,²⁰ the Exchange

of quotes in that symbol. Within 200 microseconds of Market Maker A's purge message, Member B sends a marketable order to execute against Market Maker A's resting quotes. Because Member B's order (or part of that order) is processed at the matching engine by the Exchange before Market Maker A's purge message, Member B's order executes against some (or all) of Market Maker A's quotes. The proposed Report would provide Market Maker A the data points necessary for that firm to calculate by how much time they missed cancelling all or a subset of their quotes for that particular symbol.

¹⁸ See Exchange Rules 531(a) and (c).

¹⁹ See Exchange Rules 531(a) and (c).

²⁰ See Exchange Rules 531(a) and (c).

¹⁰ See Exchange Rule 100.

¹¹ The Exchange notes that the displayed price and size are also disseminated via the Exchange's proprietary data feeds and the Options Price Reporting Authority ("OPRA"). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

¹² The term "PBBO" means the best bid or offer on MIAX Pearl. See Exchange Rule 100.

¹³ Exchange Rule 531(c)(1)(ii)(A) would further provide that if multiple contra-side responses execute against a resting quote, only the PBBO at the time of the execution against the first response will be included.

¹⁴ The term "ABBO" or "Away Best Bid or Offer" means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

¹⁵ Exchange Rule 531(c)(1)(ii)(B) would further provide that if multiple contra-side responses execute against a resting quote, only the ABBO at the time of the execution against the first response will be included.

proposes to provide the Report on a T+1 basis. The proposed Report will be specific and tailored to the Member that is subscribed to the Report and any data included in the Report that relates to a Member other than the Member receiving the Report will be anonymized.

The data information contained within the proposed Report is similar to the data provided in reports that currently are offered by other exchanges.²¹ The Exchange notes that a difference between the proposed Report and the Missed Cancels Report offered by Cboe BZX and Cboe EDGX is that the proposed Report is specific to Market Makers attempting to cancel quotes while the Missed Cancels Report provides response details concerning cancellations, mass cancels, and purge order messages.²² The Exchange tailored the proposed Report specifically to response details for Market Makers attempting to cancel quotes because Market Makers have expressed the most interest in learning about their interactions with the Exchange when attempting to cancel quotes. Further, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may use Immediate-or-Cancel ("IOC") orders to ensure immediate execution in whole or part upon the Exchange's receipt of that order with the remainder of the order being cancelled.²³

²¹ See, e.g., Cboe BZX Exchange, Inc. ("Cboe BZX") Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report) (providing the "... liquidity response time details for executions of orders and quotes that rest on the book where the Member receiving the report attempted to cancel a resting order or quote within an Exchange-determined period of time (not to exceed 1 millisecond) after receipt of the first attempt to execute against that resting order or quote and within an Exchange-determined period of time (not to exceed 100 microseconds) before receipt of the first attempt to execute against that resting order or quote.") and Cboe EDGX Exchange, Inc. ("Cboe EDGX") Rulebook, Rule 21.15(b)(7)(2) (Missed Cancels Report); see also Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR-CboeBZX-2025-004) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR-CboeEDGX-2025-002).

²² See Securities Exchange Act Release Nos. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR-CboeBZX-2025-004) (footnote 8 in the rule filing) and 102240 (January 17, 2025), 90 FR 8067 (January 23, 2025) (SR-CboeEDGX-2025-002) (footnote 9 in the rule filing).

²³ See Exchange Rule 516(e). Members may also avail themselves of several optional order protections offered by the Exchange. See Risk Protections Guide, Section 2.b., available at https://www.miaxglobal.com/miax_exchange_group_options_risk_guide.pdf. Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange's Liquidity Taker

Implementation

The Exchange will issue an Alert to market participants regarding the implementation date of the proposed rule change.

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.²⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁵ 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. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Report to those interested in subscribing to receive the data. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with a new option for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed Report. The establishment of the proposed Report will promote just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any Member that chooses to subscribe to the proposed Report. As discussed, the proposed Report is not a

real-time market data product, but rather provides only historical data for the previous trading day, generally on a T+1 basis. In addition, the data in the proposed Report regarding incoming purge messages that failed to cancel resting quotes would be specific to the Recipient Member. As noted above, no specific information about the resting quotes on the Exchange's Simple Order Book will be provided and any information relating to another Member would be anonymized.

The proposed Report is designed for Market Makers that are interested in gaining insight into latency in connection with their purge messages that failed to cancel resting quotes. The Exchange believes that providing this optional data to interested market participants is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their quoting activity on the Exchange. More specifically, the proposed Report will provide greater visibility by showing how much time a purge message missed canceling a quote, particularly as market conditions change throughout the day and Market Makers attempt to cancel and replace quotes in certain symbols.

Like the existing reports,²⁷ the Exchange proposes to provide the Report on a voluntary basis and no Market Maker will be required to subscribe to the Report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Market Maker elect to receive, the Report. It is entirely a business decision of each Market Maker to subscribe to the Report. The Exchange proposes to offer the Report as a convenience to Market Makers to provide them with additional information regarding their purge message activity on the Exchange on a delayed basis after the close of regular trading hours. A Market Maker that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Market Maker determines that the information contained in the Report is no longer useful.

The Exchange believes the proposed Report being tailored to Market Makers does not permit unfair discrimination between customers, issuers, brokers, or dealers because Market Makers have expressed the most interest in learning

Event Reports, which provide liquidity response time taker details for orders resting on the Exchange's book for the Member receiving the report. See Exchange Rules 531(a) and (c).

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ *Id.*

²⁷ See Exchange Rules 531(a) and (c).

about their interactions with the Exchange when attempting to cancel quotes, while order-entering Members have not. As described above, order-entering Members have other means to cancel their orders before execution without the need to submit a purge message. For example, Members may enter IOC orders to ensure immediate execution in whole or part upon the Exchange's receipt of that order with the remainder of the order being cancelled.²⁸ If, in the future, Members request that the Exchange provide similar information as contained in the proposed Report for messages attempting to cancel resting orders, in addition to quotes, the Exchange will be able to update the proposed Report to provide that information.

In summary, the proposed Report will help to protect a free and open market by providing additional data (offered on an optional basis) to the marketplace and by providing investors with greater choices.²⁹ Additionally, the proposal would not permit unfair discrimination because the proposed Report will be available to all Exchange Market Makers. As mentioned above, other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁰

The Exchange also believes its proposal to renumber current subparagraphs (b) and (c) to Exchange Rule 531 promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed change will provide greater clarity to Members and the public regarding the Exchange's Rulebook once the rule text for the proposed Report becomes operative. The proposed Report is similar in nature and provides similar information as the Exchange's various Liquidity Taker Event Reports in Exchange Rules 531(a) and (c); accordingly, the Exchange believes the proposed change to provide the rule text for the proposed Report under subparagraph (c) and renumber current subparagraphs (b) and (c) provides consistency throughout the

Rulebook. It is in the public interest for the Exchange's Rulebook to be consistent to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposed Report will enhance competition³¹ by providing a new option for receiving market data to Market Makers. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include a report that is similar to reports currently offered by other exchanges concerning their members' opportunities to improve order cancel success on those exchanges.³²

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed Report, and the Exchange is not required to make the Report available to market participants. Rather, the Exchange is voluntarily making the Report available, as requested by Market Maker, and Market Makers may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

The Exchange also believes its proposal to renumber current subparagraphs (b) and (c) to Exchange Rule 531 does not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change is not intended to address competitive issues but rather is concerned solely with ensuring the rules of the Exchange are consistent. The purpose of the proposed changes is to provide accuracy and consistency within the Exchange's Rulebook and eliminate the potential for confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act³³ and subparagraph (f)(6) of Rule 19b-4 thereunder.³⁴

A proposed rule change filed under Rule 19b-4(f)(6)³⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),³⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that it believes that the proposed changes will not adversely impact investors and will permit the Exchange to immediately offer the proposed Report to Market Makers. The Exchange also states that other exchanges offer reports with similar data information as the information contained within the proposed Report.³⁷ For these reasons, and because the proposal raises no new or novel legal or regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.³⁸

³³ 15 U.S.C. 78s(b)(3)(A)(iii).

³⁴ 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.

³⁵ 17 CFR 240.19b-4(f)(6).

³⁶ 17 CFR 240.19b-4(f)(6)(iii).

³⁷ See *supra* note 21.

³⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the

²⁸ See Exchange Rule 516(e). Members can learn additional information about their order interactions with the Exchange by subscribing to one or more of the Exchange's Liquidity Taker Event Reports, which provide liquidity response time taker details for orders resting on the Exchange's book for the Member receiving the report. See Exchange Rules 531(a) and (c).

²⁹ See Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

³⁰ See *supra* note 21.

³¹ See *id.*

³² See *supra* note 21.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2026-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-PEARL-2026-09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-PEARL-2026-09 and should be submitted on or before March 16, 2026.

proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-03441 Filed 2-20-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21438 and #21439; MISSISSIPPI Disaster Number MS-20019]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi and the Mississippi Band of Choctaw Indians

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi and the Mississippi Band of Choctaw Indians (FEMA-4899-DR), dated February 6, 2026.

Incident: Severe Winter Storm.

DATES: Issued on February 13, 2026.

Incident Period: January 23, 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 MISSISSIPPI and the MISSISSIPPI BAND OF CHOCTAW INDIANS, dated February 6, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Adams, Attala, Benton, Claiborne, Jefferson, Lafayette, Lee, Marshall, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Union, Yalobusha.

All other information in the original declaration remains unchanged.

³⁹ 17 CFR 200.30-3(a)(12) and (59).

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-03452 Filed 2-20-26; 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: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for a revision to the collection of information in SBA Form 1919, "SBA 7(a) Borrower Information Form—For use with all 7(a) Programs", described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before April 24, 2026.

ADDRESSES: Send all comments to Randall Puckett, Office of Financial Assistance, Small Business Administration at Randall.Puckett@sba.gov.

FOR FURTHER INFORMATION CONTACT: Randall Puckett, Financial Analyst, 7(a) Loan Origination Division, Office of Financial Assistance, Randall.Puckett@sba.gov, (501) 296-3033, or Shauniece Carter, Interim Agency Clearance Officer, (202) 205-6536, shauniece.carter@sba.gov. A copy of the revised Form 1919 may be obtained without charge by request to Randall.Puckett@sba.gov.

SUPPLEMENTARY INFORMATION: SBA is proposing to update SBA Form 1919 ("the Form") to conform to Administration priorities, Executive Orders, regulations, policy, and procedural 7(a) loan program updates implemented since the last review of the Form.

SBA intends to amend the "Applicant Ownership (Mandatory) and Demographic Information" section of the Form to revise the instructional paragraph for the Applicant to Identify 100% of the direct and indirect (*i.e.*,

those who have an ownership interest in an entity that owns the Applicant) owners of the Applicant, key employees of the Applicant, and guarantors on the loan.

The current version of the Form requires the Applicant to provide the following mandatory owner demographic information: the owner's legal name, title, ownership percentage, tax identification number (TIN), and address. As a result of the enactment of Executive Order 14159, and recent regulatory, policy, and procedural changes since the last publication of the Form, SBA intends to add new information inputs for collection of the owner's date of birth (or date of formation for an entity owner); the owner's citizenship status; for entity owners, the type of entity; and the spouse's legal name if the spouse is also a direct or indirect owner of the Applicant or Operating Company (OC).

SBA intends to revise the language in the questions and certifications in the form to align with the recent changes to the regulatory and procedural requirements for the 7(a) guaranty loan program. Additionally, SBA intends to revise the instructions for completing this form section to provide additional instructions and clarity for NAICS codes, the purpose of the loan, and the Applicant's Ownership information.

SBA intends to update the SBA definitions section in the Form and add new certifications for compliance with recent regulatory, policy, and procedural updates. The proposed changes are being made to comply with Executive Order 14159, "Protecting the American People Against Invasion", issued January 20, 2025, and incorporate Policy and Procedural changes published since the latest publication of the Form.

Solicitation of Public Comments

SBA is seeking to amend Form 1919 for compliance with the E.O. 14159 and to improve the clarity of the questions and instructions. SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245-0348.

Title: SBA 7(a) Borrower Information Form—For use with all SBA 7(a) Loan Programs.

Description of Respondents: Small Business 7(a) Loan Applicants.

Form Number: SBA Form 1919.

Total Estimated Annual Responses: 103,817.

Total Estimated Annual Hour Burden: 32,850 hours.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026-03545 Filed 2-20-26; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Delegations of Authority: Delegations of Authority No. 12-G (Revision 1), Amendment 3

AGENCY: U.S. Small Business Administration.

ACTION: Notice of amendment to delegations of authority.

SUMMARY: This document provides the public notice of the third amendment to Delegations of Authority (Delegations), No. 12-G (Revision 1) as last amended by Amendment 2 which delegated authority for lender oversight and enforcement activities by the Administrator of the Small Business Administration ("SBA" or "Agency") to the Director, Office of Credit Risk Management (D/OCRM), the Lender Oversight Committee (LOC), and the Associate Administrator for Office of Capital Access (AA/OCA). By this third amendment (hereinafter "Amendment"), the Administrator is revising the voting membership of the Agency's LOC to ensure compliance with requirements set forth in statute.

DATES: This Amendment is applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT:

Bethany J. Shana, Office of Credit Risk Management, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; telephone number: (202) 205-6402; and electronic mail: bethany.shana@sba.gov.

SUPPLEMENTARY INFORMATION: This document provides the public notice of this Amendment to Delegations of Authority No. 12-G (Revision 1) (79 FR 56842, September 23, 2014) with respect to SBA's lender oversight and enforcement activities. Specifically, this Amendment revises the membership of the Agency's Lender Oversight Committee (LOC) by revising the voting and non-voting membership composition.

Section 48(b) of the Small Business Act (15 U.S.C. 657u(b)) governs LOC

membership. This section provides that the LOC consists of at least eight members. Three members of the LOC are to be voting members; two of whom must be career appointees in the Senior Executive Service. By amendment dated April 25, 2022 (87 FR 24386), SBA designated the following employees as the voting members of the LOC: (i) the Chief Financial Officer (CFO), a Senior Executive Service career appointee; (ii) the Associate Administrator for Capital Access (AA/OCA), a Senior Executive Service non-career appointee; and (iii) the Deputy Associate Administrator for Office of Investment and Innovation (DAA/OII), a Senior Executive Service career appointee. The CFO also was to continue to serve as the LOC Chairperson, and the LOC non-voting advisory membership was to remain the same. 87 FR at 24387.

In this Amendment, SBA is amending the voting membership of the LOC to ensure compliance with the position requirements contained in 15 U.S.C. 657u. Effective with this Amendment, the following SBA employees are designated as the voting members of the LOC: (i) the Deputy Associate Administrator for the Office of Investment and Innovation (DAA/OII), a Senior Executive Service career appointee; (ii) the Associate Administrator for OCA (AA/OCA), a Senior Executive Service non-career appointee; and (iii) the Deputy Associate Administrator, Office of Field Operations (DAA/OFO), a Senior Executive Service career appointee. The Chief Financial Officer will continue to serve as the LOC Chairperson and will be a non-voting advisory member.

This Amendment replaces section I.B.6. of the Delegations in its entirety, which covers LOC membership and voting, as set forth below. All other sections of the Delegations are unchanged and continue in effect.

Delegations of Authority No. 12-G (Revision 1) is amended by revising section I.B.6 to read as follows:

B. To the Lender Oversight Committee:

* * * * *

6. The Lender Oversight Committee will consist of SBA's: (i) Deputy Associate Administrator for the Office of Investment and Innovation (DAA/OII) (voting member); (ii) Associate Administrator for Office of Capital Access (AA/OCA) (voting member); (iii) Deputy Associate Administrator, Office of Field Operations (DAA/OFO) (voting member); (iv) Chief Financial Officer (CFO) (Chairperson and non-voting advisory member); (v) Director, Office of Credit Risk Management (D/OCRM)

(non-voting, recommending advisory member); (vi) Director, Office of Financial Assistance (D/OFA) (non-voting advisory member); (vii) Director, Office of Financial Program Operations (D/OFPO) (non-voting advisory member); and (viii) General Counsel (non-voting advisory member).

* * * * *

Authority: 5 U.S.C. 302; 5 U.S.C. 552(a)(1)(A); 5 U.S.C. 3132; 15 U.S.C. 631 note; 15 U.S.C. 634; 15 U.S.C. 636; 15 U.S.C. 642; 15 U.S.C. 650; 15 U.S.C. 657t and 657u; 15 U.S.C. 697d, 697e, and 697g; 2 CFR 2700 et. seq; and 13 CFR. 120.10, 120.802 and Subpart I.

Kelly L. Loeffler,
Administrator.

[FR Doc. 2026-03454 Filed 2-20-26; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2026-1915]

Agency Information Collection

Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Experimental Aircraft: Letters of Deviation Authority (LODA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval. The collection involves the submission of an application to obtain a Letter of Deviation Authority to permit flight instruction for compensation or hire aboard experimental-category aircraft under 14 CFR 91.319. The information to be collected will be used to determine whether such flight instruction can be conducted safely.

DATES: Written comments should be submitted by April 24, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By mail: Christopher Morris, 800 Independence Avenue SW, Washington, DC 20591.

By email: chris.morris@faa.gov.

FOR FURTHER INFORMATION CONTACT:

Jabari Raphael by email at: Jabari.Raphael@faa.gov; phone: 202-267-1088.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0812.

Title: Experimental Aircraft: Letters of Deviation Authority (LODA).

Form Numbers: There is no official form involved, but an applicant must submit a request for deviation authority in a form and manner acceptable to the Administrator at least 60 days before the date of intended operations. A request for deviation authority must contain a complete description of the proposed operation. Further application guidance can be found in Advisory Circular 91-94, which may be retrieved from https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1043235.

Type of Review: Renewal.

Background: In 2004, the FAA published a final rule requiring operators of experimental aircraft to apply for a Letter of Deviation Authority (LODA) to conduct operations for compensation or hire under 14 CFR 19.319. See 69 FR 44771 (July 27, 2004). When publishing the 2004 final rule, the FAA inadvertently omitted its submission to the OMB detailing the information collection burden under the Paperwork Reduction Act (PRA). See 69 FR at 44858 (explaining estimated PRA burden and OMB compliance requirements). The FAA corrected this technical oversight in 2022; see 87 FR 8335 (February 14, 2022), and the OMB approved the request as a standalone collection with control number 2120-0812. The FAA now seeks to renew that collection to enable certificated flight instructors to request permission to offer training for compensation or hire in experimental-category aircraft.

Respondents: 355 certificated flight instructors. There are approximately 177 active LODA holders for operations under 14 CFR 91.319, and the FAA anticipates approximately 170 new applications per year.

Frequency: As needed. The duration of a LODA issued under § 91.319 is four years.

Estimated Average Burden per Response: 15 hours.

Estimated Total Annual Burden: 2,250 hours.

Issued in Washington, DC on February 19, 2026.

D.C. Morris,

Aviation Safety Analyst, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2026-03491 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA-2025-5504; Summary Notice No. 2026-06]

Petition for Exemption; Summary of Petition Received; Morningside University

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 16, 2026.

ADDRESSES: Send comments identified by docket number FAA-2025-5504 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at (202) 493-2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kara White, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202-267-9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2025-5504.

Petitioner: Morningside University.

Section(s) of 14 CFR Affected:
§§ 61.169(b).

Description of Relief Sought:
Morningside University is seeking relief from § 61.169(b) on behalf of its students enrolled in its professional pilot program, enrolled in a Bachelor of Science in Professional Flight program who completed required training and coursework prior to its Letter of Authorization (LOA) dated September 19th, 2025. It requests an exemption regarding the effective date of the LOA for students who completed courses from August 2024 to September 2025.

[FR Doc. 2026-03492 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0038]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of denial.

SUMMARY: FMCSA announces its decision to deny the application of one individual treated with an Implantable Cardioverter Defibrillator (ICD) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 366-4001; fmcamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to www.regulations.gov. Insert the docket number, (FMCSA-2025-0038) in the keyword box and click "Search." Next, choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System), which can be reviewed under the "Department Wide System of Records Notices" link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent the exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding cardiovascular diseases and loss of consciousness provides that for a person to be physically qualified to drive a CMV, he or she must have "no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure" (49 CFR 391.41(b)(4)). To assist in applying this standard, FMCSA

publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ The advisory criteria for 49 CFR 391.41(b)(4) indicates that ICDs are installed to address an ongoing underlying cardiovascular condition and that syncope or collapse is likely to occur as a result of both the underlying cardiovascular condition as well as when the ICDs discharge. Therefore, ICDs are medically disqualifying. In April 2007, FMCSA published an evidence report titled, “Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,” presenting findings regarding cardiovascular disease and CMV driver safety.² In December 2014, FMCSA published a research report titled, “Implantable Cardio Defibrillators and the Impact of a Shock to the Patient when Deployed,” that provided evidence regarding the potential impact of ICD deployment and how it may interfere with the safe operation of a CMV.³

The Agency considered the medical advisory criteria, the April 2007 evidence report, the December 2014 research report, the application, and the applicant’s medical information in deciding whether to grant the exemption.

On July 24, 2025, FMCSA published a notice announcing receipt of an application from Charles Pereira requesting an exemption from 49 CFR 391.41(b)(4) and requested comments from the public (90 FR 34967). The public comment period ended on August 25, 2025.

IV. Discussion of Comments

FMCSA received 43 comments in this proceeding. All commenters were in support of Charles Pereira receiving an exemption from 49 CFR 391.41(b)(4).

V. Basis for Exemption Determination

The Agency conducted an individualized assessment of the applicant’s medical information, available medical and scientific data concerning ICDs, and all relevant public comments received.

In the case of persons with ICDs, the underlying condition for which the ICD

was implanted places the individual at high risk for syncope or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on persons with ICDs and CMV driving does not support the conclusion that persons with ICDs are able to meet an equivalent or greater level of safety in operating a CMV as persons without those devices. Furthermore, while FMCSA received 43 comments in support of this exemption, none of the comments provided medical evidence to support the conclusion that persons with ICDs are able to meet an equivalent or greater level of safety in operating a CMV as persons without those devices.

VI. Conclusion

FMCSA has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting this exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, Charles Pereira (CA) has been denied an exemption from the physical qualification standards in 49 CFR 391.41(b)(4).

Mr. Pereira, prior to this notice, received a letter of final disposition regarding his exemption request. The decision letter fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency’s recent denial as required under 49 U.S.C. 31315(b)(6)(C) by publishing the reason for this denial.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–03527 Filed 2–20–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0015]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 20 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 25, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2025–0015 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA–2025–0015) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0015), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or

¹ 49 CFR part 391, App.A.II.C, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² “Evidence Report: Cardiovascular Disease” (Apr. 27, 2007), available at <https://doi.org/10.21949/1502991>.

³ “Implantable Cardio Defibrillators and the Impact of a Shock to the Patient when Deployed Research White Paper” (Dec. 17, 2014), available at https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-06/Cardio%20Defibrillators%20White%20Paper_Final_508C.pdf.

recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0015>. Next, choose the only notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0015) in the keyword box and click "Search." Next,

choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the "Department Wide System of Records Notices" link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align

with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control" a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 20 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Coby Alexander

Coby Alexander is a 32-year-old class F license holder in Missouri. He has a history of generalized idiopathic epilepsy and has been seizure free since

¹ Appendix A to Part 391, Title 49, available at [https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix A to Part 391](https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix%20A%20to%20Part%20391).

² "Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety," Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

July 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Nathan Bauer

Nathan Bauer is a 29-year-old class A commercial driver's license (CDL) holder in Pennsylvania. He has a history of epilepsy and has been seizure free since March 2, 2024. He takes anti-seizure medication with the dosage and frequency remaining the same since May 2024. His physician states that they are supportive of him receiving an exemption.

Robert Calvert

Robert Calvert is a 47-year-old class CM license holder in Wyoming. He has a history of epilepsy and has been seizure free since April 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since May 2025. His physician states that they are supportive of him receiving an exemption.

Daniel Diaz-Gonzalez

Daniel Diaz-Gonzalez is a 42-year-old class C license holder in Texas. He has a history of seizure disorder and has been seizure free since October 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since October 2022. His physician states that they are supportive of him receiving an exemption.

Muhammad Elbaba

Muhammad Elbaba is a 56-year-old class D driver's license holder in Minnesota. He has a history of a single denovo seizure and has been seizure free since December 5, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Daniel Hernandez

Daniel Hernandez is a 20-year-old class D driver's license holder in Arizona. He has a history of epilepsy and has been seizure free since January 18, 2023. He takes anti-seizure medication with the dosage and frequency remaining the same since August 2021. His physician states that they are supportive of him receiving an exemption.

Adam Humlick

Adam Humlick is a 47-year-old class AM1 CDL holder in California. He has a history of seizure disorder and has

been seizure free since April 2023. He takes anti-seizure medication with the dosage and frequency remaining the same since 2023. His physician states that they are supportive of him receiving an exemption.

Jagpi Irish

Jagpi Irish is a 42-year-old class AM CDL holder in New York. He has a history of post traumatic epilepsy and has been seizure free since October 2019. He takes anti-seizure medication with the dosage and frequency remaining the same since October 2019. His physician states that they are supportive of him receiving an exemption.

Christopher Johnson

Christopher Johnson is a 30-year-old class C license holder in Pennsylvania. He has a history of nocturnal generalized seizures and has been seizure free since September 29, 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since April 22, 2024. His physician states that they are supportive of him receiving an exemption.

Kevin Lay

Kevin Lay is a 46-year-old class A driver's CDL holder in Montana. He has a history of single unprovoked seizure and has been seizure free since October 17, 2024. He takes anti-seizure medication with the dosage and frequency remaining the same since 2025. His physician states that they are supportive of him receiving an exemption.

Daniel Lopez-Miranda

Daniel Lopez-Miranda is a 36-year-old class D driver's license holder in Oklahoma. He has a history of focal epilepsy and has been seizure free since March 20, 2020. He takes anti-seizure medication with the dosage and frequency remaining the same since April 7, 2023. His physician states that they are supportive of him receiving an exemption.

Jacob McNally

Jacob McNally is a 31-year-old CDL holder in Connecticut. He has a history of seizure disorder and has been seizure free since 2015. He takes anti-seizure medication with the dosage and frequency remaining the same since January 10, 2024. His physician states that they are supportive of him receiving an exemption.

John R. Moore

John R. Moore is a 49-year-old class D license holder in Tennessee. He has

a history of seizure disorder and has been seizure free since February 2022. He takes anti-seizure medication with the dosage and frequency remaining the same since July 10, 2025. His physician states that they are supportive of him receiving an exemption.

Ryan Moore

Ryan Moore is a 43-year-old class A CDL holder in North Carolina. He has a history of seizure disorder and has been seizure free since September 20, 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since February 6, 2025. His physician states that they are supportive of him receiving an exemption.

Dwayne Paul

Dwayne Paul is a 61-year-old class A CDL holder in Indiana. He has a history of seizure disorder and has been seizure free since January 27, 2020. He takes anti-seizure medication with the dosage and frequency remaining the same since October 18, 2023. His physician states that they are supportive of him receiving an exemption.

Camille Pointdexter

Camille Pointdexter is a 25-year-old class CA CDL holder in Michigan. She has a history of benign focal childhood epilepsy and has been seizure free since 2012. She takes anti-seizure medication with the dosage and frequency remaining the same since 2019. Her physician states that they are supportive of her receiving an exemption.

Joel Tapper

Joel Tapper is a 72-year-old class D regular license holder in Iowa. He has a history of epilepsy and has been seizure free since February 23, 2025. He takes anti-seizure medication with the dosage and frequency remaining the same since July 30, 2025. His physician states that they are supportive of him receiving an exemption.

Matthew Toy

Matthew Toy is a 44-year-old class C license holder in Maryland. He has a history of seizure disorder and has been seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since March 2025. His physician states that they are supportive of him receiving an exemption.

Geordarius Tucker

Geordarius Tucker is a 22-year-old class A CDL holder in Mississippi. He has a history of seizure disorder and has been seizure free since April 28, 2025. He takes anti-seizure medication with

the dosage and frequency remaining the same since 2025. His physician states that they are supportive of him receiving an exemption.

Shannon Watkins

Shannon Watkins is a 35-year-old class C license holder in Georgia. She has a history of epilepsy and has been seizure free since February 2022. She takes anti-seizure medication with the dosage and frequency remaining the same since January 2023. Her physician states that they are supportive of her receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026-03462 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2026-0199]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V KISMET

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before March 25, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2026-0199 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search the above DOT Docket Number and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49

CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026-03582 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2026-0200]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V ALOLKOY

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before March 25, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2026-0200 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search the above DOT Docket Number and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation. **FOR FURTHER INFORMATION CONTACT:** Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DOT Docket Number listed in the **ADDRESSES** section above at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026-03581 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2026-0298]

Rural Opportunities To Use Transportation for Economic Success Initiative: Request for Information

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice; request for information.

SUMMARY: DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative addresses the transportation infrastructure needs of rural and Tribal communities by developing user-friendly tools and information, aggregating DOT resources, and providing direct technical assistance to connect rural and Tribal communities with the funding, financing, and outreach resources available. This notice requests comments on unmet transportation infrastructure needs in rural communities, barriers that rural communities face in addressing those needs, and opportunities for ROUTES to improve its services and technical assistance to support rural and Tribal stakeholders.

DATES: Comments must be received on or before 60 days from posting of this notice. DOT will consider comments filed after this date to the extent practicable.

ADDRESSES: Comments should refer to the docket number above and be submitted by one of the following methods:

- **Electronic Submission:** Go to <http://www.regulations.gov>. Search by using the docket number (provided above). Follow the instructions for submitting comments on the electronic docket site.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room PL-401, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building Ground Floor, Room PL-401, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number.

Note: All comments received, including any personal information, will be posted without change to the docket and will be accessible to the public at <http://www.regulations.gov>. You should not include information in your comment that you do not want to be made public. Input submitted online via <http://www.regulations.gov> is not immediately posted to the site. It may take several business days before your submission is posted.

FOR FURTHER INFORMATION CONTACT: Visit <http://www.transportation.gov/rural>, or contact the ROUTES Office at rural@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Rural transportation networks are critical for domestic use and international export, as well as the quality of life for all Americans. Large volumes of freight either originate in rural areas or are transported through rural areas via the nation's highways, railways, airways, waterways, and pipelines to support the American economy. However, rural transportation networks face unique challenges in safety, usage, and condition.¹ Despite only 20 percent of the U.S. population living in rural areas,² rural roads account for 68 percent of our nation's total lane miles, including nearly half of all truck vehicle miles traveled.³ Moreover, 41 percent of all roadway fatalities occur on rural roads, where the fatality rate is 1.54 times higher than on urban roads.⁴ The condition of transportation infrastructure varies between urban and rural areas; for example, rural bridges that are closed or

posted require American travelers to make detours nearly twice as long as those necessitated by their urban counterparts.⁵ Delays can also occur due to trains going over public at-grade crossings—60 percent of which are on rural roads.⁶

In response to these challenges, ROUTES was established in October 2019 with DOT Order 5050.1 and codified in Section 25010 of the *Infrastructure Investment and Jobs Act* in November 2021 to support the needs of rural America by advancing rural transportation policy. ROUTES addresses rural transportation infrastructure needs by developing user-friendly tools and information, aggregating DOT resources, and providing direct technical assistance to connect rural communities with the funding, financing, and outreach resources available. Specifically, ROUTES is directed to (1) improve analysis of projects from rural and Tribal communities applying for Department grants, including ensuring that project costs, local resources, and the larger benefits to the people and the economy of the United States are appropriately considered; and (2) provide rural and Tribal communities with technical assistance for meeting the transportation infrastructure investment needs of the United States in a financially sustainable manner.

ROUTES is actively engaged with rural and Tribal communities through outreach, technical assistance, and resource and policy development. On November 27, 2019, ROUTES published a notice⁷ requesting information to improve technical assistance for rural stakeholders applying for DOT competitive grant and credit programs. In response to comments received to the notice and other stakeholder feedback regarding grant applications, ROUTES developed the Rural Grant Applicant Toolkit⁸ to increase understanding of DOT competitive grant programs and the Federal funding process. Additionally, ROUTES launched the DOT Competitive Grants Dashboard⁹ to help users determine which grants best suit their transportation infrastructure needs. To address safety concerns raised by stakeholders, ROUTES facilitated

¹ Bureau of Transportation Statistics, Rural Transportation Statistics, March 2025, <https://www.bts.gov/rural>.

² United States Census Bureau, American Community Survey (ACS), 5-Year Estimates, 2022.

³ U.S. Department of Transportation, Federal Highway Administration, Office of Highway Information Management, Highway Statistics 2022, Table HM-60.

⁴ National Center for Statistics and Analysis. *Rural/urban traffic fatalities: 2023 data* (Traffic Safety Facts. Report No. DOT HS 813 728), June 2025. National Highway Traffic Safety Administration.

⁵ U.S. Department of Transportation, Federal Highway Administration, National Bridge Inventory (NBI).

⁶ U.S. Department of Transportation, Federal Highway Administration and Federal Railroad Administration. *Highway-Rail Crossing Handbook*, 3rd Edition. July 2019.

⁷ 84 FR 65459; Docket No. DOT-OST-2019-0167.

⁸ Visit the Rural Grant Applicant Toolkit at <https://www.transportation.gov/rural/grant-toolkit>.

⁹ Visit the DOT Competitive Grants Dashboard at <https://www.transportation.gov/grants/dashboard>.

rural safety peer exchanges, supported development of rural safety countermeasures¹⁰ to promote information sharing and capacity building, and established the internal USDOT Safety Council—Rural Subcommittee to coordinate activities and information among modal administrations that advance rural transportation safety. See <https://www.transportation.gov/rural> for more information on ROUTES activities.

To continue providing the best technical assistance possible, ROUTES is again requesting information from rural stakeholders on rural issues and needs.

Request for Information

In this notice, DOT requests information directly from knowledgeable entities and the public to inform rural transportation policy and the development of future ROUTES activities. DOT seeks comments that illustrate rural communities' needs and experiences with transportation infrastructure, including the condition of that infrastructure, its effect on safety and road user behavior, and how its use affects the community. For the purpose of this notice, "transportation" includes road, rail, transit, aviation, maritime, pipelines, and other forms of transportation; "infrastructure" includes all capital investment in transportation such as structures, equipment, and rolling stock. This includes comments and data pertaining to current unmet needs in rural transportation, barriers rural communities face in addressing these transportation needs, stakeholders' experiences with applying to and using DOT competitive grant and credit programs, and opportunities for DOT to improve its services and technical assistance to rural communities within the limits of statutory requirements. This request for comments includes solicitation from Tribal Nations and communities in rural areas.

In addition, DOT specifically requests comments and data in response to the questions below. To the extent possible, DOT seeks relevant technical information, regulatory citations, data, or other evidence to support the comments received.

A. Identifying Unmet Needs in Rural Transportation

1. What challenges and opportunities do rural areas face related to the following:

(a) infrastructure condition (e.g., age of infrastructure or equipment, bridge closures or postings, weather resiliency);

(b) usage (e.g., frequency or availability of public transportation, freight transportation, pedestrian walkways and shoulders);

(c) safety (e.g., transportation-related injuries and fatalities, roadway departure, at-grade rail crossings, railroad trespassing, wildlife, transportation of hazardous materials, motorcycle and all-terrain vehicle safety, experiences of nonmotorized road users, post-crash care);

(d) technology (e.g., broadband, cellular coverage, backup for GPS time and navigation, automated vehicles, drones, digital infrastructure);

2. What types of infrastructure projects, services, or technology are most needed in rural communities to meet national transportation priorities such as safety and economic competitiveness? What types of projects or services do rural communities find most challenging to fund? What are barriers to funding these projects?

3. How could improved multimodal passenger and freight transportation—including road, rail, transit, aviation, maritime, pipelines, and other forms of transportation—better contribute to the economic competitiveness of rural communities? What industries (including tourism) are most in need of these improvements?

4. What data has been used to inform rural transportation decision making and grant development, and what additional data would have been helpful but was nonexistent or difficult to access?

5. How can rural communities better engage with Federal, Tribal, State, and regional entities—such as other Federal agencies, State DOTs, regional planning organizations, and metropolitan planning organizations—to maintain and upgrade local transportation?

B. Addressing Unmet Needs Through DOT Grants and Resources

1. ROUTES supports rural and Tribal stakeholders through development of technical assistance resources and opportunities, such as toolkits, dashboards, peer exchanges, webinars, and newsletters. (See <https://www.transportation.gov/rural> for more information on ROUTES activities.) What additional resources or direct

technical assistance could ROUTES provide to support rural communities? Of the existing resources ROUTES provides, what is most useful?

2. What challenges do rural communities face when applying for DOT grants and financial assistance (e.g., project prioritization, eligibility requirements, data needs, funding match)? What challenges do rural communities encounter after being awarded a DOT grant or financial assistance (e.g., project grant agreements, environmental analyses, permitting, reporting requirements, workforce availability, weather, inflation)?

3. What types of technical assistance would be effective for navigating the Federal grant process, including pre-award activities, project delivery, and project evaluation?

4. How do the definitions of "rural" across DOT grant programs¹¹ reflect the reality of rural communities? How do these definitions influence the allocation of rural funding?

Public Comment

DOT invites comments from knowledgeable entities and the public interested in rural transportation policy and ROUTES activities. Comments may be submitted and viewed at Docket Number DOT-OST-2026-0298 at <http://www.regulations.gov>, or at the address given above under **ADDRESSES**. Comments must be received on or before 60 days from posting of this notice to receive full consideration by DOT. After 60 days from posting of this notice, comments will continue to be available for viewing by the public.

Issued in Washington, DC, on February 19, 2026, under authority delegated at 49 CFR 1.25(a).

Loren A. Smith, Jr.,

Deputy Assistant Secretary of Transportation for Policy.

[FR Doc. 2026-03496 Filed 2-20-26; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of a New Matching Program.

¹¹ The definition of "rural" varies across the Department. ROUTES developed the Rural Eligibility Map to help prospective applicants determine eligibility. The map is available at <https://www.transportation.gov/rural/eligibility>.

¹⁰ In support of the USDOT Safety Council—Rural Subcommittee, the National Highway Traffic Safety Administration and the Federal Highway Administration developed a compilation of safety countermeasures for stakeholders looking to address challenges in rural road safety. These resources are available at <https://www.transportation.gov/rural/safety>.

SUMMARY: Pursuant to section 552a(e)(12) of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Circular No. A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act, notice is hereby given of the conduct of the Internal Revenue Service (IRS) Data Loss Prevention Computer Matching Program.

DATES: Comments on this matching notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comments are received during the period allowed for comment, the re-established agreement will be effective March 24, 2026, provided it is a minimum of 30 days after the publication date.

Beginning and completion dates: The matches are conducted on an ongoing basis in accordance with the terms of the computer matching agreement in effect with the IRS as approved by the applicable Data Integrity Board. The term of this agreement is expected to cover the 18-month period March 24, 2026, through September 23, 2027. Ninety days prior to expiration of the agreement, the parties to the agreement may request a 12-month extension in accordance with 5 U.S.C. 552a(o).

ADDRESSES: Comments may be sent by mail to the Office of Privacy, Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Natalie Jackels, Government Information Specialist, IRS Privacy, Governmental Liaison and Disclosure, 763-347-7394 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The notice of the matching program was last published at 85 FR 79562-79563 (December 10, 2020). Members of the public desiring specific information concerning an ongoing matching activity may request a copy of the applicable computer matching agreement at the address provided above.

PARTICIPATING AGENCIES:

IRS.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The Internal Revenue Service must safeguard information to ensure that it is kept confidential as required by the Internal Revenue Code, the Privacy Act of 1974, the Bank Secrecy Act, Title 18 of the United States Code, the Federal Information Security Modernization Act (FISMA), and other applicable laws that

require safeguarding of information. Sending confidential information without sufficient protection is a violation of IRS security policy. This matching program will assist the IRS in ensuring that sensitive information is properly protected from unauthorized use or disclosure.

PURPOSE(S):

The purpose of this program is to detect and deter breaches of security policy by IRS employees, contractors, or other individuals who have been granted access to IRS information or to IRS equipment and resources, who send electronic communications in an insecure, unencrypted manner.

CATEGORIES OF INDIVIDUALS:

IRS employees, contractors, or other individuals who have been granted access to IRS information, equipment, and resources.

CATEGORIES OF RECORDS:

IRS will use any or all of the data elements in the listed systems of records to the extent necessary to accomplish a computer match. Data elements include, but are not limited to, employee name, Social Security Number (SSN), employee number, address, email addresses; employee spouse's name, SSN, address; taxpayer name, Taxpayer Identification Number (TIN), address, tax return/account information, taxpayer entity information, including prior and current name; electronic transmission specifics, internet Protocol (IP) Address, computer machine name, terminal identification; general personnel and payroll records, etc. The information generated and/or obtained during these computer matches will be used by IRS employees in the performance of their official responsibilities. Access to this information is limited to those individuals who have a need to know the information in the performance of their official duties. These individuals are subject to criminal and civil penalties for the unauthorized inspection and/or disclosure of this information. During the execution of this program of computer matches and the resultant analyses or investigations, the records used may be duplicated by IRS employees only for use in performing their official duties. The information collected or generated as part of this program of computer matches may only be disclosed in accordance with the provisions of 5 U.S.C. 552a, 26 U.S.C. § 6103, and any other applicable Federal privacy provisions.

SYSTEM(S) OF RECORDS:

The following systems of records maintained by the IRS and the Department of the Treasury Offices may be utilized:

1. Correspondence Files and Correspondence Control Files [Treasury/IRS 00.001]
2. Correspondence Files: Inquiries About Enforcement Activities [Treasury/IRS 00.002]
3. Employee Complaint and Allegation Referral Records [Treasury/IRS 00.007]
4. Taxpayer Advocate Service and Customer Feedback and Survey Records [Treasury/IRS 00.003]
5. Third Party Contact Records [Treasury/IRS 00.333]
6. Stakeholder Relationship Management and Subject Files [Treasury/IRS 10.004]
7. Volunteer Records [Treasury/IRS 10.555]
8. Annual Listing of Undelivered Refund Checks [Treasury/IRS 22.003]
9. File of Erroneous Refunds [Treasury/IRS 22.011]
10. Foreign Information System (FIS) [Treasury/IRS 22.027]
11. Individual Microfilm Retention Register [Treasury/IRS 22.032]
12. Subsidiary Accounting Files [Treasury/IRS 22.054]
13. Automated Non-Master File (ANMF) [Treasury/IRS 22.060]
14. Information Return Master File (IRMF) [Treasury/IRS 22.061]
15. Electronic Filing Records [Treasury/IRS 22.062]
16. CADE Individual Master File (IMF) [Treasury/IRS 24.030]
17. CADE Business Master File (BMF) [Treasury/IRS 24.046]
18. Audit Underreporter Case File [Treasury/IRS 24.047]
19. Acquired Property Records [Treasury/IRS 26.001]
20. Lien Files [Treasury/IRS 26.009]
21. Offer in Compromise Files [Treasury/IRS 26.012]
22. Trust Fund Recovery Cases/One Hundred Percent Penalty Cases [Treasury/IRS 26.013]
23. Record of Seizure and Sale of Real Property [Treasury/IRS 26.014]
24. Taxpayer Delinquent Account (TDA) Files [Treasury/IRS 26.019]
25. Taxpayer Delinquency Investigation (TDI) Files [Treasury/IRS 26.020]
26. Identification Media Files System for Employees and Others Issued IRS Identification [Treasury/IRS 34.013]
27. Security Clearance Files [Treasury/IRS 34.016]
28. Automated Background Investigations System [Treasury/IRS 34.022]

- 29. Audit Trail and Security Records [Treasury/IRS 34.037]
- 30. Treasury Payroll and Personnel System [Treasury/DO.001]
- 31. Treasury Child Care Tuition Assistance Records [Treasury/DO.003]
- 32. Public Transportation Incentive Program Records [Treasury/DO.005]
- 33. Treasury Financial Management Systems [Treasury/DO.009]

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2026-03457 Filed 2-20-26; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0047]

Agency Information Collection Activity: Financial Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 24, 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: Financial Statement (VA Form 26-6807).

OMB Control Number: 2900-0047. <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 Currently Approved Collection.

Abstract: VA Form 26-6807, The Financial Statement information collection is used to determine a borrower's financial condition in connection with efforts to reinstate a seriously defaulted, guaranteed, insured, or portfolio loan. In addition, the form is used in determining the financial feasibility of a veteran or service member to obtain a home with the assistance of a Specially Adapted Housing Grant under 38 U.S.C., Chapter 21. The changes in burden and respondent estimates increased from the previous submission due to more accurate accounting of information conducted by VA Loan Technicians via telephone, which were previously underreported. The number of participating Veterans increased from 29 to 1,200.

Affected Public: Individuals and households.

Estimated Annual Burden: 900 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,200 per annually.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026-03471 Filed 2-20-26; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0919]

Agency Information Collection Activity: Servicemembers' Group Life Insurance—Traumatic Injury Protection Program (TSGLI) Application for TSGLI Benefits and TSGLI Appeal Request Form

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before April 24, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202-461-9568, 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: Service Members' Group Life Insurance—Traumatic Injury Protection Program (TSGLI) Application for TSGLI Benefits (SGLV 8600) and TSGLI Appeal Request Form (SGLV 8600a).

OMB Control Number: 2900–0919.

https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Extension without change of a currently approved collection.

Abstract: The SGLV 8600 form is used by the Department of Veterans Affairs to request information in order to adjudicate TSGLI claims for benefits. The form is filled out by members or former members of the uniformed

services who have suffered a traumatic injury while in service, and the uniformed services approve or disapprove the claim. If the uniformed services approve the TSGLI claim, then the insurer for the TSGLI program, The Prudential Insurance Company of America (Prudential), pays the claim. The form is authorized by 38 U.S.C. 1980A and 38 CFR 9.20.

The SGLV 8600a form is used by the Department of Veterans Affairs to request information in order to adjudicate TSGLI appeals for benefits. The form is filled out by members or former members of the uniformed services who have suffered a traumatic injury while in service and had their TSGLI claim disapproved. The form is

authorized by 38 U.S.C. 1980A and 38 CFR 9.20.

Affected Public: Individuals and households.

Estimated Annual Burden: 7,580 hours.

Estimated Average Burden per Respondent: 10 hours.

Frequency of Response: Annually.

Estimated Number of Respondents: 758.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–03473 Filed 2–20–26; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

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Part II

Securities and Exchange Commission

17 CFR Parts 270 and 274

Form N-PORT Reporting; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 270 and 274

[Release No. IC-35962; File No. S7-2026-05]

RIN 3235-AN44

Form N-PORT Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (the “Commission”) is proposing amendments to reporting requirements on Form N-PORT that apply to certain registered investment companies, including registered open-end funds, registered closed-end funds, and exchange-traded funds organized as unit investment trusts. The proposed amendments would modify provisions adopted in 2024 to provide these funds with an additional fifteen days to file monthly reports of portfolio-related information on Form N-PORT and would restore the quarterly publication frequency that had been in place for over two decades. The Commission is proposing these amendments in light of feedback from market participants and other developments. The Commission is also proposing to streamline or remove certain items and sub-items, reducing reporting burdens in ways that would not significantly affect the Commission’s uses of the data and are not expected to significantly affect the public’s ability to assess relevant information about a fund. Finally, the Commission is proposing to adjust how funds with share classes that operate as exchange-traded funds report certain information to improve information about this fund structure and to require information about funds’ ticker symbols, as well as certain class-level identifiers, as applicable, to facilitate efficient use of the reported information.

DATES: Comments should be submitted on or before April 24, 2026.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/comments/s7-2026-05/form-n-port-reporting>); or
- Send an email to rule-comments@sec.gov. Please include File Number S7-2026-05 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission,

100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number S7-2026-05. 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 of submission. The Commission will post all comments on the Commission’s website (<https://www.sec.gov/comments/s7-2026-05/form-n-port-reporting>). 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.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission’s website. To ensure direct electronic receipt of such notifications, sign up through the “Stay Connected” option at www.sec.gov to receive notifications by email.

A summary of the proposal of not more than 100 words is posted on the Commission’s website (<https://www.sec.gov/rules-regulations/2026/02/s7-2026-05>).

FOR FURTHER INFORMATION CONTACT:

Susan Ali, Counsel; Angela Mokodean, Senior Special Counsel; or Brian M. Johnson, Assistant Director at (202) 551-6792, Investment Company Regulation Office, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-8549.

SUPPLEMENTARY INFORMATION: The Commission is proposing amendments to 17 CFR 270.30b1-9 (“rule 30b1-9”), 17 CFR 274.150, and Form N-PORT [referenced in 17 CFR 274.150] under the Investment Company Act of 1940 (the “Act”).

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I. Introduction

On August 28, 2024, the Commission adopted amendments to Form N-PORT to require more frequent reporting of monthly portfolio holdings and related information to the Commission and the public, and to modify certain reporting requirements relating to entity identifiers (the “2024 amendments”).¹ Many registered investment companies are required to report on Form N-PORT, including registered open-end funds, registered closed-end funds, and exchange-traded funds (“ETFs”) organized as unit investment trusts, but excluding money market funds and small business investment companies (hereinafter, registered investment companies that are required to report on Form N-PORT are referred to as “registered funds”). Reports on Form N-PORT provide monthly information about a registered fund’s complete

¹ Form N-PORT and Form N-CEN Reporting; Guidance on Open-End Fund Liquidity Risk Management Programs, Investment Company Act Release No. 35308 (AUG. 28, 2024) [89 FR 73764 (Sept. 11, 2024)] (“2024 Adopting Release”), <https://www.sec.gov/files/rules/final/2024/ic-35308.pdf>. The Commission also adopted amendments to Form N-CEN and provided guidance on liquidity risk management program requirements for open-end funds. Those aspects of the 2024 Adopting Release are not affected by this proposal.

portfolio holdings, as well as related information to help assess a fund's risks, including investment risk (e.g., interest rate risk, credit risk, and volatility risk), liquidity risk, counterparty risk, and leverage. These reports are an important source of information for the Commission and its staff in carrying out regulatory responsibilities related to registered funds and the broader asset management industry. Overall, the 2024 amendments were intended to provide the Commission and the public with timelier information about funds' portfolio investments, enabling more comprehensive oversight of an ever-evolving registered fund industry by the Commission and providing investors with information to make more informed investment decisions.

As discussed in more detail below, several developments occurred following the adoption of the 2024 amendments. As a result, the Commission has delayed the effective and compliance dates of the 2024 amendments and reviewed those amendments and their possible effects, as set forth in this release. In connection with that review, we are proposing to provide funds with fifteen additional days to file monthly reports with the Commission. This additional time is designed to reduce the risk of errors in the reported information and reduce reporting burdens while continuing to recognize that Form N-PORT information is more valuable to the Commission and staff when it reflects more current portfolio holdings and related information. Additionally, to reduce the risk associated with the 2024 amendments that external parties may use more frequent disclosures of a registered fund's portfolio holdings to infer the fund's proprietary investment strategy or trading intentions and use that information in ways that increase costs for the fund and its shareholders, and in light of advancements in technology, we are proposing to revert to providing the public with access to quarterly snapshots of portfolio information on Form N-PORT, consistent with requirements for the past two decades prior to the adoption of the 2024 amendments.²

The Commission is also proposing to remove or streamline certain items and sub-items of the form to refine the information that is collected without significantly affecting the utility of the reported information. In addition, we

are proposing to require registered funds with share classes that operate as exchange-traded funds ("ETF share classes") to report certain information on the form to improve the Commission's and the public's understanding of the size and flows of this type of fund structure. Finally, we are proposing to require registered funds to report certain additional identifying information, such as ticker symbols, to help data users use the reported information more efficiently.

A. Developments After Adoption of the 2024 Amendments

Following adoption of the 2024 amendments, several developments caused the Commission to delay the effective and compliance dates of the 2024 amendments and review their potential effects.³ In October 2024, petitioner Registered Funds Association filed a petition in the Fifth Circuit Court of Appeals seeking review of the 2024 amendments.⁴ Although the petitioner challenged the Form N-PORT amendments as a whole, it emphasized concerns related to more frequent publication of registered funds' portfolio holdings. These proceedings are currently stayed while the Commission reviews the 2024 amendments and considers potential changes.⁵

Additionally, on January 20, 2025, President Donald J. Trump signed a Presidential Memorandum directing agencies to consider postponing the effective date for any rules that had been issued but had not yet taken effect for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.⁶ The Presidential

³ Form N-PORT and Form N-CEN Reporting; Guidance on Open-End Fund Liquidity Risk Management Programs; Delay of Effective and Compliance Dates, Investment Company Act Release No. 35538 (Apr. 16, 2025) [90 FR 16812 (Apr. 22, 2025)] ("2025 Delay Release"), <https://www.sec.gov/files/rules/final/2025/ic-35538.pdf>. Specifically, the Commission delayed the effective date for the Form N-PORT amendments from Nov. 17, 2025, to Nov. 17, 2027, and delayed the compliance date from Nov. 17, 2025, to Nov. 17, 2027, for larger entities and from May 18, 2026, to May 18, 2028, for smaller entities.

⁴ *Registered Funds Association v. SEC*, No. 24–60550 (5th Cir. 2024).

⁵ See ECF No. 50–2, *Registered Funds Association v. SEC*, No. 24–60550 (5th Cir. Feb. 11, 2025).

⁶ Regulatory Freeze Pending Review (Jan. 20, 2025) [90 FR 8249 (Jan. 28, 2025)], available at <https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/> ("Presidential Memorandum"). The Presidential Memorandum directed agencies to consider postponing the effective date of any such rules for 60 days and, as appropriate and consistent with applicable law, and where necessary to continue to review the questions of fact, law, and policy, consider further delaying, or publishing for notice and comment proposed rules further delaying such rules, beyond the 60-day period.

Memorandum further states that, for those rules that raise substantial questions of fact, law, or policy, agencies should take further appropriate action. Moreover, the President subsequently issued additional Executive Orders expressing a policy goal of reducing regulatory burdens.⁷ At the time of the signing of the Presidential Memorandum, the 2024 amendments, while issued, had not yet taken effect. As a result, the Commission initiated a review of the 2024 amendments to consider questions of fact, law, or policy associated with the amendments. While performing the review, we also considered other aspects of Form N-PORT and the overall effectiveness and usability of information reported on the form.

Since the adoption of the 2024 amendments, the Commission also has received additional feedback on the amendments, including through staff outreach, to inform our review of the amendments. Through letters and meetings, registered fund industry members have further highlighted and provided additional information about the potential negative impacts of the amendments as industry members began to focus on implementation. For example, industry members have indicated that the 30-day reporting timeframe requires registered funds to gather data more quickly than current operational processes contemplate and to accelerate internal review and signoff procedures, which we understand is particularly difficult for certain funds with more complex strategies, and increases the overall risk of errors and resubmissions. Additionally, a letter from a registered fund industry group suggested that the amendments would also harm registered fund shareholders and curb fund innovation and suggested that the Commission amend its approach.⁸

B. Overview of Proposed Amendments

As part of the Commission's review of the Form N-PORT amendments, we have considered available information, including additional information and evolving dynamics following the adoption of the amendments, and accordingly have reassessed the benefits and costs of the amendments. As a result of this review, we are proposing

⁷ See, e.g., Unleashing Prosperity Through Deregulation (Jan. 31, 2025) [90 FR 9065 (Feb. 6, 2025)], available at <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-prosperity-through-deregulation/>.

⁸ See Letter from Investment Company Institute (Feb. 26, 2025) ("ICI Letter"), available at <https://www.ici.org/system/files/2025-02/25-cl-form%20nport-amendments.pdf>.

² See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) [69 FR 11244 (Mar. 9, 2004)] ("Shareholder Reports and Quarterly Portfolio Disclosure Release").

to extend the filing deadline from 30 to 45 days after month end and are proposing to publish reports for only the third month of a registered fund's fiscal quarter 60 days after month end. Table 1 below displays the key elements of the Form N-PORT requirements that were revised as a part of the 2024 amendments and compares the previous Form N-PORT requirements, the 2024 amendments, and the current proposal.⁹

TABLE 1—COMPARISON OF FORM N-PORT REQUIREMENTS PRIOR TO 2024 AMENDMENTS, THE 2024 AMENDMENTS, AND THE PROPOSED AMENDMENTS

	Requirements prior to 2024 amendments ¹	2024 Amendments	Proposed amendments
Filing Timeframe	Reports for each month in a registered fund's fiscal quarter must be filed no later than 60 days after the end of the relevant fiscal quarter.	Reports for each month must be filed no later than 30 days after the end of the relevant month.	Reports for each month must be filed no later than 45 days after the end of the relevant month.
Publication Frequency	Information reported for the third month of a registered fund's fiscal quarter will be made public upon filing (<i>i.e.</i> , no later than 60 days after fiscal quarter end).	Information reported for each month will be made public 60 days after month end.	Information reported for the third month of a registered fund's fiscal quarter will be made public 60 days after fiscal quarter end.
Recordkeeping	No later than 30 days after the end of each month, a registered fund must maintain in its records the information that Form N-PORT requires.	N/A	N/A.
Entity Identifiers	Certain items require reporting of a legal entity identifier ("LEI"), if any, of a counterparty or issuer. If an LEI has not been assigned, registered funds instead provide in the LEI field an RSSD ID, if any, assigned by the National Information Center of the Board of Governors of the Federal Reserve System.	Provides separate fields for reporting LEI or RSSD ID, if any.	No change to 2024 amendments.

Notes:
¹ The requirements described in this column are currently in effect and reflect the approach that registered funds currently are required to follow, as the effective date of the 2024 amendments has been delayed until November 17, 2027.

The proposed amendments would continue to provide the Commission with reasonably timely data while also reducing operational burdens and the risk of errors. In addition, compared to the 2024 amendments, the proposed quarterly publication schedule is designed to reduce the risk of external parties inferring a registered fund's proprietary trading strategy or trading intentions from Form N-PORT reports and acting on that information in a way that is harmful to the fund. We are soliciting public comment on whether the proposed changes strike an appropriate balance between the benefits of portfolio-related information for the Commission and the public and the burdens to registered funds of reporting such information.

Separate from the proposed changes to the filing timeframe and publication frequency of Form N-PORT reports, we are proposing to modify certain information collected on portfolio level risk metrics and returns to narrow their scope, and proposing to eliminate certain information collected on non-derivatives instruments' payoff profiles, convertible bonds, and the reason a single holding has multiple liquidity classifications. In addition, we are proposing to remove the reporting requirements added to Form N-PORT when the Commission adopted amendments to rule 35d-1 under the

Act (the "names rule").¹⁰ The proposed amendments to streamline or remove reporting requirements would not significantly affect the Commission's uses of the data and are not expected to significantly affect the public's ability to assess relevant information about a registered fund, but would reduce the reporting burden for these funds.

Finally, we are proposing to require certain additional information. We propose to require a registered fund with an ETF share class to report information on the ETF class's net assets and shareholder flows. These amendments are designed to provide the Commission and investors with information to better understand the size and flows of this type of fund structure. We also propose to require registered funds to provide information about their ticker symbols, as well as certain class-level identifiers, as applicable. These amendments are designed to help data users more efficiently use other information that is reported on the form.

II. Discussion

A. Filing Timeframe

We are proposing to amend rule 30b1-9 and Form N-PORT to require registered funds to file Form N-PORT reports within 45 days after the end of the month to which they relate.¹¹

Specifically, rather than filing monthly reports with the Commission within 60 days after the end of each fiscal quarter consistent with the prior rule or within 30 days after the end of each calendar month as required under the 2024 amendments, we are proposing to require registered funds file reports on a monthly basis within 45 days after the end of the month to which they relate. These proposed changes are intended to better balance the need for the Commission to receive timely data against burdens to registered funds relative to the 2024 amendments. Specifically, the proposed approach would provide registered funds with an additional 15 days to gather, verify, and file information relative to the 30-day filing requirement in the 2024 amendments.

As a general matter, the Commission and its staff use information in Form N-PORT reports to carry out regulatory responsibilities related to registered funds, and investors benefit indirectly from the Commission's use of Form N-PORT information. For instance, the Commission and staff use Form N-PORT information for purposes of examination, enforcement, and monitoring of registered funds, including assessing regulatory compliance, identifying funds for examination, and risk monitoring. Form N-PORT reports also provide the

⁹ For a table displaying the key proposed changes to the information registered funds are required to report on Form N-PORT, see *infra* section II.C, Table 2.

¹⁰ See Investment Company Names, Investment Company Act Release No. 35000 (Sept. 20, 2023)

[88 FR 70436 (Oct. 11, 2023)], Investment Company Names; Correction, Investment Company Act Release No. 35000A (Oct. 24, 2023) [88 FR 73755 (Oct. 27, 2023)] ("Names Rule Adopting Release"). Funds have not begun to comply with the names

rule-related reporting requirements on Form N-PORT.

¹¹ See General Instruction A of proposed Form N-PORT; proposed rule 30b1-9. We are also proposing conforming amendments to 17 CFR 274.150.

Commission information that is useful to understand trends in the registered fund industry and to inform and formulate regulatory policy. Further, the Commission uses Form N-PORT information in connection with its review of fund registration statements and disclosures (e.g., by considering a fund's portfolio holdings in relation to its disclosures). Finally, in the case of market events, the Commission uses Form N-PORT information to help assess the breadth and magnitude of the potential impacts of such events (e.g., to analyze registered funds' potential exposures to issuers or asset classes that are under stress due to market events).

When the Commission adopted the 2024 requirement to file monthly reports within 30 days of month end, it acknowledged tradeoffs in how frequently and quickly registered funds must file Form N-PORT information. While more frequent and timely filings enhance the Commission staff's ability to oversee and monitor registered funds' activities (as the information is more likely to reflect reasonably current portfolio information), it also increases costs, the potential for errors in filed information and, for funds that do not voluntarily publicly disclose their portfolio holdings on a more frequent basis, increases the sensitivity of the filed information and the associated risk of misappropriation in the event of a system breach.¹² As part of our review, we reconsidered these tradeoffs, accounting for additional information from registered funds' preliminary implementation efforts, comments submitted in connection with the 2024 amendments, and the Commission's need for and uses of information contained in Form N-PORT reports. Information gathered and reassessed during the review informed the development of the proposed amendments.

Since the adoption of the 2024 amendments and as registered fund industry members further considered implementation, we have received additional information from industry members about the burdens of filing Form N-PORT reports within 30 days of month end through staff outreach to registered funds and fund administrators, as well as a letter from a group representing the registered fund industry.¹³ During staff outreach, industry members raised concerns about filing complete and accurate Form N-PORT reports within 30 days. Industry members discussed certain

dependencies that could impact the ability to have Form N-PORT reports complete and error-free within this timeframe. For example, registered funds may rely on third parties for certain data related to liquidity, derivatives, or risk metrics, and in turn, those third parties may have their own data dependencies. In some cases, particularly for funds with complex strategies, the third parties may not provide data until shortly before the 30-day filing deadline. These delays result in limited time for internal reviews and signoffs on the data, particularly considering that some time is also needed to complete the filing process, and increase the potential for errors in the report. Specifically, for fund complexes or fund administrators with a large volume of reports to file, it may take multiple days to handle the filing process.

Due to the time required to receive, review, and file Form N-PORT information, industry members suggested that a 30-day filing deadline would increase the potential for errors and resubmissions and would cause some industry members to hire additional personnel to manage the condensed timeframe and the larger volume and greater frequency of filings. Industry members suggested that there would be a larger volume of filings as a result of the 2024 amendments because they assumed that: (1) errors and resubmissions would increase; and (2) the Regulation S-X compliant presentation of holdings for the first and third fiscal quarter under Part F of Form N-PORT would be filed separately 60 days after quarter end.

Industry members also discussed challenges in filing Form N-PORT reports within 30 days of month end for closed-end funds that calculate their net asset values on a monthly basis and invest in private funds or other hard to value assets. Such closed-end funds have experienced growth in recent years and may continue to grow in number and size. Industry members suggested that, for some of these funds, there may not be an initial net asset value calculation until three weeks or later after month end. Industry members expressed concern that these funds may have to file reports that are not entirely accurate and then make an amended filing for accuracy.

In light of concerns about the effects of a 30-day filing requirement, some registered fund industry members suggested that we further amend Form N-PORT to provide additional time, such as 45 days, for funds to file

monthly reports.¹⁴ In outreach, industry members suggested that a 45-day filing timeline, although still involving some costs, would reduce the risk of errors and reduce the need to hire additional personnel by providing additional time to gather, review, and file the required information. Some industry members suggested that a longer filing timeline, such as 60 days after month end or 60 days after quarter end, would further reduce burdens.

In addition to the information obtained through outreach, we considered the concerns commenters raised in conjunction with the 2024 amendments.¹⁵ Commenters raised concerns that requiring monthly reporting within 30 days of month end would overburden registered funds, including fund internal systems and processes, as well as service providers. Commenters also discussed the overlap in teams that prepare, review, and file Form N-PORT reports with those that are involved with other required filings, suggesting that a 30-day filing timeline for Form N-PORT would cause strains on those teams. A few commenters further suggested that these strains would be pronounced for the months following the end of the reporting period when the annual and semiannual reports are due. Some commenters expressed concern about data security and the risk that confidential and proprietary registered fund information could be misappropriated as a result of unauthorized access. In general, these various concerns were consistent with the information we received through outreach.

We also considered the Commission's and staff's use of Form N-PORT information and the potential effects of receiving Form N-PORT information later than 30 days after month end. As discussed in the 2024 Adopting Release, the quarterly filing requirement has limited the Commission's ability to develop a timely and more complete understanding of the market. In addition, although the Commission has had the ability to request registered fund records of Form N-PORT information within 30 days of month end, this has not been an effective substitute for receiving more timely information through filings.¹⁶ The Commission and its staff use Form N-PORT information to, among other things, monitor industry trends, identify risks, inform policy and

¹⁴ See ICI Letter (stating that the Commission should extend the filing deadline to "at least 45 days" to avoid increased errors and resubmissions).

¹⁵ See 2024 Adopting Release, *supra* note 1, at section II.A.1.

¹⁶ See 2024 Adopting Release, *supra* note 1, at paragraph accompanying n.57.

¹² See 2024 Adopting Release, *supra* note 1, at section II.A.1.

¹³ See ICI Letter.

rulemaking, and assist Commission staff in examination and enforcement efforts. Timely Form N-PORT data improves the Commission's ability to (1) conduct more targeted and timely monitoring efforts; (2) analyze risks and trends more accurately; and (3) better assess the breadth and magnitude of potential market events and stress affecting particular issuers, asset classes, counterparties, or market participants. The Commission's ability to perform these functions effectively and efficiently benefits investors and the markets, including for example during times of market stresses and events.

As a general matter, the Commission adopted the 30-day filing requirement because (1) given that registered funds were already required to maintain records of Form N-PORT information within the 30-day period in which filings would be due, the Commission did not expect the burden to be significant;¹⁷ (2) the Commission historically has viewed access to Form N-PORT information within 30 days of month end as important to furthering our mission to protect investors;¹⁸ and (3) delays in receipt of Form N-PORT information reduce the utility of the information for the Commission.¹⁹ The additional information we have received from market participants following adoption of the 2024 amendments as funds further considered implementation suggests, however, that the burdens of filing Form N-PORT reports within 30 days of month end would be greater than the Commission anticipated due to the time it takes to compile, review, and file certain data, particularly for registered funds with complex strategies or certain types of closed-end funds, and the risk of errors and resubmissions if processes must be condensed. Providing an additional 15 days to file Form N-PORT reports should mitigate these burdens, but generally would not decrease the utility of the information for the Commission significantly or the indirect benefits to investors associated with the Commission's use of Form N-PORT information. As a result, we are proposing to extend the filing timeframe to provide registered funds with 45 days after month end to file Form N-PORT reports.

Providing 45 days for registered funds to file Form N-PORT reports would reduce burdens for the funds and their service providers, as they would have additional time to gather information,

verify its accuracy, and prepare and make the filings. This additional time should also mitigate the effect that a monthly filing requirement would have on the workload of personnel or service providers that prepare and file Form N-PORT reports.²⁰ Moreover, the additional time should reduce the potential for errors in Form N-PORT filings and reduce potential resubmissions. By reducing costs associated with the 2024 amendments, the proposal should also mitigate the extent to which costs associated with monthly reporting requirements are passed on to registered fund shareholders. We also recognize that the additional time to file would reduce the sensitivity of the information filed with the Commission, which should reduce the concern that some industry members have raised about data security and the risk that confidential and proprietary registered fund information could be misappropriated as a result of unauthorized access.

While these burden reductions would largely be relative to the 2024 amendments, which have not gone into effect, the proposed approach would also reduce burdens associated with the 30-day recordkeeping requirement that registered funds historically have satisfied. Under the recordkeeping requirement, registered funds were required to gather and record Form N-PORT information within 30 days of month end. In contrast, the current proposal would not require registered funds to complete particular steps within 30 days of month end, rather a complete submission of monthly data would be due to the Commission within 45 days of month end. As a result, if adopted, the proposed approach would provide funds with more time to gather and review information than has historically been available or that would be available under the 2024 amendments. This additional time would likely reduce burdens, particularly in cases where information

is collected through a manual or otherwise time-consuming process, such as the example raised in outreach about delays in valuation information for certain closed-end funds. Moreover, relative to the requirement for registered funds to gather and record Form N-PORT information within 30 days of month end, a requirement to file the information with the Commission within 45 days of month end should reduce costs because funds that continue to gather the required information within 30 days of month end would then have 15 additional days just to prepare that information for filing with the Commission.

Given the additional information we have received about the challenges and burdens of filing Form N-PORT reports within 30 days of month end, as well as the increased risk of errors, we considered the effects of additional filing time on the utility of the reported information for the Commission and staff. As the Commission recognized in 2024, less timely data reduces the utility of the information for the Commission. At the same time, data quality issues, such as errors in the reported information, can also affect the utility of the data. Overall, we anticipate that providing registered funds with 15 additional days to file monthly reports would not have a significant negative effect on the utility of the information, and the potential increase in data accuracy and reliability could provide benefits to the Commission.

Specifically, providing an additional 15 days for filing monthly Form N-PORT reports would likely not have a significant effect on many of the Commission's uses of the data, such as for monitoring and for risk and trend analysis, and the anticipated improvement in data quality would be a net benefit for these purposes. While the less timely data would in some cases reduce the utility of Form N-PORT information when market events occur, the monthly filing cadence would result in the Commission still having access to relatively recent data from registered funds' most recently filed reports.²¹ Under the proposal, Form N-PORT information the Commission receives would be stale by about a month and a half, while the 2024 amendments would

²⁰ In 2016, when the Commission first adopted a requirement to file Form N-PORT reports within 30 days of month end, the Commission suggested that lag times of more than 30 days would make monthly reporting impractical, as reports would overlap with preparation time. See Investment Company Reporting Modernization, Investment Company Act Release No. 32314 (Oct. 13, 2016) [81 FR 81870 (Nov. 18, 2016)] ("Reporting Modernization Adopting Release"), at nn.462–464 and accompanying text. Commenters on the 2024 rulemaking did not raise this overlap as a concern, although we understand that registered funds and their service providers would be the ones to bear this type of effect most directly. Given that the directly affected parties have not raised the overlap as a concern, we do not at this time view the overlap as a compelling reason to require reports to be filed within 30 days of month end.

²¹ For example, if a market event occurred at the end of Dec., a 30-day filing timeline would result in the Commission receiving information for the month of Nov. around the time of the market event, while a 45-day filing timeline would result in the Commission needing to use information for the month of Oct. In contrast, if a market event occurred in mid-Dec., the 30-day filing timeline and 45-day filing timeline would both result in the Commission needing to use information as of the month of Oct. to help assess the effects of the event.

¹⁷ See 2024 Adopting Release, *supra* note 1, at paragraph accompanying n.75.

¹⁸ See *id.* at paragraph accompanying n.60.

¹⁹ See *id.* at paragraph accompanying n.61.

result in information that is stale by about a month, and the prior quarterly filing requirement resulted in information that is stale by up to five months. As a result, although providing registered funds with additional time to file Form N–PORT reports would reduce the utility of the information for the Commission, the effect of the additional 15 days to file Form N–PORT on the utility of the information is generally small and justified by the reduced burden on these funds and the anticipated improvement in data quality.

We considered providing more time to file than we are proposing, such as 60 days after month end, or requiring monthly reports on a quarterly filing cadence (e.g., with reports for each month in a fiscal quarter due 45 or 60 days after quarter end). A longer filing timeframe would reduce the utility of the information for staff oversight and analysis, and the associated benefits of such activity for investors, because the reported information is increasingly less likely to reflect reasonably current portfolio holding-related information as the filing deadline moves further away from the end of the month to which the information relates. While we recognize that there may be certain efficiencies for registered funds and vendors associated with a quarterly filing cadence, as discussed in the 2024 Adopting Release, this approach results in the Commission receiving data that is multiple months old and, in past experience, has limited the Commission's ability to develop a timely and more complete understanding of the market, thereby impeding its ability to respond to market stresses and events as they are developing. In addition, it is unclear that extending the filing timeframe beyond 45 days after month end would significantly reduce the risk of errors in reported information, as registered funds already have infrastructure for collecting the required information within 30 days after month end. Furthermore, in light of the other proposed amendments to the form, we anticipate a reduction in reporting burden for most registered funds, which could potentially reduce the need for additional time to file Form N–PORT reports.

We request comment on the proposed changes to the timing and frequency with which registered funds would be required to file reports on Form N–PORT, including:

1. As proposed, should we extend the deadline for filing reports on Form N–PORT from 30 days to 45 days after the end of the month? Should we instead retain the 30-day filing deadline?

Should we instead use a different deadline, such as 35 or 60 days after the end of the reporting month? How would a different deadline affect burdens for registered funds and data quality?

2. To what extent would the additional 15 days to file Form N–PORT, relative to the 2024 amendments, reduce burdens for registered funds? Would the additional 15 days to file reduce costs associated with implementation compared to a 30-day filing deadline, and, if so, to what extent? Would the additional 15 days to file reduce the potential for errors in the reports compared to a 30-day filing deadline, and, if so, to what extent? Would the additional 15 days to file reduce strains on reporting teams that prepare, review, and file Form N–PORT reports and that are also involved with other required filings and reduce the need for registered fund advisers or administrators to hire additional personnel, and, if so, to what extent?

3. Would a 45-day filing deadline affect registered funds that use vendors to prepare or file Form N–PORT reports differently than funds that do not use vendors, and, if so, in what ways? For funds that use vendors, would a 45-day filing deadline provide sufficient time for coordination between funds and vendors?

4. Are there certain periods of a year where 45 days after month end would not provide sufficient time for filing Form N–PORT reports? For example, should we provide additional time beyond the proposed 45-day deadline to file Form N–PORT reports for months that correspond to the end of the registered fund's fiscal year or fiscal half-year, in order to provide more time during periods that funds are preparing annual and semiannual reports? If so, how much time (e.g., 60 days)? How much additional burden would a 45-day deadline impose on registered funds during those times relative to other times of the year? Are there other ways to reduce burden during those times? Should we provide more time to file Form N–PORT reports for months that relate to fiscal quarter ends more generally? Are there ways to limit the impact on the Commission's use of Form N–PORT information if we were to provide additional time to file for particular months?

5. Would a 45-day filing timeline create new or different burdens for registered funds and service providers, relative to a 30-day filing timeline, that we should consider? For example, would there be additional burdens associated with overlaps in report preparation time (i.e., with a 45-day deadline, the report for Month 1 is not

due until approximately 15 days after the fund begins to prepare the report for Month 2)?

6. What are the costs and benefits of a monthly filing frequency for smaller registered funds? For example, do smaller funds have a high administrative or operational cost in preparing these reports disproportionate to their other expenses? Would monthly filing of portfolio holdings significantly affect how and whether smaller funds can do business?

7. Should certain types of registered funds, such as closed-end funds or smaller funds, have a different amount of time to file Form N–PORT reports or be permitted to file on a different frequency? If so, what types of funds should be subject to different requirements and what would those requirements be (e.g., filing within 30 or 60 days of month end, or filing within 30, 45, or 60 days of quarter end)? How would those certain types of funds benefit from different requirements? What types of different challenges do these funds face, and would different requirements reduce those challenges, costs, and burdens? Are there ways to limit the impact on the Commission's use of Form N–PORT information if we were to provide a different reporting timeline or frequency for certain registered funds?

8. Is there any specific information that registered funds should have additional time to file, such as through an exhibit or attachment to the original filing or a separate filing type? If so, what information, and how much time do funds need to compile and verify that information? Is there specific information that registered funds could file with a high level of accuracy under the current timeline of 30 days after month end? Would it be challenging or burdensome for registered funds to file information at different intervals?

9. Should we, as proposed, require registered funds to file reports on Form N–PORT on a monthly basis? Should we instead revert to requiring funds to file monthly reports on a quarterly basis like the previous requirements, or require funds to file reports on a different frequency altogether? If we require funds to file monthly reports on a quarterly basis, when should reports be due (e.g., 45 or 60 days after quarter end)?

10. Are there other effects of providing an additional 15 days to file Form N–PORT, relative to the 2024 amendments, on registered funds, service providers, investors, the Commission, or others that we should take into account?

11. Should we require registered funds to make records of Form N-PORT information within 30 days of month end, as was required prior to the 2024 amendments? What would be the effects of providing funds with 45 days to file Form N-PORT reports without the historical requirement to make records of Form N-PORT information within 30 days of month end? Would this effectively result in funds having additional time to gather and verify the accuracy of information compared to the 30-day recordkeeping requirement? If so, are there certain types of information for which the additional time to gather and verify would be particularly helpful? Alternatively, would a 45-day filing deadline have limited, or no, effect on the timeline for gathering and verifying the accuracy of information because of the time needed for filing-related tasks or for other reasons? Are there benefits to a 30-day recordkeeping requirement that we should account for in our analysis? Would those benefits support adopting a 30-day recordkeeping requirement, or a requirement to maintain records within a different timeframe, as part of this rulemaking?

12. Are there feasible alternatives to the proposed requirement to file monthly reports within 45 days of month end that would minimize reporting burdens on registered funds while maintaining the utility of the information reported to the Commission? Does the proposal appropriately balance the utility of the information to the Commission in relation to the costs to registered funds and their affiliated persons of providing the information?²² Does publication frequency or any other aspect of the proposal affect the analysis of these questions?

B. Publication Frequency

Upon further review of the publication frequency of Form N-PORT, we are proposing to require public disclosure of registered funds' portfolio holdings for the third month of each fiscal quarter with a 60-day delay instead of requiring public disclosure of report information for every month with a 60-day delay after the end of the relevant month.²³ This proposal mirrors

the publication frequency of portfolio holdings that had been in place since 2004.²⁴ As part of this review, we considered issues raised by commenters in connection with the 2024 amendments, statements of the petitioner in a challenge of certain of the 2024 amendments in the Fifth Circuit, and information provided by market participants following the adoption.²⁵

The review suggests that the potential effects of more frequent publication of a registered fund's portfolio holdings could be more significant for some funds than the Commission previously appreciated.²⁶ Those effects include additional costs that an increased publication frequency could impose on some registered funds, especially with the use of advancing technology, with a magnified effect on certain types of funds, such as those with actively managed strategies. While commenters raised these concerns in connection with the 2024 amendments, they have also been raised in post-adoption communications.

Specifically, external parties may use information about a registered fund's portfolio holdings to trade in a way that harms the fund.²⁷ While this risk exists with any information about a fund's portfolio holdings, more frequent publication of portfolio holdings may increase the risk. External parties may obtain at no cost the benefits of the investment research and analysis that went into developing the fund's investment strategies. For example, external parties may exploit a fund's portfolio holdings information to reverse engineer and copy the strategy, often called "free riding." External parties may also "front run" a fund by using a fund's portfolio holdings information to identify positions that the fund may be acquiring or disposing

of and trade ahead of the fund. In combination with fund flow information, external parties may use portfolio holdings information to front run the sales of funds that experience large outflows and purchases of funds with large inflows. These activities may lead to more (or less) demand for an investment, which could drive up the price of trading, inhibit the investment adviser's ability to achieve the fund's investment strategies, and harm fund performance. These risks may affect registered funds differently depending on various factors, such as the quality and age of the data and characteristics of the fund (e.g., its investment strategy and amount of portfolio turnover).

Registered funds and, indirectly, their shareholders pay investment advisers management fees to perform important research and analytical functions, construct funds' investment strategies, and manage funds' portfolios. Free riding and front running are ways that external parties may take advantage of that work without compensating investment advisers. As a result, investment advisers may be less willing to devote resources to research and analysis, which may reduce their effectiveness and information production, potentially reducing price efficiency.²⁸

These risks increase for many actively managed registered funds as technology, such as artificial intelligence, evolves, becomes cheaper, and usage increases. For example, an external party may use technology tools to aggregate large amounts of data to predict not-yet-completed or future portfolio management decisions to free ride on the investment adviser's work or front run the fund.²⁹ Artificial intelligence continues to evolve rapidly and is just one example of rapidly advancing developments that may increase the risk of external parties using information about a registered fund's portfolio holdings to trade in a way that harms the fund. The proposed amendments would require four publications of portfolio holdings per year, instead of the monthly publication frequency required by the 2024 amendments that would result in 12 publications per year. Along with advances in technology, the 2024 amendments' quadrupling of the amount of available data also could increase the risk that a

²⁴ See, e.g., Reporting Modernization Adopting Release, *supra* note 20 (adopting new Form N-PORT to require certain registered investment companies to report information about their monthly portfolio holdings and rescinding Form N-Q); Shareholder Reports And Quarterly Portfolio Disclosure Release, *supra* note 2 (adopting Form N-Q and requiring quarterly portfolio holdings disclosure).

²⁵ See, e.g., 2024 Adopting Release, *supra* note 1, at section II.A.2; *Registered Funds Association v. SEC*, No. 24-60550 (5th Cir. 2024); ICI Letter (suggesting that the Commission should revert to quarterly publication of Form N-PORT reports and extend the reporting timeframe to at least 45 days after month end).

²⁶ The discussion in this section of the release does not relate to ETFs that are required to disclose their portfolio holdings on a daily basis under 17 CFR 270.6c-11 (rule 6c-11), as changes to Form N-PORT do not affect the frequency at which these funds' portfolio holdings are made public. See 17 CFR 270.6c-11(c)(1)(i) and (c)(2).

²⁷ Commenters and other parties have at times referred to these activities as "predatory trading."

²⁸ See *infra* sections III.D.1 and III.D.3.

²⁹ See ICI Letter (noting the risks of evolving technologies and artificial intelligence to allow predatory traders to accurately analyze and anticipate a registered fund's next investment transaction or mimic its investment strategy, which may affect almost every type of actively managed fund).

²² See section 30(c)(2) of the Investment Company Act [15 U.S.C. 80a-29(c)(2)] (providing that, if the Commission requires information to be filed more frequently than annually under section 30 of the Investment Company Act, it shall consider and seek public comment on: (1) feasible alternatives that minimize reporting burdens, and (2) the utility of the information to the Commission in relation to associated costs).

²³ See 2024 Adopting Release, *supra* note 1, at section II.A.2.

fund's proprietary investment strategy or trading intentions are inferred by external parties.

Registered funds vary in how often they voluntarily publish their portfolio holdings depending on their sensitivity to transparency and their investment objectives and strategies.³⁰ While some registered funds frequently release complete portfolio holdings information on their websites and to data aggregators, others make more limited portfolio holdings public, such as a list of 10 largest holdings, and still others do not provide any voluntary portfolio holdings information at all. Registered funds may choose to disclose only the required portfolio holdings information because additional data may reveal confidences about their investment strategies and increase the risk of free riding or front running. For example, certain actively managed, fixed income, less liquid, or concentrated investment strategies may require some time to build or dispose of portfolio holdings or to find buyers or sellers at the desired target price. This increases the risks of other parties trading ahead of the fund before the fund has finished building or disposing of a position.

Under the 2024 amendments, information reported for each month will be made public 60 days after month end. This delay will mitigate some of the risks of more frequent disclosure of registered funds' portfolio holdings, such as the risks of front running, because a fund will be able to build or dispose of a position before a report is made public. However, certain investment strategies (such as those that are concentrated and with significant positions) may, at times, need more than 60 days to build or dispose of a position. In addition, the 60-day delay may not effectively address the risk that publishing a registered fund's portfolio 12 times a year will contribute to free riding, particularly as technology continues to advance.

We recognize there are benefits of publishing a registered fund's portfolio holdings on Form N-PORT more frequently than the quarterly publication requirement. The Commission considered these benefits in the 2024 amendments.³¹ For example, such transparency allows investors to review and monitor information about registered fund portfolio holdings on an ongoing basis

and may help better inform their investment decisions. It also allows other market participants, such as data aggregators and investment advisers, to better advise investors and help manage their investment portfolios. More frequent publication of portfolio holdings information also helps reduce the imbalance of information between different types of investors and market participants, some of whom may have access to portfolio holdings information before a quarterly Form N-PORT publication.³² While these are some ways that additional transparency could benefit investors, the Commission received limited feedback in connection with the 2024 amendments about whether investors or others would use additional Form N-PORT information in these ways.³³

We have considered available information, including the costs and benefits of publication frequency of portfolio holdings, and are proposing to require public disclosure of registered funds' portfolio holdings only for the third month of each fiscal quarter with a 60-day delay.³⁴ This would maintain the quarterly publication frequency of portfolio holdings disclosure that had been in place for more than twenty years prior to the 2024 amendments and means that a registered fund would have up to five months to build or shrink its positions before its portfolio holdings are made public.³⁵ A quarterly frequency would reduce costs,

³² Exhibits required under Part F of Form N-PORT present portfolio holding information in a Regulation S-X compliant format that is consistent with how registered funds have historically presented this information in annual and semi-annual reports. Under the proposal, registered funds would continue to file this information for their first and third fiscal quarters, no later than 60 days after the end of the quarter. If the proposed requirement for registered funds to file monthly reports within 45 days of month end is adopted, we anticipate providing a separate submission type on EDGAR for funds to file Part F exhibits within 60 days of the end of a fund's first and third fiscal quarters. This would result in separate submission types for the monthly reports due within 45 days of month end and the Part F exhibits due within 60 days of first and third-quarter end. Historically, registered funds have filed Part F exhibits in connection with publicly available Form N-PORT filings because, prior to the 2024 amendments, Part F exhibits were due at the same time as those Form N-PORT filings.

³³ See 2024 Adopting Release, *supra* note 1, at paragraph accompanying n.85 (discussing comment letters that supported publishing Form N-PORT reports more frequently than quarterly).

³⁴ Certain of the reported information, such as information about liquidity, use of derivatives, and miscellaneous securities, would remain confidential for all months of a quarter. See General Instruction F of Form N-PORT. This aspect of the form is unchanged in this proposal.

³⁵ For example, if a registered fund's fiscal quarter ends on Mar. 31, an investment made on Jan. 1 would not need to be disclosed until May 30, or 60 days after Mar. 31.

including risks that an external party can infer a fund's proprietary investment strategy or trading intentions, as compared to monthly public reporting. Importantly, as public information of portfolio holdings has generally increased, these proposed amendments are not intended to inhibit registered funds from publishing their portfolio holdings more frequently than quarterly on their websites or through data aggregators. The proposal takes into account our review and rebalancing of the benefits of information available for investors with the potential harms caused by more frequent publication of portfolio holdings, such as free riding or front running.³⁶

We request comment on the proposed amendments to the publication frequency of portfolio holdings on Form N-PORT, including:

13. How often should portfolio holding information be disclosed publicly? Should we, as proposed, require registered funds to publish their portfolio holdings quarterly? Should the publication frequency be shortened or lengthened, for example, to monthly or semi-annually? What are the costs and benefits of each publication frequency? Do retail investors find publication of this information helpful and/or useful? If publication of this information is used primarily by institutional investors and data aggregators, should we require this information to be continued to be made public?

14. What would be the costs and consequences of quarterly publication of portfolio holdings, based on experience with the historic quarterly frequency? Please provide concrete examples and data. For example, does the historic quarterly publication frequency lead to free riding, front running, or other actions by external parties that harm registered funds, and, if so, how, to what extent, and for which kinds of funds? Would these actions by external parties affect fund performance, and, if so, how? Would these actions reduce research and resources spent on research, and, if so, by how much?

³⁶ Section 45(a) of the Act requires information in reports filed with the Commission pursuant to the Act to be made public unless we find that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. For the reasons discussed above, we would view that keeping the data for the first and second months of a registered fund's fiscal quarter confidential, and the data for the third quarter confidential until the expiration of the 60-day period provided by the proposal, as necessary or appropriate in the public interest or for the protection of investors.

³⁰ See 2024 Adopting Release, *supra* note 1, at n.230 (discussing a paper estimating that, at year-end 2019, approximately 56% of U.S. equity mutual funds' portfolio disclosures were voluntary monthly disclosures).

³¹ See 2024 Adopting Release, *supra* note 1, at n.103 and accompanying text.

15. What would be the costs and consequences of more frequent than quarterly publication of portfolio holdings? Please provide concrete examples and data. For example, would more frequent publication increase free riding, front running, or other actions by external parties that harm registered funds, and, if so, how? Would these actions by external parties affect fund performance, and, if so, how, to what extent, and for which kinds of funds? Would these actions reduce research and resources spent on research, and if so, by how much? Are there administrative, operational, or other costs of more frequent publication of portfolio holdings. And if so, what are they? Would some registered funds change their investment strategies and other business practices, and, if so, what would the changes be? How many, and what kinds of, funds would be affected, and what would the effects be? Please provide concrete examples and data.

16. What are the benefits of more frequent publication of portfolio holdings than a quarterly frequency? Please provide concrete examples and data. For example, how do investors, other market participants, such as data aggregators and financial intermediaries, and the broader market use or plan to use portfolio holdings information? How do they use portfolio holdings information to inform their investment decisions or perform other tasks? How does standardized information in a central location, as opposed to individual websites, benefit investors and other market participants? Do registered funds voluntarily publish data about their portfolios to compete for investors? How does the publication of portfolio holdings information improve market efficiency?

17. Should we publish monthly portfolio holding information on Form N-PORT, but with a longer delay than provided in the 2024 amendments? For example, should monthly reports be made public 90 days after the end of the reporting period? Should monthly reports for each month in a fiscal quarter be made public at the same time, such as 60 or 90 days after the end of the fiscal quarter? Would delaying publication of monthly reports reduce the risks of free riding, front running, or similar actions relative to the 2024 amendments? Would this type of delayed dissemination of monthly information benefit investors?

18. How have market participants used technology, including artificial intelligence, in connection with portfolio holdings information? Is the

information used in ways that increase free riding, front running, or similar actions and adversely affect registered funds and their shareholders? If so, who has used the information, and in what ways, and how has this use affected funds and shareholders? Please provide concrete examples of which kinds of funds have been affected and what the effects have been, and any related data. Is this usage expected to increase or change in the future, and if so, in what ways, and how much? How would more or less frequent disclosure of registered funds' portfolio holdings information affect these uses? Conversely, is the information used in ways that improve investor choice, information, and experience or otherwise benefit investors?

19. What types of registered funds are more adversely affected by more frequent publication of portfolio holdings? How are they affected? Should certain funds, for example, smaller or actively managed funds, or closed-end funds or non-diversified funds, be exempt or have different treatment in publication of portfolio holdings? What type of exemption or changes would suffice, for example, longer confidential treatment? If so, for what longer period should information remain confidential? Would investors and market participants suffer harm from or disadvantages from a longer period, and if so, how? For registered funds that are less likely to be adversely affected, should the Commission retain the monthly publication timing adopted in 2024?

20. Should publication be required on calendar quarter-end instead of fiscal quarter-end? What are the costs and benefits of moving to a calendar quarter-based publication frequency? For registered funds with fiscal year ends that do not match a calendar quarter, how could requirements for the publication of portfolio holdings be changed to minimize additional publications as the result of annual and semi-annual shareholder reports?

21. How long should the period for publication delay be? Should the delay be shortened or lengthened, for example, to 45, 75, or 90 days? What are the costs and benefits of a 60-day or other period of delay? Please provide concrete examples and data. For example, how does the current 60-day delay affect the risks of free riding, front running, or similar actions? How would a shortened or lengthened timeframe affect these risks? What other effects would a different timeframe have on fund performance?

22. Are there other amendments to Form N-PORT that would reduce compliance burdens and the risks of disclosing portfolio holdings? For example, should the percentage of assets allowed to be reported non-publicly on Form N-PORT as miscellaneous securities (Part D) be lower or higher than the current 5% limit, for example, 3%, 8%, or 10%? What would the costs and benefits be of amending this or any other reporting requirement?

23. Do investors or others use the presentation of portfolio holdings that registered funds provide under Part F of Form N-PORT for their first and third fiscal quarters? Are there ways we could make the Part F information more user-friendly or less costly for funds to prepare?³⁷ For example, are there other ways to disclose the portfolio information in Part F that would facilitate the use of artificial intelligence or other tools to analyze the portfolio holdings information, and if so, how? As another example, should we require only certain holdings but not the complete portfolio holdings, and, if so, which holdings? For instance, should we require presentation of a certain number of the largest issues (e.g., 10, 25, or 50) and any other issues that exceed a particular percentage of the registered fund's net asset value (e.g., 1% or 5%)? Should we require each registered fund to provide a graphical representation of holdings for reports covering the end of the first and third quarters of the fund's fiscal year, similar to the graphical representations of holdings provided in funds' annual and semiannual shareholder reports?³⁸ Is there other information that would be helpful to investors in a more user-friendly presentation for these quarter ends, such as a registered fund's net assets, total number of portfolio holdings, or other fund statistics?³⁹ Are there other tools that would be helpful to investors in understanding and analyzing a fund's portfolio holdings, for example,

³⁷ See 2024 Adopting Release, *supra* note 1, at section II.A.3 (discussing comments on the burdens of providing a Regulation S-X compliant presentation of portfolio holdings more frequently than Form N-PORT requires).

³⁸ See, e.g., Item 27A(f) of Form N-1A (requiring a graphical representation of holdings in annual and semiannual shareholder reports of funds that register on Form N-1A).

³⁹ See, e.g., Item 27A(e) of Form N-1A (requiring funds that register on Form N-1A to provide certain fund statistics in their annual and semiannual shareholder reports, and allowing these funds to provide additional statistics that the fund believes would help shareholders better understand the fund's activities and operations, such as tracking error, maturity, duration, average credit quality, or yield).

artificial intelligence tools on registered funds' websites, that would decrease the need for Part F? If so, what kinds of tools would serve this purpose, and which information could be removed from Part F? If the information that registered funds currently provide under Part F is not typically useful to investors or others, should we remove Part F from Form N-PORT? Certain Commission rules reflect that, due to Part F requirements, registered funds prepare schedules of their complete portfolio holdings for the close of their first and third fiscal quarters in a Regulation S-X compliant format.⁴⁰ If we amend or remove Part F of Form N-PORT, should we likewise amend or

remove associated requirements from these other rules?

C. Other Proposed Amendments to Form N-PORT

In addition to the proposed amendments to provide registered funds with fifteen additional days to file monthly reports and to revert to the quarterly publication frequency, we are proposing amendments to Form N-PORT to refine the information funds provide while maintaining the usability and reliability of Form N-PORT data. Specifically, we are proposing to modify certain information collected on portfolio level risk metrics and returns to narrow their scope, and proposing to eliminate certain information collected

on registered funds' compliance with names-related regulatory requirements, payoff profiles of non-derivatives instruments, convertible bonds, and the reason a single holding has multiple liquidity classifications. We are also proposing to modify how funds with ETF share classes report net assets and shareholder flows to require separate information for ETF share classes. Additionally, we are proposing to require registered funds to provide certain additional identifying information, such as ticker symbols and certain class-level information, as applicable. The key aspects of the proposed amendments are described in Table 2 below and discussed in more detail throughout this section.

TABLE 2—COMPARISON OF CURRENT AND PROPOSED REQUIREMENTS

	Current requirement	Proposed requirement
Portfolio Level Risk Metrics		
Scope of registered funds that must report	The average value of the fund's debt securities positions for the previous 3 months, in the aggregate, exceeds 25% of the fund's net asset value.	The average value of the fund's debt securities positions for the previous 3 months, in the aggregate, exceeds 50% of the fund's net asset value.
Interest rate risk metrics	Report both DV01 and DV100	Report DV100 only.
	Report DV100 separately for each currency for which the fund had a value of 1% or more of the fund's net value.	Report DV100 aggregated across all currencies for which the fund had a value of 1% or more of the fund's net asset value.
Credit spread risk metrics	Report separately for investment grade and non-investment grade exposures.	Aggregate investment grade and non-investment grade exposures.
Return Information		
Reporting by multiple class funds	Report separately for each class	Report for a single representative class.
Calculating returns	Calculate in accordance with methodologies outlined in applicable registration form.	Calculate in accordance with methodologies outlined in applicable registration form, except do not deduct sales loads and redemption fees.
Reporting net realized gain (loss) and net change in unrealized appreciation (depreciation) attributable to derivatives.	Report separately by asset category and, within each asset category, further report by type of derivative instrument.	Report separately by asset category only.
Period of return information covered in each report (same change also made for flow information).	One month	Each of the preceding three months, in light of the proposed quarterly publication frequency.
Items for Elimination		
Names rule information	(1) Definitions of the terms used in a registered fund's name; (2) The value of the fund's 80% basket, as a percentage of the value of the fund's assets; ¹ and (3) Whether each investment in the fund's portfolio is in the fund's 80% basket.	None.
Payoff profile for non-derivatives	Indicate payoff profile among the following categories (long, short, N/A).	None.
Convertible securities information	Report conversion ratio and delta (if applicable)	None.
Multiple liquidity classifications	If attributing multiple liquidity classifications to a single holding, indicate which of three possible circumstances is applicable.	None.
ETF Share Class Reporting		
Separate information reported for ETF share classes	None	Report net assets and flow information separately for the ETF share class, as well as the class's ticker.

⁴⁰ See, e.g., 17 CFR 270.30e-1(b)(2)(ii) (requiring, among other things, that an open-end fund registered on Form N-1A (other than a money market fund) make available on its website the fund's complete portfolio holdings as of the close of the most recent first and third fiscal quarters,

presented in accordance with Regulation S-X); 17 CFR 270.30e-3(b)(1)(iv) (permitting a management company registered on Forms N-2 or N-3 to send a notice of website availability of a fund's shareholder reports to satisfy shareholder report transmittal requirements if certain conditions are

met, including website availability of the fund's complete portfolio holdings as of the close of the most recent first and third fiscal quarters, presented in accordance with Regulation S-X).

TABLE 2—COMPARISON OF CURRENT AND PROPOSED REQUIREMENTS—Continued

	Current requirement	Proposed requirement
Identifying Information		
Provide ticker and certain class-level information, as applicable.	Registered funds report <i>class identification numbers</i> in connection with reporting class-level returns ² .	Report <i>ticker symbol</i> by registrant, and for each class of a registrant or series, as applicable, as well as <i>class names and class identification numbers</i> .

Notes:

¹ The names rule requires certain funds to adopt a policy to invest at least 80% of the value of their assets in accordance with the investment focus that a fund's name suggests. In 2023, the Commission adopted amendments to broaden the scope of this requirement and to define "80% basket" generally as investments that are invested in accordance with the investment focus that a fund's name suggests ("names rule amendments"). See rule 35d-1(g) under the Act.

² The proposed amendments would change this reporting and only require returns for a single representative class on Form N-PORT.

Portfolio Level Risk Metrics

Registered funds that invest certain amounts of their portfolios in debt instruments, or derivatives that provide exposure to debt instruments, currently are required to report specific portfolio level risk metrics on Form N-PORT.⁴¹ The reported risk metrics are intended to provide the Commission staff, investors, and other potential users with measures that can help them analyze how portfolio values might change in response to changes in interest rates or credit spreads.⁴² We are proposing to raise the threshold for determining which registered funds are required to report portfolio level risk metrics and to streamline the metrics they are required to report.⁴³ Based on our experience using Form N-PORT data, as discussed below, the proposed changes would not significantly affect the utility of the reported information about portfolio level risk metrics but would reduce burdens for funds.

Registered funds are currently required to provide portfolio level risk metrics if the average value of the fund's debt securities positions for the previous three months, in the aggregate, exceeds 25% of the fund's net asset value. We are proposing to increase this reporting threshold from 25% to 50%. Registered funds that fall below the proposed threshold would no longer be required to provide information on portfolio level risk metrics. The proposed change to the threshold is designed to focus the risk metrics reporting requirement on funds with more significant exposure to debt securities to better balance the benefits and costs of the reporting. Registered funds that invest more than 50% of their net assets in debt securities, averaged over a three-month period, are more significantly exposed to changes in interest rates or credit spreads and associated changes in the funds' portfolio values, in comparison to

registered funds that invest at the 25% threshold. Setting the threshold at the higher 50% level would provide Commission staff, investors, and other potential users with more focused measures to help them analyze how portfolio values might change in response to changes in interest rates or credit spreads for registered funds that invest significantly in debt instruments, or in derivatives that provide exposure to debt instruments.

We also propose to eliminate one risk metric and simplify the reporting of the other required risk metrics. Currently, registered funds are required to report two interest rate risk metrics, DV01 and DV100. DV01 reflects the change in value of a fund's portfolio resulting from a 1 basis point change in interest rates, while DV100 reflects the change in value from a 100 basis point change in interest rates. The Commission previously determined to require registered funds to report both measures because, combined, they show how a fund's exposure changes with different changes in interest rates and thus provide information about convexity.⁴⁴

Based on staff experience using Form N-PORT information, and given that our receipt of Form N-PORT information is delayed, we propose to eliminate the DV01 metric, which is typically used as a daily risk measure. Registered funds currently are required to report this metric for each currency for which the fund had a value of 1% or more of its net assets and report the metric across multiple maturities. In our experience, the DV100 metric that registered funds report has been more useful in monitoring funds' exposures to interest rate risk over time. DV100 is among the most common measures of interest rate sensitivity, allows the staff to capture larger changes to interest rates (and corresponding "shocks" to

the markets), and provides useful information about non-parallel shifts in the yield curve as compared to smaller measures like DV01. In addition, DV100 on its own provides some information about convexity because it measures larger changes in interest rates, and it can be combined with other information that registered funds report (such as the prevalence of holdings in certain instrument types, like zero coupon bonds and mortgage-backed securities) to monitor convexity.

We also propose to simplify the reporting of the DV100 metric by requiring registered funds to report the aggregate change in the value of the portfolio from a 100 basis point change in interest rates across all applicable currencies (*i.e.*, those that are 1% or more of the fund's net asset value), rather than providing separate changes in value for each of those currencies. The Commission required DV100 for each applicable currency to help understand interest risk for registered funds with significant currency risk.⁴⁵ Based on our experience, we can use other information reported on the form, such as the currency denomination of each portfolio holding, to help assess significant currency risk in conjunction with the aggregate DV100 information that funds would report under the proposal.⁴⁶

In addition, we propose to streamline the information reported on credit spread risk by no longer requiring registered funds to report credit spread risk metrics separately for investment grade and non-investment grade exposures. The Commission required separate reporting for investment grade and non-investment grade debt because credit spreads for investment grade and non-investment grade debt do not always shift in parallel or lock step,

⁴⁴ See Reporting Modernization Adopting Release, *supra* note 20, at paragraph accompanying n.155. The Commission also discussed that some filers may not calculate convexity internally, so requiring the two interest rate metrics was designed to mitigate the increase in reporting costs that would be associated with requiring registered funds to separately report a measurement of convexity.

⁴⁵ See Reporting Modernization Adopting Release, *supra* note 20, at paragraph accompanying n.148.

⁴⁶ See Item C.2 of current Form N-PORT (requiring registered funds to report the currency in which each investment is denominated).

⁴¹ See Item B.3 of current Form N-PORT.

⁴² See Reporting Modernization Adopting Release, *supra* note 20, at section II.A.2.c.

⁴³ See Item B.3 of proposed Form N-PORT.

particularly in times of stress.⁴⁷ Based on our experience, we can use information we separately receive on Form N–PORT about debt securities’ coupons as a proxy for a registered fund’s relative exposures to investment grade and non-investment grade debt, as these different categories of debt generally have different coupon levels to account for their differing levels of risk. This information, combined with aggregated credit spread metrics under the proposal, would continue to provide information about credit spreads, and the risk associated with credit spreads.

We are also proposing to require information about portfolio risk metrics to be reported in U.S. dollars for consistency in reporting. Consistent reporting, in turn, makes the information more useable and facilitates comparisons across registered funds. The proposed instruction is consistent with many registered funds’ current practices and aligns with how funds report changes in the value of the portfolio elsewhere in the form. Additionally, we understand that the proposed instruction is consistent with a common interpretation of DV100, with “DV” being an abbreviation for “dollar value.” When a registered fund reports portfolio level risk metrics in currencies other than U.S. dollars—particularly when the exchange rate between a given currency and U.S. dollars is significantly different from an exchange rate of 1.00—the fund’s risk metric values are more likely to be outside the range of typical risk metric values reported in U.S. dollars by similar funds, which has the potential to cause investor confusion and has negatively affected staff use of the reported information.

The proposed amendments to risk metric reporting would, to a certain degree, reduce information for understanding and monitoring registered funds’ exposures to changes in interest rates and credit spreads across the yield curve. In particular, there would be less information about these exposures for registered funds with marginal or temporary exposure to debt securities, and somewhat less granular risk metric information for funds with more significant exposures to debt securities. However, the proposed changes would not significantly affect how the Commission uses Form N–PORT data, and the public would continue to have access to information about registered funds’ significant interest rate and credit spread risks from the form. On balance,

the proposed amendments to portfolio level risk metrics would simplify registered fund reporting and reduce burdens while maintaining useability and reliability of Form N–PORT data.

Return Information

Currently, registered funds are required to report monthly total returns and, if the fund has multiple classes, to report returns for each class.⁴⁸ For purposes of Form N–PORT, registered funds calculate returns using the same standardized formulas required for fund prospectuses and sales materials. The return information reported on Form N–PORT is intended to facilitate comparisons across registered funds and to help identify performance that appears inconsistent with a fund’s strategy or other benchmarks as a basis for further inquiry and monitoring.⁴⁹

We are proposing to simplify reporting by multiple class funds and to provide more specific instructions for calculating returns.⁵⁰ We are also proposing to streamline information registered funds currently must report about gains (losses) or appreciation (depreciation) attributable to derivatives. Finally, in connection with revisiting the 2024 amendments and proposing to return to a quarterly publication frequency, we are proposing to require registered funds to report return and flow information for the three preceding months in a single report as was the requirement before the 2024 amendments to provide investors access to monthly data for a given quarter. (This requirement was removed as a part of the 2024 amendments because the amendments to the publication frequency gave investors access to monthly Form N–PORT reports.)

Currently, multiple class funds are required to report monthly total returns and related identifying information for each class of the fund. We propose to require that multiple class funds report information for a single representative class rather than return information for each class within a fund. Under the proposal, the representative class would be selected in the same manner that Form N–1A registrants use to determine which class’s annual total returns to disclose in fund prospectuses. Using this approach, a registered fund can select which class to use as its representative class (e.g., the oldest class, the class with the greatest net assets), except the fund must: (1) select

the class with 10 or more years of annual returns if other classes have fewer than 10 years of annual returns; and (2) select the class with the longest period of annual returns when the classes all have fewer than 10 years of returns.⁵¹ Based on our experience with the data, having return information for a single representative class of a multiple class fund should be sufficient for purposes of comparing registered funds and identifying performance that appears inconsistent with a fund strategy or other benchmarks, as returns across classes of a multiple class fund are generally consistent except for the effects of certain class-specific fees and expenses, and as discussed below, we are specifying that certain of these differences should not be accounted for in monthly returns reported on Form N–PORT. Moreover, certain performance information for all classes would remain available in fund prospectuses for an investor making an investment decision about the appropriate class in which to invest.

We are also proposing to specify that registered funds should not deduct sales loads and redemption fees charged to shareholder accounts when calculating monthly returns.⁵² This approach is consistent with many funds’ current practices and consistent with prior staff guidance.⁵³ Currently, total returns are to be reported in accordance with the methodologies outlined in applicable registration forms. The methodologies in Forms N–1A and N–3 require that sales loads and redemption fees charged to all shareholder accounts be deducted when calculating returns. The performance disclosures that Forms N–1A and N–3 require show the effects of these loads and fees for non-cumulative periods of one, five, and ten-years, while the information Form N–PORT provides is monthly. Deducting sales loads and redemption fees for each month over an indefinite number of reports could give investors the impression that these are ongoing fees and overstate their effect on performance. As a result, we are proposing to require that registered funds not deduct sales loads and redemption fees from the returns reported on Form N–PORT to provide for consistency across registered fund reporting and to avoid overstating the

⁵¹ See Instruction 3(a) to Item 4(b)(2) of Form N–1A.

⁵² See Item B.5 of proposed Form N–PORT.

⁵³ See Investment Company Reporting Modernization Frequently Asked Questions (Apr. 21, 2021) available at <https://www.sec.gov/about/divisions-offices/division-investment-management/accounting-disclosure-information/investment-company-reporting-modernization-frequently-asked-questions>.

⁴⁷ See Reporting Modernization Adopting Release, *supra* note 20, at text accompanying n.159.

⁴⁸ See Item B.5 of current Form N–PORT.

⁴⁹ See Reporting Modernization Adopting Release, *supra* note 20, at section II.A.2.e.

⁵⁰ See Item B.5 of proposed Form N–PORT.

effects of sales loads and redemption fees in monthly return information reported on the form.

In addition to monthly total returns, registered funds are currently required to report the net realized gain (loss) and net change in unrealized appreciation (depreciation) attributable to derivatives by asset category (*e.g.*, commodity contracts, credit contracts, equity contracts), and within those asset categories, funds are required to report the same information for different types of derivative instruments (*e.g.*, forward, future, option, swap). This derivative-related reporting is intended to help Commission staff, investors, and other potential users better understand how a registered fund is using derivatives to accomplish its investment strategy and the impact of derivatives on fund returns.⁵⁴ We propose to eliminate the requirement that registered funds report the information by type of derivative instrument. As a result, registered funds would not need to separately report return information for each instrument type (*e.g.*, equity options and equity swaps), and instead would report information only by asset class (*e.g.*, equity contracts). Removing the need to separately report gain (loss) and appreciation (depreciation) information for each type of derivative instrument within a given asset category would reduce reporting burdens without significantly affecting the utility of the reported information, as the Commission and the public would continue to have derivatives-related information elsewhere on the form, such as the types and amounts of derivatives instruments the registered fund holds, to understand the impact of derivatives on fund returns.

Finally, because we are proposing to require that Form N-PORT reports be made public only for the third month in a fund's fiscal quarter, rather than monthly, we likewise are proposing to require registered funds to report return information for each of the preceding three months in each report to avoid unintended effects on investor's access to monthly return information, similar to how registered funds reported prior to the 2024 amendments. Prior to the 2024 amendments, registered funds were required to report return information for each of the preceding three months in each report to provide investors access to monthly data for a given quarter since investors only had access to Form N-PORT reports for the third month of each quarter. In connection with requiring publication

of monthly Form N-PORT reports in the 2024 amendments, the Commission modified the form to require return information in each report only for the month that the Form N-PORT report covers because the amendments provided investors access to each monthly report. Our proposed approach would continue to provide investors with "batched" access to monthly return data for a given quarter, consistent with the Commission's historical approach of requiring that investors have access to monthly return information on Form N-PORT regardless of the publication frequency. For the same reason, we are also proposing to require registered funds to report flow information for each of the preceding three months in a single Form N-PORT report.⁵⁵

Eliminating Reporting Items

In addition to proposing to streamline the reporting of some information, we propose to remove certain required information from the form. Specifically, we are proposing to remove requirements to report information related to the registered fund's compliance with the names rule, the payoff profiles of non-derivatives, certain information about convertible debt securities, and explanations of why a single investment has multiple liquidity classifications. Removing these requirements would not have a significant effect on the Commission's uses of the data and are not expected to significantly affect the public's ability to assess relevant information about the fund.

The names rule amendments, among other things, broadened the scope of the requirement for certain funds to adopt a policy to invest at least 80% of the value of their assets in accordance with the investment focus that the fund's name suggests (an "80% investment policy") and added reporting requirements on Form N-PORT related to a registered fund's compliance with that rule.⁵⁶ For a registered fund that is required to adopt an 80% investment policy under the names rule, the names rule amendments require the fund to report quarterly on Form N-PORT: (1) definitions of terms used in the fund's name; (2) the value of the fund's 80% basket, as a percentage of the value of the fund's assets; and (3) whether each investment in the fund's portfolio is in

the fund's 80% basket.⁵⁷ We are proposing to eliminate these names rule-related reporting requirements on Form N-PORT.⁵⁸

The purpose of the names rule-related reporting requirements is to provide market-wide insight with respect to those registered funds that are subject to the 80% investment policy requirement for the Commission, its staff, and market participants. When these requirements were adopted, the Commission stated that, by providing context through the definitions used in the fund's name, combined with the value of the fund's investments in the 80% basket and whether each investment in the fund's portfolio is in the fund's 80% basket, investors and the Commission could use this information to better understand how funds have invested in compliance with their 80% investment policies.⁵⁹ Beyond the Form N-PORT requirements, there are other sources of information to help investors, the Commission, and its staff understand how a registered fund invests in accordance with the names rule, including fund prospectuses and portfolio information. For example, the names rule amendments also require a fund to define the terms used in its name, including the criteria the fund uses to select the investments that the term describes, in its prospectus. In addition, the amendments require a fund to retain records that are available to the Commission and its staff, documenting whether an investment is included in its 80% basket and, if so, the basis for including that investment in the 80% basket.⁶⁰

The Commission considered the costs of reporting requirements in the Names Rule Adopting Release. Since then, some funds have begun to work toward implementation of these requirements and, in conversations with staff, have raised concerns that the reporting requirements are more burdensome than anticipated and may have unintended effects. There are operational burdens associated with this reporting, such as building connections between different internal and external data systems (including, for example, vendor systems or systems of subadvisers) and translating that data from various systems for filing, as well as preparing, reviewing, tagging, and filing the information on Form N-PORT. Further,

⁵⁷ See Items B.11 and C.2.e of current Form N-PORT.

⁵⁸ In addition, we propose to make conforming changes to General Instruction A of Form N-PORT to remove references to these items.

⁵⁹ See Names Rule Adopting Release, *supra* note 10, at sections II.E.1 and II.E.2.

⁶⁰ See *id.* at section II.F.

⁵⁴ See Reporting Modernization Adopting Release, *supra* note 20, at section II.A.2.e.

⁵⁵ See Item B.6 of current Form N-PORT; Item B.6 of proposed Form N-PORT.

⁵⁶ See rule 35d-1 under the Act; see also Names Rule Adopting Release, *supra* note 10, at section II.E (discussing Form N-PORT names rule-related reporting requirements).

while the names rule amendments preserved flexibility for the specific criteria a fund uses to select the investments that the term in its name describes, and did not require funds to disclose in their prospectuses proprietary criteria used to select investments, reporting on Form N-PORT whether an investment is in a registered fund's 80% basket may provide insight into otherwise proprietary investment criteria because it will provide specific information about what is included in the 80% basket.⁶¹ This more specific information may allow other market participants to free ride or front run the registered fund's strategy and may harm fund performance.

These considerations lead us to propose to eliminate the names rule-related reporting on Form N-PORT to avoid potential unintended effects and reduce costs while still providing ways for the Commission and the public to understand how a fund invests in accordance with the names rule. Although the names-related reporting on Form N-PORT would facilitate the Commission's analysis of a registered fund's compliance with the names rule, the Commission can continue to assess compliance with the names rule through analysis of a fund's disclosures about the terms used in its name, including the criteria the fund uses to select the investments that the term describes, combined with portfolio holdings. The Commission also can assess compliance with the rule through examinations when appropriate, including by analyzing required records documenting whether an investment is included in a fund's 80% basket and, if so, the basis for including that investment in the 80% basket. Although the names rule-related reporting on Form N-PORT would provide more specific insight to the public into how funds have invested in compliance with their 80% investment policies, the public would continue to have access to enhanced disclosures in a fund's prospectus regarding its 80% investment policy, which would provide the public with additional context on the fund's investments and risks in plain English. Finally, the public would continue to have access to information about a

fund's portfolio holdings in annual and semi-annual reports, in public Form N-PORT reports, and on fund websites.

With respect to payoff profiles for non-derivatives, the form currently requires registered funds to report whether each position is long or short.⁶² The purpose of the payoff profile reporting is to identify short positions held by registered funds, consistent with the current requirement in Regulation S-X to disclose investments sold short.⁶³ Under the proposed amendment, registered funds would not need to classify non-derivative positions as long or short for the purposes of reporting on Form N-PORT. We are proposing to remove this reporting because the Commission and the public can use the sign of the value of the holding (positive/negative) as a proxy for whether holdings are long or short.⁶⁴ As a result, removing the payoff profile item for non-derivatives would have a limited effect on the utility of Form N-PORT reports.

For convertible debt securities, registered funds are required to provide information on the conversion ratio as well as the delta (if applicable), among other information.⁶⁵ The purpose of this reporting is to help understand the risk and reward profiles of convertible debt securities. We propose to simplify reporting of convertible debt securities by no longer requiring registered funds to provide the conversion ratio or delta. We have not found this information as helpful as originally contemplated, and we are able to use information about the underlying reference instrument for most of our monitoring and analytical purposes. Moreover, funds may use different methodologies for calculating delta for convertible bonds, which adds to variability in the reported information and reduces its utility.⁶⁶

⁶² See Item C.3 of current Form N-PORT. Form N-PORT also allows registered funds to report N/A in this field, generally for derivatives because the payoff profiles for derivatives are reported in a separate portion of the form.

⁶³ See Reporting Modernization Adopting Release, *supra* note 20, at paragraph accompanying n.267; 17 CFR 210.12–12A.

⁶⁴ Registered funds report the value of each investment under Item C.2 of Form N-PORT. Funds generally report positive values for long positions and negative values for short positions. For example, for Dec. 2024 filings, only 0.0040% of non-derivative long positions were reported with a negative value and 0.0012% of short positions were reported with a positive value.

⁶⁵ See Item C.9 of current Form N-PORT.

⁶⁶ Delta information reported on Form N-PORT is nonpublic. As a result, removing the delta for convertible debt securities would not affect the public's use of Form N-PORT information. While the conversion ratio is made public, we are not aware of public uses of Form N-PORT information that would be significantly affected by the removal of the conversion ratio.

When reporting liquidity classifications for each portfolio holding, an open-end fund is permitted to attribute multiple classifications to a single holding under specified circumstances.⁶⁷ Currently, if an open-end fund reports multiple liquidity classifications for a single holding, it is required to indicate in its Form N-PORT report which of the three listed circumstances led to the use of multiple classifications. We propose to eliminate the requirement that funds indicate a reason for reporting multiple liquidity classifications for a single holding. The purpose of this requirement was to facilitate more effective Commission monitoring of the liquidity of a fund's portfolio and the ability to determine the circumstances leading to the classification.⁶⁸ Based on our experience with this reporting, it is quite rare for open-end funds to report multiple liquidity classifications for a single holding. When funds have reported multiple liquidity classifications for a single holding, we have not found the reported reasons to be significantly helpful because the circumstances in which open-end funds are permitted to use multiple liquidity classifications for a single holding are limited and specifically outlined in the form.⁶⁹ As a result, we are proposing to remove this requirement. Under the proposal, open-end funds would, however, continue to be permitted to report multiple liquidity classifications (if any) under the circumstances identified in the form.

Information on ETF Share Classes and Additional Identifier Information for All Registered Funds

For multiple-class funds that offer an ETF share class, we are proposing to require disclosures about the ETF share class's net assets and flows on Form N-PORT.⁷⁰ Starting in the early 2000s, the

⁶⁷ See Instruction to Item C.7 of current Form N-PORT. Specifically, an open-end fund may choose to report multiple liquidity classifications for a single holding only in the following circumstances: (1) if portions of the position have differing liquidity features that justify treating the portions separately; (2) if a fund has multiple sub-advisers with differing liquidity views; or (3) if the fund chooses to classify the position through evaluation of how long it would take to liquidate the entire position (rather than basing it on sizes it would reasonably anticipate trading).

⁶⁸ See Investment Company Liquidity Disclosure, Investment Company Act Release No. 33142 (June 28, 2018) [83 FR 31859 (July 10, 2018)], at section II.B.1.

⁶⁹ Liquidity classification information reported on Form N-PORT is nonpublic. As a result, removing this item would not affect the public's use of Form N-PORT information.

⁷⁰ Form N-PORT currently requires information on net assets and flows for the registered fund as

Continued

⁶¹ See Names Rule Adopting Release, *supra* note 10, at n.92 and accompanying text (stating that the amended rule provides fund managers with flexibility to ascribe reasonable definitions for the terms used in a fund's name and to determine the specific criteria the fund uses to select the investments that the term describes, which means a fund would not be required to include proprietary information in its 80% investment policy in its prospectus).

Commission granted one fund sponsor exemptive relief to offer an ETF share class as one class of an open-end, multi-class fund, subject to various terms and conditions.⁷¹ In the past few years, the Commission has received many exemptive applications from fund sponsors seeking a similar ability to offer ETF share classes. The Commission has begun granting exemptive relief in response to these applications.⁷² As a result, it is likely that ETF share classes will grow in number and net assets, and information about ETF share classes' expanding size and flows will become more important. The proposed disclosures would facilitate the Commission's and the public's understanding of the growth of the industry and inform any future Commission action.

We are proposing amendments to Form N-PORT to require registered funds with an ETF share class to report the following:

- *Size.* The amendments would require separate reporting of net asset information for the ETF share class.⁷³
- *Flows.* The amendments would require separate reporting of information about the total net asset value of shares sold and total net asset value of shares redeemed or repurchased for the ETF share class.⁷⁴

These disclosure requirements are designed to provide investors and the Commission information about the ETF share class structure by measuring their net assets and flows, separately from the fund as a whole. This information is important because an ETF share class is structured and may behave differently than the other share classes in a multiple-class fund. Separate information for an ETF share class also would facilitate staff analysis of

industry trends and risks given these structural differences. As an example, ETFs may present different liquidity risks than mutual funds, as shares of an ETF can be traded on an exchange throughout the day and, when authorized participants transact with the fund, an ETF is more likely to redeem in kind (that is, by delivering certain assets from the ETF's portfolio, rather than in cash), thereby avoiding the need for the ETF to sell assets to meet redemptions.

Additional Identifying Information

While registered funds are currently required to report certain identifying information on Form N-PORT, we are proposing to require funds to provide ticker symbols by registrant, and for each class of a registrant or series, as applicable, as well as certain other class-level information, if any, to help staff and data users use data more efficiently.⁷⁵ We recognize that when the Commission adopted Form N-PORT, the Commission determined that requiring a registered fund to report ticker symbols on Form N-PORT would not be necessary because other reported information (e.g., for the registrant, information such as the name, CIK, and LEI; and for the series, information such as the name, EDGAR identifier, and LEI) was sufficient for Commission staff, as the primary user of Form N-PORT, to identify funds filing reports on Form N-PORT, and could also be useful for investors and other potential users.⁷⁶ However, since then, with experience, the staff has found that ticker symbols would enhance the efficiency of data analysis.

For example, staff has observed that matching a registered fund, series, and/or class using only its name in multiple data sources (e.g., Form N-PORT reports, other reports such as Form N-CEN, and third-party vendor information) can be difficult because of very slight differences in the reported name of the fund, series, and/or class. Further, staff has observed that ticker symbols are more widely used than LEIs across multiple data sources, and that while LEIs are not assigned on the basis of share classes, there are distinct ticker symbols identifying each fund share class. Requiring a registered fund to report a ticker symbol associated with the registrant, or for each class of the registrant or series, as relevant, would facilitate the ability of the data user to conduct comprehensive data analyses

across multiple data sources more efficiently, and would complement other identifying information that registered funds currently report across other reporting forms.⁷⁷

We request comment on the proposed amendments to Form N-PORT, including the following:

24. Should we, as proposed, relating to portfolio level risk metrics, increase the threshold for determining which registered funds must report risk metrics from 25% or more of the fund's net asset value to 50% or more of the fund's net asset value? Should the threshold be lower (e.g., 30% or 40%) or higher (e.g., 60% or 70%)? In addition to, or separate from, the numerical threshold, should we change the period over which the threshold is measured? For instance, instead of measuring the average value of the fund's debt positions for the previous 3 months, should the period be shorter or longer, such as 1-, 6-, or 12-months? Are there other threshold alternatives that would be more effective or appropriate?

25. Should we, as proposed, remove the requirement to report the DV01 interest rate risk metric? Do investors or other members of the public use this information? If so, how? Do the benefits of this information to investors or other members of the public justify the costs of reporting it?

26. Should we, as proposed, simplify the reporting of the DV100 interest rate risk metric by requiring registered funds to report an aggregate figure across all currencies for which the fund had a value of 1% or more of its net asset value, rather than separately by currency? What effect, if any, would this change have on the use of Form N-PORT information by investors or other members of the public? In addition to, or separate from these proposed changes, should we eliminate the need to report DV100 separately for different maturity buckets (3 months, 1 year, 5 years, 10 years, and 30 years) and instead require a single aggregated DV100 measure?

27. Should we, as proposed, simplify the reporting of the credit spread risk metrics by no longer requiring registered funds to provide separate measures for investment grade and non-investment grade exposures? What effect, if any,

a whole and not on a class-by-class basis. See Items B.1 and B.6 of current Form N-PORT.

⁷¹ See Vanguard Index Funds, et al., File No. 812-12094, Investment Company Act Rel. Nos. 24680 (Oct. 6, 2000) (notice) and 24789 (Dec. 12, 2000) (order); Vanguard Index Funds, et al., File No. 812-12912, Investment Company Act Rel. Nos. 26282 (Dec. 2, 2003) (notice) and 26317 (Dec. 29, 2003) (order); Vanguard International Equity Index Funds, et al., File No. 812-12860, Investment Company Act Rel. Nos. 26246 (Nov. 3, 2003) (notice) and 26281 (Dec. 1, 2003) (order); and Vanguard Bond Index Funds, et al., File No. 812-13336, Investment Company Act Release Nos. 27750 (Mar. 9, 2007) (notice) and 27773 (Apr. 2, 2007) (order).

⁷² See DFA Investment Dimensions Group Inc., Dimensional Investment Group Inc., Dimensional ETF Trust and Dimensional Fund Advisors LP, File No. 812-15484, Investment Company Act Release Nos. 35770 (Sept. 29, 2025) (notice) and 35786 (Nov. 17, 2025) (order).

⁷³ See Item B.1.d of proposed Form N-PORT. To identify the ETF share class, funds would be required to report the ticker symbol of the ETF share class.

⁷⁴ See Item B.6.d of proposed Form N-PORT.

⁷⁵ See Item A.3 of proposed Form N-PORT.

⁷⁶ See Reporting Modernization Adopting Release, *supra* note 20, at paragraph accompanying n.69.

⁷⁷ Registered funds currently are required to provide their ticker symbols in other filings with the Commission. See, e.g., Item 1 of Form N-1A and Item C.2 of Form N-CEN. By requiring current ticker symbol information on Form N-PORT, the proposed amendments would address situations where a registered fund, for example, may have changed its ticker symbol information between the fund's annual filings on Form N-CEN and, thus, the ticker information in the fund's most recent Form N-CEN filing is inaccurate.

would this change have on the use of Form N–PORT information by investors or other members of the public? In addition to, or separate from these proposed changes, should we eliminate the requirement to report credit spread risk metrics separately for different maturity buckets (3 months, 1 year, 5 years, 10 years, and 30 years) and instead require a single aggregated credit spread risk measure?

28. What is the burden associated with the proposed changes to portfolio level risk metrics? How would the reporting burden compare between the current and proposed requirements?

29. Should we, as proposed, require multiple class funds to report returns only for a single representative class? Is the proposed method of selecting a representative class effective? Should we instead define a representative class as the class with the greatest net assets as of the end of the reporting period or give a registered fund full discretion to choose a representative class based on considerations such as age or size of the class (e.g., by selecting the oldest class or the class with the greatest net assets), without considering which class has the longest period of returns as Form N–1A requires under certain circumstances? How often would the representative class change under our proposed approach or potential alternatives? Are there other criteria a fund should be permitted or required to use to select its representative class? Would the proposed approach of requiring reporting of only a single representative class affect how investors or other users of Form N–PORT use the reported information? If so, could investors or other users instead use return information in fund prospectuses or shareholder reports for individual classes?

30. Should we, as proposed, continue to require registered funds to report monthly net realized gain (loss) and net change in unrealized appreciation (or depreciation) attributable to derivatives for the listed asset categories (commodity contracts, credit contracts, equity contracts, foreign exchange contracts, interest rate contracts, and other contracts)? Should we make any changes to the listed asset categories? Should we require the aggregate net realized gain (loss) and net change in unrealized appreciation (depreciation) for all derivatives positions, instead of requiring separate figures for each asset category?

31. As proposed, should we remove the requirement to report monthly net realized gain (loss) and net change in unrealized appreciation (or depreciation) by derivative type

(forward, future, option, swaption, swap, warrant, and other) within each asset category of derivatives? Would removal of this information reduce reporting burdens for registered funds? Would removal of this information affect investors or other users of Form N–PORT information and, if so, how?

32. Currently, Form N–PORT requires funds to report the notional value for most types of derivatives but, for options, requires funds to report the exercise price.⁷⁸ In addition, funds must calculate the notional value of derivatives positions for purposes of meeting other regulatory requirements.⁷⁹ When reporting options positions on Form N–PORT, should we require registered funds to provide the notional value, rather than the exercise price? Would this change streamline reporting and reduce reporting burdens (and, if so, by how much)? What effect, if any, would such a change have on the public's use of Form N–PORT information?

33. Should we, as proposed, eliminate the names rule-related reporting? Do enhanced disclosures in fund prospectuses about a fund's 80% investment policy, along with available information about fund portfolio holdings, provide the public with sufficient information to understand a fund's investments and risks? To what extent would removing the names rule-related reporting reduce reporting burdens for registered funds? Instead of eliminating the names rule-related reporting, are there modifications to these requirements we should make? For example, should we require a fund to report the value of the fund's 80% basket, as a percentage of the value of the fund's assets, but remove other names rule-related reporting requirements?

34. Should we, as proposed, eliminate reporting of the payoff profiles of non-derivatives? Should we, as proposed, eliminate reporting of the conversion ratio and delta of convertible debt securities? Would removal of the conversion ratio of convertible debt securities affect investors or other users of Form N–PORT information and, if so, how? Should we, as proposed, eliminate reporting of the reason an open-end fund has reported multiple liquidity

classifications for a single investment? What are the burdens of reporting each of the items that we propose to eliminate, and how much burden would be eliminated by the proposed changes? Are there items that we are proposing to eliminate that we should retain and/or modify? If so, what are they, why should we retain or modify them, and what should any modifications be?

35. What is the impact to the public if there is less Form N–PORT data available because of these proposed amendments to the form? Please provide examples.

36. Should we, as proposed, require registered funds with ETF share classes to disclose net assets and flows for these share classes separately from information for the full fund? Should we amend Form N–PORT to require more or less information about ETF share classes? If there is other information that would be helpful to the public, provide specific examples of how that information would be useful.

37. Should we, as proposed, require registered funds to provide ticker information by registrant or for each class of a registrant or series, as applicable? Should we, as proposed, require registered funds to report for any classes of the registrant or series the class name and EDGAR class identification number as identifying information in Part A? How would the reporting burden compare between the current and proposed requirements?

38. Should the Commission eliminate reporting on Form N–PORT related to the liquidity of a fund's investments and, if so, why?⁸⁰

39. Are there other Form N–PORT items that we should modify or eliminate? Why are the benefits of the reported information to the Commission and the public not justified by the costs of reporting the information?

D. Proposed Transition Period

We propose to provide a tiered transition period for registered funds to comply with the proposed amendments, if adopted, based on fund size. We propose to provide a 12-month transition period for larger entities and an 18-month transition period for smaller entities. For these purposes, larger entities would be registered funds that, together with other investment

⁷⁸ See Item C.11.c.v of current Form N–PORT.

⁷⁹ 17 CFR 270.18f–4 (defining derivatives exposure as the sum of the gross notional amount of the fund's derivatives transactions); Item B.3 of Form N–PORT (requiring funds to use the notional value of certain derivatives for which the underlying reference asset or assets are debt securities or an interest rate when determining if the fund is required to report portfolio level risk metrics due to the value of its exposure to debt instruments).

⁸⁰ See Items B.7 (requiring information related to a fund's highly liquid investment minimum, if applicable), B.8 (requiring information about the percentage of a fund's highly liquid investments that it has pledged as margin or collateral in connection with derivatives transactions classified in non-highly liquid categories), and C.7 (requiring the liquidity classification of each portfolio investment) of Form N–PORT.

companies in the same “family of investment companies” (as such term is defined in Item B.5 of Form N–CEN), have net assets of \$10 billion or more as of the end of the most recent fiscal year. Smaller entities would be registered funds that, together with other investment companies in the same family of investment companies, have net assets of less than \$10 billion as of the end of the most recent fiscal year.⁸¹ The tiered transition period would provide time for registered funds to adjust their internal processes and arrangements with service providers to begin to file Form N–PORT reports on a monthly basis within 45 days of month end and to modify the

information that is reported. Registered funds would not need to make adjustments related to publication frequency because the proposed amendments align with historic requirements, and the 2024 amendments have not yet gone into effect. At the end of the relevant transition period, registered funds would be required to shift from a quarterly filing approach to a monthly filing approach and file reports that conform to the amended information requirements.⁸² We propose to require registered funds to make their first monthly filing for the first month of the fiscal quarter that begins after the compliance date.

Because fiscal quarter ends differ among funds, this approach would result in funds being required to file their first monthly reports at different times within a three-month range, depending on the date of a fund’s fiscal quarter end. Basing the approach on fiscal quarter end is meant to ease the transition from quarterly to monthly filing, as this approach would avoid requiring some registered funds to begin to file monthly Form N–PORT reports in the middle of a fiscal quarter. As an illustrative example, if the compliance date were in May of a given year, the transition period would operate as shown in Table 3.

TABLE 3—ILLUSTRATIVE EXAMPLE OF PROPOSED TRANSITION FROM QUARTERLY TO MONTHLY FILINGS WITH A HYPOTHETICAL COMPLIANCE PERIOD END IN MAY

Fund’s fiscal quarter end	Last quarterly filing	First monthly filing
May	Filing covering the months of March, April, and May would be due within 60 days of the end of May.	Filing for June would be due within 45 days of the end of June.
June	Filing covering the months of April, May, and June would be due within 60 days of the end of June.	Filing for July would be due 45 days after the end of July.
July	Filing covering the months of May, June, and July would be due within 60 days of the end of July.	Filing for August would be due within 45 days of the end of August.

In addition, we propose to amend the effective and compliance dates of the Form N–PORT amendments in the 2024 Adopting Release that would not be superseded by this rulemaking to align with the effective and compliance dates for the proposed amendments in this release, if adopted. This would include the amendments to entity identifiers to separate the concepts of LEI and RSSD ID, as well as technical amendment to the definition of ETF in Form N–PORT to include a direct reference to 17 CFR 270.6c–11, the Commission’s exemptive rule for ETFs.

We request comment on the proposed transition period:

40. Would the proposed transition period provide registered funds enough time to comply with the proposed amendments? Should the period be shorter or longer?

41. Should the transition period differ by fund size, as proposed, or should the

transition period be the same for all registered funds? Is there a different approach we should use for determining fund size for purposes of the transition period?

42. As proposed, should we change the compliance date for the amendments from the 2024 Adopting Release that are not being superseded (e.g., the amendments to separate the concepts of LEI and RSSD ID) to align with the compliance date for the proposed amendments? If the transition period for the 2024 amendments that are not being superseded should differ, in what way should it differ?

43. Is the proposed approach for transitioning from quarterly filing to monthly filing workable? Would a different approach be more effective? For example, should we instead require registered funds to make their first monthly filing for the first month preceding the end of the compliance

period, meaning registered funds would begin to file monthly reports at the same time, regardless of their fiscal year ends? Under this approach, if that month is not the beginning of a fund’s fiscal quarter, should we require the fund to file information for prior months in that fiscal quarter at the same time the first monthly report is due?

III. Economic Analysis

A. Introduction

Reports on Form N–PORT are an important source of information for the Commission and its staff. This information helps the Commission monitor industry trends, identify risks, inform policy and rulemaking, and assists the staff in examination and enforcement efforts, which ultimately benefits investors. In addition, investors and other market participants also benefit from the publicly available

⁸¹ For the last several years, the Commission generally has used a threshold of \$1 billion in net assets for differentiating between larger and smaller registered investment companies when providing smaller entities with additional time to comply with new requirements. We instead are proposing to use a \$10 billion threshold for the transition period, based on an analysis of the distribution of assets across funds at different net asset thresholds. This \$10 billion threshold is designed to be a reasonable means of distinguishing larger and smaller entities for purposes of tiered compliance dates for Form N–PORT reporting requirements. We estimate that, as of Dec. 2024, 22.9% of registered

investment companies would be considered to be smaller entities. These smaller entities hold approximately 2.13% of aggregate assets of registered investment companies. These estimates are based on data reported on Form N–CEN through Jan. 21, 2025. The Commission also recently proposed similar amendments to how it defines “small entity” under the Regulatory Flexibility Act for investment companies. See Amendments to the “Small Business” and “Small Organization” Definitions for Investment Companies and Investment Advisers for Purposes of the Regulatory Flexibility Act, Investment Company Act Release

No. 35864 (Jan. 7, 2026) [91 FR 1107 (Jan. 12, 2026)] (“Small Entity Proposing Release”).

⁸² Once a registered fund shifts from quarterly filing to monthly filing, the fund would also no longer be required to maintain records of Form N–PORT information no later than 30 days after the end of each month under rule 30b1–9. If the proposal is adopted, we anticipate that registered funds would be required to maintain records under that rule until they begin to file reports on a monthly basis, consistent with the approach taken in the 2024 amendments. See 2024 Adopting Release, *supra* note 1, at n.170 and accompanying text.

information that registered funds report on Form N–PORT because it aids them in making more informed investment decisions. Currently, the Commission receives reports on Form N–PORT on a quarterly basis, no later than 60 days after the end of a registered fund’s fiscal quarter, with each quarterly report containing month-end information for each month in the quarter, while investors have access to Form N–PORT portfolio data for only the third month of a fund’s fiscal quarter.⁸³

In 2024, the Commission adopted amendments to Form N–PORT that were intended to give the Commission timelier information to conduct comprehensive oversight of the registered fund industry, as well as to give investors information to make more informed investment decisions.⁸⁴ Specifically, the 2024 amendments require registered funds to file monthly reports within 30 days of month end, replacing the prior approach requiring these funds to file reports for each month in a fund’s fiscal quarter no later than 60 days after the end of each fiscal quarter. In addition, the 2024 amendments make monthly report information publicly available 60 days after month end, which replaces the prior approach of making information for only the third month of the fiscal quarter public. The 2024 amendments have yet to be implemented.

Following adoption of the Form N–PORT amendments, several developments caused the Commission to delay the effective and compliance dates of the 2024 amendments and review their potential effects.⁸⁵ As a result of this review, we are proposing to extend the filing deadline to 45 days after month end to reduce the costs to registered funds of filing Form N–PORT while continuing to provide the Commission with timely data. We are also proposing to publish reports for only the third month of a registered fund’s fiscal quarter 60 days after month end to reduce the risks to funds and their investors of publishing significantly more information on funds’ holdings. In addition, we are proposing to remove or streamline certain items and sub-items of the form and to

modernize the form to better account for fund structures with ETF share classes.

The Commission has considered the economic effects of the proposed amendments.⁸⁶ Where possible, we have attempted to quantify the economic effects. In some cases, however, we are unable to quantify the economic effects because we lack the information necessary to provide a reasonable and reliable numerical estimate. For example, relative to the 2024 amendments, the proposed amendments would reduce the amount of information investors have to compare registered funds by reverting the frequency of Form N–PORT publication to prior standards. For the same reasons we were unable to quantify some of the economic effects associated with the increase in publication frequency associated with the 2024 amendments, we are unable to quantify these effects as we revert to prior standards in this proposal.⁸⁷ As described more fully below, the Commission is providing both a qualitative assessment and quantified estimate of the economic effects, where feasible.

We request comment on all aspects of the economic analysis of the proposed amendments. To the extent possible, we request that commenters provide supporting data and analysis on the benefits, costs, and effects on competition, efficiency, and capital formation of the proposed amendments or any reasonable alternatives.

B. Baseline

The baseline against which the costs, benefits, and the effects on efficiency, competition, and capital formation of the proposed rules are measured consists of the current state of the securities markets and the current

regulatory framework with respect to registered management investment companies and ETFs organized as unit investment trusts (“registered funds”).⁸⁸

1. Regulatory Baseline

Registered funds are required to file periodic reports on Form N–PORT about their portfolios and each of their portfolio holdings as of month end. In addition to providing a registered fund’s portfolio holdings, Form N–PORT reports also provide information to help assess a fund’s risk and return characteristics, such as portfolio level risk metrics, liquidity related information, and monthly fund returns for each fund share class.⁸⁹ Additional amendments to Form N–PORT were also adopted in 2023 that would require certain registered funds to report information related to their compliance with the names rule after that rule’s compliance date.⁹⁰

Until the 2024 amendments go into effect, registered funds will continue to file these reports on a quarterly basis, with each report due 60 days after the end of a fund’s fiscal quarter. While each report includes month-end portfolio information for each month in the relevant fiscal quarter, only information about portfolio holdings for the third month of each fiscal quarter is made available to the public upon filing; information for the first and second month of each fiscal quarter remains confidential. Registered funds are also currently required to maintain the data Form N–PORT requires within 30 days of a month end for recordkeeping purposes until the 2024 amendments go into effect.⁹¹

The 2024 amendments require registered funds to file monthly reports within 30 days of month end and the

⁸³ Monthly portfolio holdings of certain open-end and closed-end funds may also be available on funds’ websites, as well as for a fee through third-party data aggregators. Voluntary disclosures of monthly portfolio holdings that are currently publicly available may be inconsistent across registered funds and over time and may vary in format, presentation, or ease of access.

⁸⁴ See *supra* note 1.

⁸⁵ See *supra* section I.A.

⁸⁶ Section 2(c) of the Act and section 3(f) of the Exchange Act direct the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in, or consistent with, the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, section 23(a)(2) of the Exchange Act requires the Commission, when making rules under the Exchange Act, to consider among other matters the impact that the rules would have on competition and prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. The analysis below addresses the likely economic effects of the amendments, including the anticipated benefits and costs of the amendments and their likely effects on efficiency, competition, and capital formation. The Commission also discusses the potential economic effects of certain alternatives to the approaches taken in this release.

⁸⁷ See 2024 Adopting Release, *supra* note 1, at paragraph accompanying n.180.

⁸⁸ See, e.g., *Nasdaq v. SEC*, 34 F.4th 1105, 1111–15 (D.C. Cir. 2022). This approach also follows SEC staff guidance on economic analysis for rulemaking. See SEC Staff, Current Guidance on Economic Analysis in SEC Rulemaking (Mar. 16, 2012), available at https://www.sec.gov/divisions/riskfin/rsfi_guidance_econ_analy_secrulemaking.pdf (“The economic consequences of proposed rules (potential costs and benefits including effects on efficiency, competition, and capital formation) should be measured against a baseline, which is the best assessment of how the world would look in the absence of the proposed action.”); *id.* at 7 (“The baseline includes both the economic attributes of the relevant market and the existing regulatory structure.”).

⁸⁹ While the proposed amendments to Form N–PORT would require sales loads and redemption fees to be deducted from monthly fund return calculations, some registered funds currently exclude these fees from their monthly fund returns on Form N–PORT. This approach is consistent with many funds’ current practices and consistent with prior staff guidance. See *supra* section II.C.

⁹⁰ See Names Rule Adopting Release, *supra* note 10.

⁹¹ See rule 30b1–9.

Commission would publish those reports 60 days after month end. The subsequent delay of the effective and compliance dates for the 2024 amendments means that larger entities must comply with these new requirements as of November 17, 2027, and that smaller entities must comply by May 18, 2028.

Currently, a registered fund may report certain portfolio holdings as miscellaneous securities, meaning that information about these holdings can remain nonpublic for up to a year, provided that the combined value of the positions reported as miscellaneous securities does not exceed 5% of the total value of a fund's investments and that these positions have not been previously disclosed to the public.

Part F of Form N-PORT also currently requires a registered fund to attach a

complete schedule of portfolio holdings for the end of the first and third quarters of the fund's fiscal year, presented in accordance with Regulation S-X, within 60 days after the end of the reporting period. Further, ETFs, including actively managed ETFs, generally are required to provide full portfolio holdings on their websites every business day.⁹² A small number of "non-transparent" ETFs have received exemptive orders from the Commission permitting them not to disclose their portfolio holdings on a daily basis. Monthly portfolio holdings of certain registered funds may also be available on their websites, as well as through third-party data aggregators (typically for a fee), generally on a lagged basis (e.g., 15, 30, 45, or more days after a month end). However, this more frequent publication and/or aggregation

by third parties of portfolio data is voluntary. Currently, most ETFs are structured as individual funds. However, since the early 2000s, there have been some mutual funds with ETF share classes. In recent years, the Commission has received requests to provide exemptive relief to allow additional mutual funds with ETF share classes and the Commission recently began granting exemptive relief.⁹³

2. Affected Entities

The proposed amendments to the filing and public disclosure frequency of Form N-PORT reports would affect all registered funds that are currently required to file reports on Form N-PORT. Table 4 below lists registered fund counts along with their net assets by type.⁹⁴

TABLE 4—REGISTERED FUNDS REQUIRED TO FILE FORM N-PORT BY TYPE, AS OF DECEMBER 31, 2024

Registered fund type	Total	
	Number	Net assets, \$ trillion
1. Open-end funds registered on Form N-1A:		
a. Mutual funds required to file Form N-PORT ¹	8,497	\$23.10
b. ETFs: ²	3,481	7.34
i. non-transparent ETFs ³	42	0.01
ii. daily website disclosure required ⁴	3,439	7.33
2. Closed-end funds registered on Form N-2 ⁵	671	0.37
3. ETFs that are UITs registered on Form N-8B-2 ⁶	4	1.00
4. Variable annuity separate accounts registered on Form N-3 ⁷	15	0.27
Total	12,668	32.08

Notes:

¹ Mutual funds are identified as those funds reported in Item B.6.a of Form N-CEN that are not identified as ETFs in Item C.3.a.i of Form N-CEN. Money market funds are excluded from the number of mutual funds, as they are not required to file Form N-PORT. We use information reported in Item C.3.g of Form N-CEN to identify money market funds and exclude 307 money market funds that hold approximately \$6.86 trillion in net assets from the total number of mutual funds in order to estimate the number of mutual funds required to file Form N-PORT.

² ETFs registered as open-ended funds are identified in Item C.3.a.i of Form N-CEN. UIT ETFs and exchange-traded managed funds are excluded from these ETF totals and presented in a separate line item.

³ Non-transparent ETFs are not subject to daily website disclosure of their portfolio holdings. The estimate for the number of non-transparent ETFs is based on the staff analysis of funds that have been granted exemptive relief to operate actively managed ETFs that do not provide daily portfolio transparency (non-transparent ETFs).

⁴ ETFs identified in Item C.3.a.i of Form N-CEN excluding 42 non-transparent ETFs.

⁵ Closed-end funds are identified in Form N-CEN, Item B.6.b.

⁶ UIT ETFs are identified in Form N-CEN Item B.6.g, and are also reported in Item E of Form N-CEN.

⁷ Variable annuity separate accounts are identified in Form N-CEN, Item B.6.c.

We estimate that there are 12,668 registered funds currently required to file reports on Form N-PORT that hold approximately \$32.08 trillion in assets (approximately 82% of total registered investment companies' assets). Different types of registered funds may be

affected differently by the amendments to Form N-PORT. Among the affected funds, there are 8,497 mutual funds that represent approximately 72% of registered funds' assets, 3,481 ETFs registered as open-end funds that represent approximately 23% of

registered funds' assets, 671 closed-end funds that represent approximately 1.2% of registered funds' assets, 4 ETFs registered as unit investment trusts that represent approximately 3.1% of assets of all registered funds, and 15 variable annuity separate accounts that represent

⁹² See rule 6c-11(c)(1)(i).

⁹³ See *supra* note 72.

⁹⁴ Form N-CEN provides census-type information about registered funds, while Form N-PORT provides detailed information about fund activities. Because Form N-PORT does not include information about fund types, we use information reported on Form N-CEN to estimate the number of affected funds for each type of fund. We use

information reported to the Commission for each fund as of Dec. 31, 2024, incorporating filings and amendments to filings received through May 15, 2025. Net assets are monthly average net assets during the reporting period identified on Item C.19.a of Form N-CEN and validated with Bloomberg (for ETFs). Current values are based on the most recent filings and amendments, which are based on fiscal years and are therefore not synchronous. Submissions of Form N-CEN reports

are required on a yearly basis. Therefore, these estimates do not include newly established funds that have not completed their first fiscal year and, therefore, have not filed on Form N-CEN yet. These estimates also do not account for the funds that have been terminated since the last Form N-CEN report was filed. Therefore, the estimates for the number of registered funds and their net assets may be over- or under-estimated.

approximately 0.8% of assets of all registered funds. Among the ETFs registered as open-end funds, 42 are non-transparent ETFs with assets of \$0.01 trillion and 3,439 are ETFs for which daily website portfolio disclosure is required, with assets of \$7.33 trillion.

Of the 12,668 funds required to file reports on Form N-PORT, some registered funds will be affected more than others by the proposed amendments to Form N-PORT intended to refine the information funds provide.⁹⁵ 30.6% of registered funds representing 25.4% of aggregate net assets of N-PORT filers currently report portfolio level risk metrics on Item B.3, while 28.1% of registered funds representing 22.5% of aggregate net assets of N-PORT filers have an average value of debt securities for the three months prior to December 31, 2024 that

exceeds 50% of each fund's net asset value. 47.5% of registered funds representing 62.9% of aggregate net assets of N-PORT filers report monthly fund returns for more than one share class on Item B.5.a. 44.1% of registered funds representing 63.7% of aggregate net assets of N-PORT filers report unrealized appreciation (or depreciation) attributable to derivatives in Item B.5.c. All 12,668 registered funds are required to report payoff profile information for non-derivative positions in Item C.3. 0.3% of registered funds representing 1.1% of aggregate net assets of N-PORT filers attribute multiple liquidity classification categories to a holding in Item C.7. 5.5% of registered funds representing 7.8% of aggregate net assets of N-PORT filers report information on convertible debt securities in Item C.9.f. Approximately

9,628 registered funds representing 76% of registered funds' assets would be subject to reporting requirements related to their compliance with the names rule in Item B.11 and Item C.2.e, once that rule's compliance period ends.⁹⁶ Finally, 69 mutual funds offer an ETF share class, representing 18.9% of aggregate net assets of open-end Form N-PORT filers.⁹⁷

Table 5 below lists registered fund counts along with their aggregate net assets by fiscal year end.⁹⁸ Among registered funds, there is variation in the fiscal year end. The most common fiscal year end used by registered funds is December (26.9% of registered funds), the second most common fiscal year end is October (19.0% of registered funds), and August is the third most common fiscal year end (8.8% of registered funds).

TABLE 5—REGISTERED FUNDS BY FISCAL YEAR END, AS OF DECEMBER 31, 2024

Fiscal year end	Number of registered funds		Net assets	
	Number	% of total	\$, trillion	% of total
31-Jan	197	1.5	\$0.61	1.7
28-Feb	398	3.1	2.22	6.1
31-Mar	1,116	8.7	3.37	9.3
30-Apr	529	4.1	0.99	2.7
31-May	626	4.9	1.26	3.5
30-Jun	816	6.3	1.46	4.0
31-Jul	672	5.2	1.28	3.5
31-Aug	1,131	8.8	2.78	7.7
30-Sep	1,112	8.6	4.03	11.1
31-Oct	2,448	19.0	5.89	16.2
30-Nov	389	3.0	0.88	2.4
31-Dec	3,464	26.9	11.46	31.6
Total	12,898	100.0	36.23	100.0

3. Economic Literature on the Disclosure of Registered Fund Portfolio Holdings

This section summarizes the academic literature pertaining to the economic effects relevant to the changes we are proposing. The Commission has also considered the potential economic effects of publicly disclosing registered

fund portfolio information in several past releases.⁹⁹

One strand of the academic literature suggests that the disclosure of holdings can have negative economic consequences for a registered fund and its investors. One early study provides a theoretical framework showing that, under certain assumptions, “predatory trading” can increase trading costs for a

large institution (e.g., a fund) when it needs to liquidate a position that is known by other market participants.¹⁰⁰ Subsequent studies claim that strategies that anticipate the sales of mutual funds based on their holdings and predicted outflows, trading ahead of them (“front running”), earn excess returns, suggesting that funds incur additional

⁹⁵ To obtain the percentage of registered funds affected by each Form N-PORT item that follows, we use information reported to the Commission on Form N-PORT for each registered fund as of Dec. 31, 2024, incorporating filings and amendments to filings received through May 15, 2025.

⁹⁶ See Names Rule Adopting Release, *supra* note 10, at n.495 and accompanying text. The Commission estimated that the names rule would increase the percentage of funds subject to the names rule from 60% to 76%. We therefore estimate that 9,628 = 76% * 12,668 funds would be affected by the proposed removal of Items B.11 and C.2.e on Form N-PORT.

⁹⁷ This figure does not reflect recent exemptions, issued by the Commission, permitting additional mutual funds to add ETF share classes. See, e.g., DFA Investment Dimensions Group Inc., Investment Company Act Release Nos. 35770 (Sept. 29, 2025) (notice) and 35786 (Nov. 17, 2025) (order).

⁹⁸ We use information reported on Form N-PORT to the Commission for each registered fund as of Dec. 31, 2024, incorporating filings and amendments to filings received through May 15, 2025. Fiscal year is reported in Item A.3.a of Form N-PORT. Net assets are reported in Item B.1.c of Form N-PORT. We note that the total number of the registered funds in this table (12,898 funds) differs

from the number based on the Form N-CEN data in Table 4 (12,668 funds) because Form N-PORT is submitted on a less delayed basis compared to Form N-CEN; thus, it may include newly established funds that have not completed their first fiscal year and, therefore, have not filed Form N-CEN yet, as well as funds that have been terminated since the last Form N-CEN was filed.

⁹⁹ See *supra* notes 1, 2, and 20. Those releases also include reviews of the associated academic literature.

¹⁰⁰ See Markus K. Brunnermeier & Lasse Heje Pedersen, *Predatory Trading*, 60 J. of Fin. 1825, no. 4, (2005).

costs as a result of these disclosures.¹⁰¹ Several studies also suggest that market participants can “free-ride” on registered funds by “copycatting” their strategies, earning excess returns without incurring the information production costs of the target fund.¹⁰² Another study more generally finds that while portfolio holdings disclosure by registered funds has beneficial effects, such as increased market liquidity, it reduces the returns of otherwise informed funds, noting that such costs reduce a fund’s incentive to perform costly research on the securities they invest in.¹⁰³

Other studies examine the effect of disclosure on registered fund manager behavior and potential agency problems between a fund manager and fund investors. One study suggests that more standardized portfolio disclosures can decrease agency problems between funds and investors.¹⁰⁴ In contrast, another study suggests that more frequent disclosure actually increases window-dressing by low-skill fund managers, who try to obfuscate poor performance by manipulating their holdings around reporting dates, though more frequent disclosure allows investors to sort out skilled from unskilled managers more rapidly.¹⁰⁵

¹⁰¹ See, e.g., Joshua Coval & Erik Stafford, *Asset Fire Sales (and Purchases) in Equity Markets*, 86 J. of Fin. Econ. 479 (2007); Teodar Dyakov & Marno Verbeek, *Front Running of Mutual Fund Fire-Sales* (Sept. 6, 2012) (revised May 1, 2014), 37 J. of Banking and Fin., no. 12, 2013 at 4931–4942, available at <https://ssrn.com/abstract=2170660> (retrieved from SSRN Elsevier database). See, also, Sophie Shive & Hayong Yun, *Are Mutual Funds Sitting Ducks?*, 107 J. of Fin. Econ. 220 (2013).

¹⁰² See Mary Margaret Frank, et al., *Copycat Funds: Information Disclosure Regulation and the Returns to Active Management in the Mutual Fund Industry*, 47 J. of Law and Econ., no. 2, 2004 at 515–541; Marno Verbeek & Yu Wang, *Better Than the Original? The Relative Success of Copycat Funds*, 37 J. of Banking and Fin. 3454 (2013).

¹⁰³ See Vikas Agarwal, et al., *Mandatory Portfolio Disclosure, Stock Liquidity, and Mutual Fund Performance*, 76 J. of Fin. 2773–2776, (2015) (“Agarwal et al.”).

¹⁰⁴ See Ki-Soon Choi, *The Role of Portfolio Disclosures in Mutual Funds* (working paper revised Aug. 2 2023), available at SSRN: <https://ssrn.com/abstract=4283140> (retrieved from SSRN Elsevier database). The paper analyzes the 2016 adoption of Form N–PORT reporting requirements and suggests that standardized portfolio disclosures decreased information asymmetry between fund investors and managers, showing that, as a result of the 2016 reporting requirements, fixed-income fund managers (who generally have incentives to display lower volatility) became less likely to engage in return smoothing, and equity managers became less likely to engage in risk shifting (increasing the risk of a fund portfolio in hopes of achieving higher portfolio returns).

¹⁰⁵ See Xiangang Xin, et al., *Wrong Kind of Transparency? Mutual Funds’ Higher Reporting Frequency, Window Dressing, and Performance*, 62 J. Acct. Rsch. 737 (2024); See also Vikas Agarwal, et al., *Window Dressing in Mutual Funds*, 27 Rev. of

Some studies analyze the effects of portfolio disclosures on issues related to market efficiency and capital formation. As noted above, one study suggests that while disclosure is costly for individual funds, it can increase the liquidity of the underlying market for a fund’s securities, implying lower trading costs for investors and a lower cost-of-capital for issuing firms.¹⁰⁶ Another study suggests that quarterly holdings disclosure requirements cause funds to alter their trading strategies to conceal their intentions leading up to reporting dates, reducing price efficiency around these dates.¹⁰⁷ Finally, another study suggests that increased portfolio holding disclosure requirements can disincentivize a fund from performing costly research activities, reducing price informativeness for firms that the fund invests in and decreasing the ability of those firms’ managers to learn from market prices when making real investment decisions.¹⁰⁸

C. Benefits and Costs of the Amendments

1. Filing Timeframe

We are proposing to amend rule 30b1–9 and Form N–PORT to require registered funds to file Form N–PORT reports within 45 days after the end of the month to which they relate.¹⁰⁹ Specifically, rather than filing monthly reports with the Commission within 30 days after the end of each calendar month as finalized in the 2024 Adopting Release, we are proposing to require registered funds to file reports on a monthly basis due within 45 days after the end of the month to which they relate. As a result, the proposed approach would provide registered funds with more time to gather and verify the information required to be filed on Form N–PORT and to submit the filing.

The primary benefit of the revised 45-day filing deadline would be to reduce the costs that funds might otherwise incur in gathering, verifying, and ultimately filing Form N–PORT on a monthly basis under the 2024 amendments. The associated cost savings may be passed on to fund investors. While funds will still incur costs associated with gathering and

reviewing Form N–PORT information, the additional 15 days they have to do so might reduce, for example, the number of personnel some funds require. Similarly, while funds will still incur costs associated with data validation and data tagging, third-party service provider fees, personnel costs, and internal costs associated with developing and maintaining systems, processes, and procedures to file form N–PORT on a monthly basis,¹¹⁰ the additional 15 days may reduce the number of personnel required to file Form N–PORT each month for some funds. The 45-day filing deadline would also reduce any potential costs associated with increased errors and resubmissions under a 30-day filing deadline.¹¹¹ The 2024 Adopting Release also stated that some registered funds, such as those belonging to smaller fund groups that may not experience economies of scale, may experience higher costs associated with a 30-day filing deadline. Consistent with this analysis, we would expect that cost reductions associated with the proposed 45-day filing deadline to particularly benefit such funds. Finally, during staff outreach following the 2024 Adopting Release, industry participants have indicated that registered funds with more complex strategies and certain types of closed-end funds, such as those that only strike net asset values once per month, may not receive certain data until shortly before the 30-day deadline, increasing the potential for errors and resubmissions and potentially causing some registered fund industry participants to hire additional personnel to manage the condensed timeframe.¹¹² The 45-day filing deadline would mitigate these costs for such funds.

The proposed 45-day filing deadline would delay the Commission’s receipt of monthly Form N–PORT filings by 15 days. As discussed in the 2024 Adopting Release, the timely receipt of Form N–PORT information allows the Commission to conduct targeted and timely monitoring efforts, to accurately analyze risks and trends, and to assess the breadth and magnitude of potential impacts of market events and stress affecting particular issuers, asset classes, counterparties, or market participants.¹¹³ Therefore, the benefits associated with timely Commission

Fin. Stud. 3133 (2024) for a theoretical model of why managers engage in window dressing.

¹⁰⁶ See Agarwal et al., *supra* note 103.

¹⁰⁷ See Todd A. Gormley, et al., *More Informative Disclosures, Less Informative Prices? Portfolio and Price Formation Around Quarter-Ends*, 146 J. of Fin. Econ. 665 (2022).

¹⁰⁸ See Jalal Sani, et al., *Spillover Effects of Mandatory Portfolio Disclosures on Corporate Investment*, 76 J. of Acct. & Econ. 101641 (2023).

¹⁰⁹ See *supra* note 11.

¹¹⁰ See 2024 Adopting Release, *supra* note 1, at nn. 204–206 and accompanying text for a more detailed discussion of these effects.

¹¹¹ See *id.* at nn. 221–223 and accompanying text. See also ICI Letter at note 23.

¹¹² See *supra* section II.A and paragraph accompanying n.13.

¹¹³ See 2024 Adopting Release, *supra* note 1, at n. 198 and accompanying text.

oversight, such as reduced investor harm or market disruptions, may decrease as a result of the 15-day delay. However, the Commission would still have more timely access to registered fund information than it does under the quarterly filing requirements that are currently in effect.

2. Publication Frequency

We are proposing to require public disclosure of registered funds' portfolio holdings for the third month of each fiscal quarter with a 60-day delay. While the proposal would reduce the amount of information available to investors about registered fund holdings relative to the monthly portfolio disclosure required by the 2024 amendments, it would also reduce the risk that a fund's proprietary investment strategy or trading intentions are inferred by external parties.

The primary benefits of the proposed decrease in publication frequency would be to reduce certain costs that an increased publication frequency could impose on registered funds.¹¹⁴ The monthly publication frequency required by the 2024 amendments would provide market participants with four times more data annually regarding a registered fund's holdings, increasing the risk that a fund's proprietary investment strategy could be copied by funds that do not incur the information production costs of the target fund, and may reduce the returns of the target fund.¹¹⁵ In addition, because the 2024 amendments reduce the maximum potential time that a registered fund can use to, for example, build a position in a new fund holding from approximately five months to approximately three months, funds that tend to establish or dispose of positions over periods of time longer than three months risk having their trading intentions inferred sooner than is the case under the rules currently in effect.¹¹⁶ While a registered fund's trading intentions or the information on which it is basing its proprietary investment strategy may be reflected in the market through other channels, such as the trades a fund initiates in the interim, the revelation of a fund's holdings via Form N-PORT

before it has fully established or disposed of a position could increase the associated trading costs and reduce returns for its investors.¹¹⁷ The proposed changes to the publication frequency would therefore reduce any trading costs associated with the publication of registered fund holdings on Form N-PORT.

While the 2024 Adopting Release acknowledged that increasing the publication frequency of Form N-PORT could affect a registered fund's business practices by, for example, altering the fund's trading strategy around disclosure dates,¹¹⁸ market participants have since reiterated the potential costs that the more frequent publication of holdings could impose on actively managed funds and their shareholders, and the subsequent need funds may have to alter their investment strategies to mitigate these costs.¹¹⁹ These costs could also lead a registered fund to decrease its research expenditures or, in the extreme, conclude that a given investment strategy is not viable and stop offering it, which could decrease price efficiency as well as investor choice.¹²⁰

The costs of the proposed amendments include the loss of several benefits to investors and other users of Form N-PORT associated with a monthly publication frequency 60 days after the end of each reporting period, such as an enhanced ability of investors to review and monitor information on registered funds' portfolios (directly or through analyses performed by third-party data aggregators). These forgone benefits would include a reduced need to rely on registered funds' voluntary holdings disclosures, which are not consistently provided by all registered funds and, even where they are, may have formats that are inconsistent across time or across funds, or may be difficult to access.¹²¹ In addition, voluntary disclosures do not necessarily contain other potentially useful information that is contained on Form N-PORT, such as a registered fund's net assets, liabilities, flows, interest rate risk, credit risk, or counterparty risk. Moreover, even where market participants use quarterly Form N-PORT data, registered funds report these data in accordance with their own fiscal years, which may differ and preclude the comparison of different funds at a given point in time.¹²²

Finally, to the extent more frequent Form N-PORT disclosures would have ameliorated agency problems that may exist between a registered fund's manager and the fund's investors, any benefits investors would have accrued due to a reduction in these agency problems under the 2024 Amendments would no longer apply.¹²³

3. Other Proposed Amendments to Form N-PORT

We are also proposing amendments to Form N-PORT to refine the information registered funds provide. Specifically, we are proposing to modify certain information collected on portfolio level risk metrics and returns to narrow their scope, and proposing to eliminate certain information collected on non-derivatives instruments' payoff profiles, convertible bonds, names rule compliance, and the reason a single holding has multiple liquidity classifications. We are also proposing to modify how funds with ETF share classes report net assets and shareholder flows to require separate information for ETF share classes. Finally, we are proposing to require registered funds to provide ticker symbols by registrant, and for each class of a registrant or series, as applicable, as well as certain other class-level information, if any, to help staff and data users use data more efficiently. Throughout this discussion, when we refer to the potential use of Form N-PORT by investors, we note that investors may use the information directly or by relying on third parties that aggregate the information available on Form N-PORT and provide it to investors and other market participants. We also generally refer to the costs (or cost savings) associated with the proposed changes as being incurred by, or accrued to, a fund, but note that all of the costs or cost savings discussed below may be passed onto fund investors.

The proposed modifications to the information collected on portfolio level risk metrics include an increase in the threshold percentage of registered fund assets held in debt or debt derivatives that triggers risk metric reporting requirements, the removal of risk metrics associated with small changes in interest rates (DV01), the aggregation of risk metrics associated with larger changes in interest rates (DV100) (rather than separate DV100 reporting for each currency that a registered fund has holdings of that amount to 1% or more

¹¹⁴ See *id.* at n. 237 and accompanying text.

¹¹⁵ See *supra* notes 102–103 and accompanying text.

¹¹⁶ Under the requirements prior to the 2024 amendments, if a registered fund, for example, begins to establish a new position immediately after quarter-end, the position will not be publicly disclosed for 3 months and 60 days (*i.e.*, about 5 months in total). Under the 2024 amendments, if a registered fund begins to establish a new position immediately after quarter-end, the position will not be publicly disclosed for 1 month and 60 days (*i.e.*, about 3 months in total).

¹¹⁷ See 2024 Adopting Release, *supra* note 1, at n. 240 and accompanying text.

¹¹⁸ See *id.* at n. 248.

¹¹⁹ See ICI Letter.

¹²⁰ See *supra* section III.B.3.

¹²¹ See 2024 Adopting Release, *supra* note 1, at n. 231.

¹²² See *id.* at 73784 (Table 2).

¹²³ See *id.* at nn. 234–236 and accompanying text for a discussion of potential agency problems that may be mitigated by more frequent portfolio disclosure.

of the fund's net asset value), the aggregation of credit risk metrics for investment-grade and non-investment grade into a single credit risk metric, and a clarification that risk metrics are reported in US dollars. These changes would reduce the costs associated with reporting risk metrics on Form N-PORT by reducing the number of registered funds that are required to report the metrics, removing certain metrics (DV01), and streamlining the reporting of the remaining metrics. To the extent investors currently rely on the risk metrics that will be removed or streamlined, the amendments would reduce the amount of information on which investors can base their investment decisions. We do not expect these changes to significantly affect the utility of the reported information about portfolio risk metrics to the Commission.¹²⁴

The proposed modifications to the information collected on registered fund returns would require that funds with multiple share classes only report return information for a single representative class, rather than reporting returns for each share class. This change should reduce the costs associated with filing such return information while still providing investors and the Commission with fundamental information on a registered fund's monthly returns. In addition, the proposed changes would exclude sales loads and redemption fees from monthly return calculations, which would remove the ambiguous effect that these fees have on such monthly returns for investors who hold a fund for different lengths of time. Investors would still have access to return information reflecting sales loads and redemption fees over several hypothetical holding periods for relevant registered funds on Forms N-1A and N-3, and these fees are explicitly disclosed in a fund's prospectus. In addition, some registered funds already exclude sales loads and redemption fees from their monthly fund returns on Form N-PORT, so we do not expect the removal of these fees from monthly return calculations to impose significant costs on investors.¹²⁵

While registered funds would continue to report the net realized gain and net change in unrealized appreciation attributable to derivatives for multiple asset categories, funds would no longer be required to separately report this information for each type of derivative within each asset category, reducing reporting costs for funds. To the extent investors currently

rely on the more granular reporting by derivative type within each asset category, the amendments would reduce the amount of information on which investors can base their investment decisions.

In addition, the proposed changes would remove several items from Form N-PORT altogether, which would reduce reporting costs for registered funds. For positions that are not derivatives, registered funds would no longer have to classify the payoff profile (long, short, or N/A) of the position. While the explicit item capturing the payoff profile of such positions would no longer be available to investors, investors would still be able to determine a position's payoff profile from the sign of the corresponding holding reported on Form N-PORT. We are also proposing to remove both the conversion ratio and the delta for convertible debt securities from Form N-PORT. To the extent investors rely on the conversion ratio information, they will have less information on which to base their investment decisions. In addition, the proposed changes would no longer require an open-end fund that is attributing multiple liquidity classifications to a holding to indicate the reason the holding requires multiple classifications. Because liquidity classifications are not publicly reported, this change would not impose costs on investors.

The proposed changes discussed above either reduce the content of, or eliminate, certain items from Form N-PORT, which will reduce the amount of information available to the Commission for oversight purposes. However, based on our experience, not having this data would not adversely affect our oversight capabilities, so we do not expect them to reduce investor protections.

In addition to the Form N-PORT items that we are proposing to remove or streamline based on Commission experience using the information provided by registered funds on Form N-PORT, we are also proposing to remove three items from Form N-PORT that were adopted as part of amendments to the names rule, which funds have not yet begun to report.¹²⁶ These disclosures apply to registered funds required to adopt an 80% investment policy and include: (1) definitions of terms used in the fund's name; (2) the value of the fund's 80% basket, as a percentage of the value of the fund's assets; and (3) whether each investment in the fund's portfolio is in

the fund's 80% basket.¹²⁷ Removing these items would eliminate the costs registered funds would incur associated with modifications to internal compliance systems, the potential use of third-party service providers in filing these items, and the need to add new data tags for these items for purposes of filing the names rule relevant items on Form N-PORT.¹²⁸ While the Commission would still be able to perform oversight of a fund's compliance with the names rule due to the rule's recordkeeping and other disclosure requirements, the removal from Form N-PORT of individual holding classifications under the names rule as well as the aggregate value of a fund's 80% basket could reduce the efficacy of the Commission's oversight, such as its ability to conduct targeted exams. In addition, to the extent that investors would have relied on the information on Form N-PORT regarding names rule compliance, either directly or through third parties, to better determine whether or not a registered fund's investment strategy is consistent with their goals and preferences, the removal of these items would reduce their ability to do so. For a fund with an 80% investment policy, investors would still have access to the definition of terms used in the fund's name and any selection criteria associated with these terms in the fund's prospectus, as well as information about the fund's portfolio holdings, which may mitigate this effect.

The proposed changes to Form N-PORT also include a new item tailored to registered funds with ETF share classes. Funds with ETF share classes would be required to provide identifying information for the share class, information on the net assets associated with the share class, and information on flows into and out of the share class. Investors and market participants would benefit from these changes by gaining a more detailed understanding of the differences in size and flows of a fund's ETF and non-ETF share classes, particularly if the number of funds offering ETF share classes increases. Finally, these changes would allow the Commission to monitor and respond to any issues that arise if the number of registered funds and the amount of assets managed using ETF share classes increase in the future. Funds that have an ETF share class would incur costs associated with

¹²⁷ See Items B.11 and C.2.e of current Form N-PORT.

¹²⁸ See Names Rule Adopting Release, *supra* note 10, at paragraphs accompanying nn.571–574.

¹²⁴ See *supra* note 43 and subsequent text.

¹²⁵ See *supra* note 89.

¹²⁶ See Names Rule Adopting Release, *supra* note 10.

identifying, validating, and filing these new items on Form N-PORT.

Finally, we are proposing to require registered funds to provide ticker symbols by registrant, and for each class of a registrant or series, as applicable, as well as certain other class-level information, if any, to help staff and data users use data more efficiently.¹²⁹ As discussed above, using the identifying information that registered funds currently report to match a fund, series, and/or class across multiple data sources (e.g., Form N-PORT reports, other reports such as Form N-CEN, and third-party vendor information) can be difficult because of slight differences in the reported name of the fund, series, and/or class as well as the lack of LEIs or EDGAR series identifiers in some data sources.¹³⁰ The additional identifying information required for registrants and each class of a registrant or series would improve the Commission's ability to monitor and analyze registered fund activity across data sources, enhancing investor protections. The additional identifying information would also improve the ability of investors to compare funds and individual share classes and series across different data sources, allowing them to make more informed investment decisions. Registered funds would incur costs associated with validating and filing these new items on Form N-PORT.

4. Monetized Benefits and Costs

This section estimates the monetized benefits and costs of the proposed amendments by disaggregating the net reduction in PRA burden discussed in section IV.¹³¹ These estimates are then used in the following section to calculate present and annualized values of the benefits and costs of the proposed amendments under different discount rate assumptions. These estimates are expected to be lower bounds on the benefits and costs registered funds and their investors would experience because we are not able to quantify all of the economic effects of the proposed changes.¹³²

We estimate that registered funds would experience net one-time cost savings of \$94,013,000 associated with the change in filing timeframe from 30 days to 45 days and the various amendments to Form N-PORT.¹³³ These one-time cost savings are net of the aggregate one-time costs of \$2,923,142 that we estimate are associated with the information about ETF share classes and the additional identifying information that would be required by the proposed amendments.¹³⁴ Therefore, we estimate that registered funds would benefit from gross one-time costs savings of \$96,936,142 as a result of the proposed amendments.¹³⁵

Similarly, we estimate that registered funds would experience net ongoing cost savings of \$95,955,431 associated with the change in filing timeframe from 30 days to 45 days and the various amendments to Form N-PORT.¹³⁶ These

¹³³ See section IV, Table 8. Registered funds that license a software solution to file Form N-PORT are expected to experience aggregate one-time cost savings of \$6,105,618 (4,434 funds * 3 hours * \$459 per hour), while those that outsource filing Form N-PORT to a third-party are expected to experience aggregate one-time cost savings of \$11,338,218 (8,234 funds * 3 hours * \$459 per hour). In addition, registered funds affected by the names rule are expected to experience one-time aggregate cost savings of \$76,569,164 (9,926 funds * 19 hours * \$406 per hour). Total aggregate one-time cost savings based on the information in Table 8 are therefore expected to be \$94,013,000 (\$6,105,618 + \$11,338,218 + \$76,569,164). Note that, while we estimate that 9,628 funds will be affected by names-rule related changes to Form N-PORT in section III.B.2, these cost estimates reflect the number of funds used to calculate the associated PRA burden (see section IV, Table 8, note 7).

¹³⁴ As noted in section III.B.2, we estimate that 69 registered funds would be required to file information about ETF share classes. We estimate that these registered funds would incur an initial burden of 0.5 hours associated with filing ETF information at a blended wage rate of \$459 per hour, implying initial aggregate costs of \$15,836 (69 funds * 0.5 hours * \$459 per hour). All 12,668 registered funds currently required to file reports on Form N-PORT would be required to file the additional identifying information, and we estimate that these funds would incur an initial burden of 0.5 hours at a blended wage rate of \$459 per hour, implying initial aggregate costs of \$2,907,306 (12,668 funds * 0.5 hours * \$459 per hour). Total aggregate one-time costs associated with the additional information we are requiring on Form N-PORT are therefore expected to be \$2,923,142 (\$15,836 + \$2,907,306).

¹³⁵ \$96,936,142 = \$94,013,000 + \$2,923,142.

¹³⁶ See section IV, Table 8. Note that internal annual burden hours reported in the table include initial burden estimates annualized over a 3-year period. To isolate ongoing economic burden hours, we thus reduce the internal annual burden hours by one third of the initial internal burden hours, both as reported in Table 8. Registered funds that license a software solution to file Form N-PORT are expected to save \$6,105,618 (4,434 funds * 3 hours * \$459 per hour) in aggregate annually due to a reduction in internal hours spent filing Form N-PORT and to save \$4,434,000 (4,434 funds * \$1,000 per fund) from reduced costs associated with external services. Similarly, registered funds that outsource filing Form N-PORT to a third-party are

ongoing cost savings are net of the aggregate ongoing costs of \$1,461,571 that we estimate are associated with the information about ETF share classes and the additional identifying information that would be required by the proposed amendments.¹³⁷ Therefore, we estimate that registered funds would benefit from gross ongoing costs savings of \$97,417,002 as a result of the proposed amendments.¹³⁸

5. Present Values and Annualized Values of Monetized Benefits and Costs

In this section, we report the total monetized benefits and costs of the proposed amendments, as calculated in the previous section, in two additional ways. These presentations are intended to address the fact that the various benefits and costs of the proposed amendments would not accrue at the same point in time; rather, benefits and costs that accrue sooner are generally more valuable than those that occur later in time. Specifically, we report below: (1) the present values of expected benefits and costs that are monetized in our economic analysis over a 10-year time horizon, starting in 2026, as well as (2) the annualized values over the same time horizon that are derived from the present values. This 10-year time horizon represents the period over which the principal benefits and costs that are monetized in the economic analysis are expected to

expected to save \$7,558,812 (8,234 funds * 2 hours * \$459 per hour) in aggregate annually due to a reduction in internal hours spent filing Form N-PORT and to save \$16,468,000 (8,234 funds * \$2,000) from reduced costs associated with external services. In addition, registered funds affected by the names rule are expected to experience annual cost savings of \$38,956,241 (9,926 funds * 9.67 hours * \$406 per hour) due to a reduction in internal hours spent filing names-related information on Form N-PORT and to save \$22,432,760 (9,926 funds * \$2,260) from reduced costs associated with external services. Total aggregate cost savings are therefore expected to be \$95,955,431 (\$6,105,618 + \$4,434,000 + \$7,558,812 + \$16,468,000 + \$38,956,241 + \$22,432,760).

¹³⁷ As noted in section III.B.2, we estimate that 69 funds would be required to file information about ETF share classes. We estimate that these registered funds would spend an additional 0.25 hours annually associated with filing ETF information at a blended wage rate of \$459 per hour, implying ongoing aggregate annual costs of \$7,918 (69 funds * 0.25 hours * \$459 per hour). All 12,668 registered funds currently required to file reports on Form N-PORT would be required to file the additional identifying information, and we estimate that these funds would spend an additional 0.25 hours annually at a blended wage rate of \$459 per hour, implying ongoing aggregate annual costs of \$1,453,653 (12,668 funds * 0.25 hours * \$459 per hour). Total aggregate annual costs associated with these changes are therefore expected to be \$1,461,571 (\$7,918 + \$1,453,653).

¹³⁸ \$97,417,002 = \$95,955,431 + \$1,461,571.

¹²⁹ See *supra* note 75.

¹³⁰ See *supra* note 77 and preceding discussion.

¹³¹ The monetization in this section reflects the reduction in PRA burden discussed in section IV. As noted there, this reduction includes consideration of the additional costs that would be imposed by adding information about ETF share classes and by adding additional identifying information. See *infra* note 162. Also note that while we estimate that 9,628 funds would be affected by names-rule related changes to Form N-PORT in section III.B.2, the cost saving estimates reflect the number of funds (9,926) used to calculate the associated PRA burden (see section IV, Table 8, note 7).

¹³² See *supra* note 87 and preceding discussion.

accrue.¹³⁹ The present values and annualized values account for the timing of benefits and costs through discounting, which is a procedure that accounts for the time value of money.¹⁴⁰ The present values and annualized

values are computed for total monetized benefits and costs, combining one-time and recurring monetized benefits and costs, across all affected entities over the time horizon.

Table 6 reports the present values of monetized benefits and costs using annual real discount rates of 3 percent and 7 percent over a 10-year time horizon, starting in 2026.¹⁴¹

TABLE 6—PRESENT VALUE OF MONETIZED BENEFITS AND COSTS OVER A 10-YEAR TIME HORIZON

[In 2025 \$]¹

Estimated effects ²	3% Real discount rate	7% Real discount rate
Benefits	\$844,307,797	\$710,518,371
Costs	14,136,138	12,128,864

¹ This Table includes only benefits and costs that are monetized. As discussed in this economic analysis, there are other benefits and costs that we are not able to monetize.

² For each discount rate, the present value of monetized benefits or costs is calculated assuming that: (i) all one-time monetized implementation benefits and costs are immediately incurred (i.e., these costs are not discounted); (ii) recurring annual monetized benefits and costs start to be incurred as of the year in which affected entities first comply. In (iii), we assume that monetized benefits and costs accrue mid-year, and we use a mid-year discount rate. We are proposing a 12-month transition period for larger entities and an 18-month period for smaller entities. Correspondingly, both groups of entities would start complying with the proposed rule in the same calendar year (2027 for the purposes of this calculation), and we therefore discount the cash flows for both entities at mid-year of the same calendar year in our present value calculations.

Table 7 reports annualized monetized benefits and costs using real discount rates of 3 percent and 7 percent over a 10-year horizon, starting in 2026.¹⁴² The lump sum present values of monetized benefits and costs reported in Table 6

are converted in Table 7 into a constant stream of annualized benefits and costs over a 10-year time horizon.¹⁴³ Annualized benefits and costs may differ from any recurring annual benefits and costs discussed earlier in

this economic analysis because they incorporate the timing of benefits and costs, through discounting, and combine one-time and recurring benefits and costs.¹⁴⁴

TABLE 7—ANNUALIZED MONETIZED BENEFITS AND COSTS OVER A 10-YEAR TIME HORIZON

[In 2025 \$]¹

Estimated effects ²	3% Real discount rate	7% Real discount rate
Benefits	\$97,526,543	\$97,796,834
Costs	1,632,875	1,669,435

¹ This Table includes only benefits and costs that are monetized. As discussed in this economic analysis, there are other benefits and costs that we are not able to monetize.

² For each discount rate, the annualized value of monetized benefits (costs, respectively) is calculated by dividing the corresponding present value of monetized benefits (costs, respectively) in Table 6 by the sum of discount factors over the 10-year time horizon. The discount factor in year t of the 10-year time horizon ($t = 1, \dots, 10$) is equal to $1/(1 + \text{discount rate})^{t-0.5}$, where the discount rate is either 3% or 7%. The sum of discount factors over the 10-year time horizon is then the sum of the discount factors across years $t = 1$ through 10.

In sum, Tables 6 and 7 report in two alternative ways expected total benefits and costs, across all affected entities, which are monetized in our economic analysis, using real discount rates of 3 percent and 7 percent over a 10-year time horizon.

D. Effects on Efficiency, Competition, and Capital Formation

1. Efficiency

By reducing the frequency at which a registered fund's portfolio holdings are disclosed on Form N-PORT relative to the 2024 amendments, the proposed amendments reduce the risk that external parties infer the fund's

proprietary investment strategy or trading intentions and use that information in ways that increase costs for the fund and its shareholders.¹⁴⁵

Under the 2024 amendments, concerns about such costs could cause registered funds to alter their business practices in ways that reduce information

¹³⁹ See OMB, Circular A-4, at 31–34 (Sept. 17, 2003) at 31 (stating that “[t]he ending point should be far enough in the future to encompass all the significant benefits and costs likely to result from the rule”). For the purposes of this analysis, we assume the effective date of the rule, as well as the start year for the analysis's 10-year time horizon, is the present year. The analysis uses calendar years and also accounts for the compliance periods included in the release (see note 2 in Table 6).

¹⁴⁰ See *id.* at 32 (“The Rationale for Discounting”) and 45 (“Treatment of Benefits and Costs over Time”). See also OIRA, Regulatory Impact Analysis: A Primer, at 11 (Aug. 15, 2011), available at https://www.reginfo.gov/public/jsp/Utilities/circular-a-4_regulatory-impact-analysis-a-primer.pdf (“To provide an accurate assessment of benefits and costs that occur at different points in time or over

different time horizons, an agency should use discounting. Agencies should provide benefit and cost estimates using both 3 percent and 7 percent annual discount rates expressed as a present value as well as annualized.”). See also, e.g., Harvey S. Rosen & Ted Gayer, Public Finance 151 (8th ed. 2008) (defining present value as “the value today of a given amount of money to be paid or received in the future”).

¹⁴¹ This approach is consistent with OMB Circular A-4. See *id.* at 31–34 (stating that, “[f]or regulatory analysis, [agencies] should provide estimates of net benefits using both 3 percent and 7 percent” discount rates and discussing why those rates are reasonable default rates).

¹⁴² This approach is consistent with the recommended treatment of benefits and costs over

time in Circular A-4. See *id.* at 45 (“You should present annualized benefits and costs using real discount rates of 3 and 7 percent”).

¹⁴³ For each discount rate, the annualized monetized benefits (costs, respectively) in Table 7 represent the constant annual stream of benefits (costs, respectively) whose present value over the 10-year horizon equates the corresponding present value in Table 6. See note 2, Table 7 for additional calculation details.

¹⁴⁴ The annualized benefits and costs present these values over the 10-year time horizon, starting in the present year, even if recurring annual benefits and costs would actually start to be incurred at a later date due to compliance periods.

¹⁴⁵ See *supra* notes 115 to 117.

production,¹⁴⁶ potentially reducing the price efficiency of the securities funds hold.¹⁴⁷ Specifically, a registered fund might decide to reduce its investment in researching securities if the fund expects the returns to performing such research will be reduced by increased disclosure of the fund's holdings on Form N-PORT, or to forgo an investment strategy altogether. To the extent that the potential costs associated with more frequent portfolio disclosure under the baseline would cause registered funds to reduce their information production, the proposed amendments would eliminate this disincentive, increasing price efficiency.

The proposed changes would reduce the frequency and consistency of registered fund holding disclosures, which could reduce the ability of investors to monitor funds' portfolios and make investment decisions that are more aligned with their objectives and risk tolerance, decreasing allocative efficiency.¹⁴⁸ In addition, price efficiency might decrease if investors would have used the more frequent disclosure of registered fund holding valuations contained on Form N-PORT (which may be useful for holdings that are not traded on an exchange) and the knowledge that certain registered funds are holding a particular security to inform their investment decisions under the baseline.¹⁴⁹ Finally, price efficiency in the secondary market for shares of closed-end funds could be reduced to the extent that investors would have used the more frequent disclosure of closed-end fund holdings to better value these shares prior to transacting in the secondary market.¹⁵⁰

The other proposed amendments to Form N-PORT are not expected to have significant effects on efficiency, competition, or capital formation. If anything, they may have a marginal effect on allocative efficiency to the extent they change the information available to investors in selecting investments that match their objectives or risk preferences. For example, additional information on the net assets and shareholder flows for ETF share classes as well as more robust identifying information for fund registrants, share classes, and series may allow investors to make marginally more efficient investment decisions. In contrast, the elimination of certain information as well as the narrowing of

scope for other information may marginally reduce the efficiency of investors' investment decisions. In the latter case, any marginal negative effects on investment efficiency may be mitigated by the continuing availability of relevant information elsewhere on Form N-PORT or in other filings. For example, investors or third parties may be able to compute certain items that are being streamlined or removed from Form N-PORT directly from registered funds' published quarterly holdings. In such cases, the effect of the proposed changes would be limited to a decrease in such information during the two months between quarters during which holdings are reported.

2. Competition

By increasing the time registered funds have to file Form N-PORT from 30 days to 45 days, the proposed amendments would mitigate compliance costs that, as a percentage of assets under management, likely would have been higher for smaller funds and fund complexes.¹⁵¹ In doing so, the proposed amendments could increase, relative to the 2024 amendments, these smaller funds' ability to compete with larger funds and fund complexes. Similarly, to the extent that registered funds would have passed on compliance costs associated with the 2024 amendments to their investors, the proposed changes would mitigate any reduction in the competitiveness of registered funds relative to other investment vehicles such as collective investment trusts or separately managed accounts.¹⁵²

To the extent that the increased frequency and consistency of the information investors would have had about registered fund holdings under the 2024 amendments would have allowed them to better understand and compare the drivers of fund performance, the proposed changes could reduce competition between registered funds.¹⁵³

3. Capital Formation

To the extent that the potential costs associated with more frequent holdings disclosure under the 2024 amendments would disincentivize registered funds from investing in costly information production activities, such as performing fundamental research on securities, or cause them to forgo certain investment strategies and their associated information production activities altogether, the proposed

changes would reduce this disincentive, increasing the price efficiency of registered fund holdings.¹⁵⁴ In turn, more informative prices could lead the issuers of the securities held by registered funds to make more efficient capital allocation decisions.¹⁵⁵ In contrast, to the extent that more frequent and consistent information on registered fund holdings under the 2024 amendments would have increased price efficiency by improving investors' ability to value securities, ultimately leading to better decisions by issuers on how capital is allocated, the proposed revision of Form N-PORT's publication frequency from monthly to quarterly could eliminate any such positive effect on capital formation.¹⁵⁶

E. Reasonable Alternatives

1. Filing Timeframe

The Commission is proposing to extend the time registered funds have to file monthly Form N-PORT reports with the Commission from 30 days to 45 days. As an alternative, as with the 2024 amendments, we considered an even longer filing deadline (e.g., 60 days after each month end). A longer filing deadline would provide registered funds with even more time to gather, verify, and file information required on Form N-PORT, which could reduce the direct costs associated with these activities. In addition, a longer filing deadline could reduce the indirect costs associated with filing errors and any subsequent amendments to a registered fund's Form N-PORT reports. At the same time, a longer time to file could reduce the utility of information reported on Form N-PORT in exercising the Commission's oversight responsibilities, especially during periods of market stress in which the analysis of potential issues and development of any regulatory responses are particularly time sensitive endeavors.

2. Publication of Registered Fund Holdings

We are proposing to require public disclosure of registered funds' portfolio holdings for the third month of each fiscal quarter with a 60-day delay. As an alternative, we considered synchronizing those disclosures across registered funds to occur in the same month of each quarter rather than according to each fund's specific fiscal year schedule, while maintaining the 60-day delay. While a synchronized

¹⁴⁶ See *supra* notes 118 to 119.

¹⁴⁷ See 2024 Adopting Release, *supra* note 1, at section IV.D.1.

¹⁴⁸ See *id.* at n. 260.

¹⁴⁹ See *id.* at nn. 262–263 and accompanying text.

¹⁵⁰ See *id.* at discussion in last paragraph of section IV.D.1.

¹⁵¹ See *id.* at section IV.D.2.

¹⁵² See *id.* at n. 265.

¹⁵³ See *id.* at text following n. 266.

¹⁵⁴ See *supra* notes 118 to 119.

¹⁵⁵ See *supra* note 108.

¹⁵⁶ See 2024 Adopting Release, *supra* note 1, at section IV.D.3.

quarterly publication requirement would allow investors to compare registered fund holdings at the same point in time, funds whose fiscal year-ends are not aligned with the synchronized schedule would end up disclosing their holdings more than four times per year due to the separate requirement that funds disclose a full schedule of investments with their financial statements. This would be more costly for such funds and may expose them to a greater risk that external parties may use the more frequent disclosures of the registered funds' portfolio holdings to infer the fund's proprietary investment strategy or trading intentions and use that information in ways that increase costs for the funds and their shareholders, making them less competitive than registered funds with fiscal year-ends that are aligned with the synchronized schedule. Under this alternative, registered funds could mitigate any risks associated with these additional disclosures by adjusting their fiscal year to align with the synchronized publication schedule, though they would incur additional costs in doing so.

As another alternative to the proposed quarterly publication of registered funds' portfolio holdings, we considered retaining the monthly publication frequency from the 2024 amendments, but with a longer period before publication (*e.g.*, 90 days after month end, or 60 days after the end of the quarter to which the monthly reports relate). This alternative would result in additional time for registered funds to build or dispose of positions before Form N-PORT reports would provide public information about changes in their portfolio holdings. As a result, the alternative would reduce the risk that external parties could infer information about a registered fund's trading intentions before the fund has fully established its position in a security and may reduce the cost of establishing the position relative to the 2024 amendments. However, this alternative would be less effective than the proposed approach in reducing the risk that a registered fund's overall trading strategy is inferred by external parties, as funds' portfolio holdings would continue to be published for every month.

IV. Paperwork Reduction Act

A. Introduction

Certain provisions of the proposed amendments contain "collection of information" requirements within the meaning of the Paperwork Reduction

Act of 1995 (the "PRA").¹⁵⁷ We will submit the proposed collections of information to the Office of Management and Budget ("OMB") for review in accordance with the PRA.¹⁵⁸ The proposed amendments would change the current collection of information burdens of Form N-PORT under the Investment Company Act.

The title for the existing collection of information is "Rule 30b1-9 and Form N-PORT" (OMB control number 3235-0730). 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. Each requirement to disclose information constitutes a collection of information requirement under the PRA. These collections of information would provide information to the Commission and investors. The Commission staff would also use the collection of information in its examination and oversight programs in identifying patterns and trends across registrants. We discuss below the collection of information burdens associated with the proposed amendments.

B. Form N-PORT

Form N-PORT requires registered management investment companies (except for money market funds and small business investment companies) and ETFs that are organized as unit investment trusts to report portfolio holdings information in a structured, XML data language. The form is filed electronically using the Commission's electronic filing system, EDGAR. We propose the following amendments to Form N-PORT:

- *Filing timeframe.* The proposed amendments to rule 30b1-9 and Form N-PORT would require registered funds to file Form N-PORT reports within 45 days after the end of the month to which they relate rather than filing monthly reports 30 days after the end of each calendar month under the 2024 amendments.
- *Publication frequency.* The proposed amendments to Form N-PORT would require publication of Form N-PORT reports for the third month of each fiscal quarter with a 60-day delay, instead of publication of monthly reports with a 60-day delay under the 2024 amendments.
- *Other proposed amendments.* The proposed amendments to Form N-PORT would modify certain information collected on portfolio level risk metrics and returns to narrow their scope;

eliminate certain information collected on registered funds' compliance with names rule-related regulatory requirements, non-derivatives instruments' payoff profiles, convertible bonds, and the reason a single holding has multiple liquidity classifications; require funds with ETF share classes to report net assets and shareholder flows separately for ETF share classes; and require registered funds to report additional identifying information, such as tickers.

The respondents to these collections of information would be management investment companies (other than money market funds and small business investment companies) and ETFs that are organized as unit investment trusts. We estimate that there are 12,668 such funds required to file on Form N-PORT.¹⁵⁹ The proposed collections of information are mandatory for the identified types of funds. Certain information reported on the form is currently kept confidential, and we propose that this would continue to be the case.¹⁶⁰

In the most recent PRA submission for Form N-PORT, the Commission estimated the annual aggregate compliance burden to comply with the current collection of information requirements in Form N-PORT is 2,000,834 burden hours and an external cost burden estimate of \$177,742,893.¹⁶¹ While the amendments in the 2024 Adopting Release have not gone into effect, the approved PRA estimates reflect those amendments. As a result, the current burden estimates reflect the burden hours and external costs associated with a requirement for registered funds to file monthly reports with the Commission within 30 days of month end. In connection with the 2024 amendments, the Commission did not estimate additional burdens associated with changing the publication frequency of Form N-PORT reports.

We estimate that registered funds prepare and file their reports on Form N-PORT either by: (1) licensing a software solution and preparing and filing the reports in house, or (2) retaining a service provider to provide data aggregation, validation, and/or filing services as part of the preparation and filing of reports on behalf of the fund. We estimate that 35% of funds

¹⁵⁹ This estimate of the number of registered funds required to file on Form N-PORT is as of Dec. 31, 2024, and based on data from filings with the Commission.

¹⁶⁰ See General Instruction F of Form N-PORT; General Instruction F of amended Form N-PORT.

¹⁶¹ The most recent Form N-PORT PRA submission was approved in 2024 (OMB Control No. 3235-0730).

¹⁵⁷ 44 U.S.C. 3501-3521.

¹⁵⁸ 44 U.S.C. 3507(d); 5 CFR 1320.11.

subject to the Form N–PORT filing requirements license a software solution and file reports on Form N–PORT in house, and the remaining 65% retain a service provider to file reports on behalf of the fund.

We are adjusting downward the collection of information burden in connection with the proposed requirement to file Form N–PORT reports within 45 days of month end, rather than within 30 days of month end. This reduction reflects that burdens of collecting and filing Form N–PORT information should be lower because registered funds will have more

time to conduct these activities and avoid corrective re-submissions of filings. We are not proposing any adjustment to the burden estimates in connection with the proposed changes to the publication frequency of Form N–PORT reports, as the Commission similarly did not adjust burden estimates in 2024, and there is no separate information collection involved with the Commission publishing reports that have been filed with us. We are also adjusting downward the collection of information burden in connection with the modifications to and elimination of

certain items in Form N–PORT. This reduction reflects that burdens of collecting and filing Form N–PORT information should be lower because registered funds would be required to collect and report less overall information.¹⁶²

Table 8 below summarizes our initial and ongoing annual burden estimates associated with the proposed amendments to Form N–PORT. The following estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act.

TABLE 8—FORM N–PORT PRA ESTIMATES

	Initial internal burden hours	Internal annual burden hours ¹		Wage rate	Internal time costs	Annual external cost burden
PROPOSED AMENDMENTS TO FORM N–PORT						
Proposed Amendments to Filing Timeframe and Other Proposed Amendments (Excluding Removal of Names Rule-Related Reporting)						
Funds that license a software solution to prepare Form N–PORT	– 3	³ – 4 hours	×	² \$459	– \$1,836	⁴ – \$1,000
Number of funds ⁵		× 4,434 funds			× 4,434 funds	× 4,434 funds
Funds that retain the services of a third-party vendor to prepare Form N–PORT	– 3	⁶ – 3	×	² 459	– \$1,377	⁷ – \$2,000
Number of funds ⁵		× 8,234 funds			× 8,234 funds	× 8,234 funds
Total new annual burden of amendments (excluding names rule-related)		– 42,438 hours			– \$19,479,042	– \$20,902,000
Proposed Amendments to Remove Names Rule-Related Reporting⁷						
Removal of names rule-related reporting	⁸ – 19	⁸ – 16 hours		406	– \$6,496	– \$2,260
Number of funds		× 9,926 funds			× 9,926 funds	× 9,926
Total new annual burden of names rule-related amendments		⁸ – 158,816 hours			– \$64,479,296	– \$22,432,760
Total Estimated Burdens, Including Proposed Amendments						
Current burden estimates		⁹ 2,070,316 hours				\$177,742,893
Revised burden estimates		1,869,062 hours				\$134,408,133

Certain products and sums do not tie due to rounding.

Notes:

¹ Includes initial burden estimates annualized over a 3-year period.

² The \$459 wage rate reflects current estimates of the blended hourly rate for an accountant and auditor (\$348), paralegal and legal assistant (\$285), and attorney (\$744) in the securities industry. To calculate the occupational hourly rates used in this release, the Commission uses occupational mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for “Securities, Commodity Contracts, and Other Financial Investments and Related Activities” (NAICS 523). See *Occupational Employment and Wage Statistics*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/oes/>; see also *Standard Occupational Classification*, U.S. Bureau of Labor Statistics, [https://bls.gov/soc/describing occupational classification system used by BLS](https://bls.gov/soc/describing%20occupational%20classification%20system%20used%20by%20bls); Exec. Off. of the President, Off. of Mgmt. & Budget, North American Industry Classification System (2022), available at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf (describing the industry classification system used by BLS and other agencies). The mean hourly wage for each occupation is adjusted for changes in the seasonally adjusted employment cost index for private wages and salaries between the data reference period and when the data are released by BLS. See *Employment Cost Index*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/eci/>. The adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs borne by employers, such as bonuses, benefits, and overhead. This factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis’s annual gross output data for NAICS 523 to total annual wages across all occupations for NAICS 523 in the OEWS data. See *Gross Output by Industry*, U.S. Bureau of Economic Analysis, <https://www.bea.gov/data/industries/gross-output-by-industry>; *Occupational Employment and Wage Statistics*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/oes/>. The final product is the occupational hourly rate. See generally Updated Methodology for Calculating Occupational Hourly Rates (Dec. 19, 2025), available at <https://www.sec.gov/files/method-occupational-hourly-rates.pdf>.

³ In the most recent Form N–PORT PRA submission that was approved in 2024 (OMB Control No. 3235–0730), the added initial burden was 6 hours and the added ongoing burden was 5 hours. Relative to that PRA submission, our proposed estimates reflect a reduction of initial burden of 3 hours, annualized over a 3-year period, and a reduction of ongoing annual burden of 3 hours. As a result, we are retaining an estimated ongoing annual burden of 3 hours per year for filing reports within 45 days of month end, while also accounting for the reductions in information that funds would be required to report. This burden estimate is a reduction from the 7 annual burden hours estimated in the 2024 Adopting Release.

⁴ In the most recent Form N–PORT PRA submission that was approved in 2024 (OMB Control No. 3235–0730), the added external cost burden was \$41,452,000. Our proposed estimates reflect a reduction of external cost of \$1,000 for funds that license a software solution to prepare Form N–PORT reports and a reduction of external cost of \$2,000 for funds that retain the services of a third-party vendor to prepare Form N–PORT reports. This burden estimate is a reduction from the \$2,000 and \$4,000 external cost burden per fund, respectively, estimated in the 2024 Adopting Release.

⁵ Based on Commission filings, we estimate that there are 12,668 funds that file reports on Form N–PORT. We estimate that 35% of these funds (or 4,434) would license a software solution to prepare Form N–PORT while 65% (or 8,234) would rely on a third-party vendor.

⁶ In the most recent Form N–PORT PRA submission that was approved in 2024 (OMB Control No. 3235–0730), the added initial burden was 6 hours and the added ongoing annual burden was 3 hours. Relative to that PRA submission, our proposed estimates reflect a reduction of initial burden of 3 hours, annualized over a 3-year period, and a reduction of ongoing annual burden of 2 hours. As a result, we are retaining an estimated ongoing annual burden of 2 hours per year for filing reports within 45 days of month end, while also accounting for the reductions in information that funds would be required to report. This burden estimate is a reduction from the 5 annual burden hours estimated in the 2024 Adopting Release.

¹⁶² This adjustment downward includes consideration of the additional collection of

information burden that would be imposed by

adding information about ETF share classes and by adding additional identifying information.

⁷ In the names rule-related PRA submission that was approved in 2023 (OMB Control No. 3235–0730), the added initial burden was 12 hours and the added ongoing annual burden was 9 hours for 9,926 funds at an internal cost of \$406 and external costs of \$2,260 per fund to report the names rule-related information. We are using the same number of funds, burden hours, wage rates, and external costs for these purposes because the Commission has not reassessed the burdens of this reporting since the 2023 names rule adoption, and funds have not been required to comply with the names rule-related reporting requirements. If we were to update our analysis and use larger or smaller numbers than those used in 2023, this would have unintended effects on the overall PRA estimates for Form N–PORT. As an example, larger estimates than those used in 2023 would suggest that removal of these items would not only remove the burdens associated with reporting these items, but also have a greater effect on reducing the burdens of Form N–PORT reporting.

⁸ Due to an error in the names rule-related PRA submission that was approved in 2023 (OMB Control No. 3235–0730), there is a discrepancy between the PRA submission and the Commission's Names Rule Adopting Release with respect to the estimated burden hours for names rule-related reporting on Form N–PORT. The burden hour figures in this table are consistent with those the Commission estimated in the Names Rule Adopting Release and thus correct the typographical error in the PRA submission.

⁹ Because of the correction of the error in the names rule-related PRA submission that was approved in 2023 (OMB Control No. 3235–0730), the current burden estimate in this table does not align with the current burden estimate in the most recent Form N–PORT PRA submission approved in 2024 (OMB Control No. 3235–0730), which reflected an annual internal burden hour estimate of 2,000,834. If we instead used the annual internal burden hour estimate approved in 2024, this would have the unintended effect of suggesting that removal of the names rule-related reporting would not only remove the burdens associated with reporting these items, but also have a greater effect on reducing the burdens of Form N–PORT reporting.

C. Request for Comment

We request comment on whether these estimates are reasonable. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (4) determine whether there are ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Persons wishing to submit comments on the collection of information requirements of the proposed amendments should direct them to the OMB Desk Officer for the Securities and Exchange Commission, *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*, and should send a copy to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090, with reference to File No. S7–2026–05. OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication of this release; therefore a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication of this release. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–2026–05, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

V. Initial Regulatory Flexibility Analysis

The Commission has prepared the following Initial Regulatory Flexibility Analysis (“IRFA”) in accordance with section 3(a) of the Regulatory Flexibility Act (“RFA”).¹⁶³ It relates to the proposed amendments to Form N–PORT.

A. Reasons for and Objectives of Proposed Actions

The Commission is proposing amendments to reporting requirements on Form N–PORT that would provide registered funds with fifteen additional days to file reports, restore the quarterly publication frequency, and make modifications to the report form. The objectives of the proposed amendments to the filing timeframe and publication frequency are to reduce burden and the risk of external parties inferring and using information about a registered fund's proprietary investment strategy or trading intentions in ways that increase costs for fund shareholders while maintaining timely Commission access to registered funds' monthly portfolio-related information and providing for appropriate public access to portfolio information. The Commission is also proposing amendments to Form N–PORT to streamline or remove certain items, to modify how registered funds with share classes that operate as ETFs report certain information, and to require additional identifying information. The objectives of the proposed amendments to items within Form N–PORT are to refine the information registered funds provide while maintaining the usability and reliability of Form N–PORT data. Each of these objectives is discussed in detail in section II above.

B. Legal Basis

The Commission is proposing the rule and form amendments contained in this document under the authority set forth in the Investment Company Act,

particularly sections 8, 24, 30, and 38 thereof [15 U.S.C. 80a–1 *et seq.*].

C. Small Entities Subject to the Amendments

An investment company is a small entity if, together with other investment companies in the same group of related investment companies, it has net assets of \$50 million or less as of the end of its most recent fiscal year.¹⁶⁴ Commission staff estimates that, as of December 2024, there were 30 open-end management investment companies subject to Form N–PORT reporting requirements that would be considered small entities; this number includes 4 open-end ETFs.¹⁶⁵ Commission staff also estimates that, as of December 2024, there were 38 closed-end investment management companies that would be considered small entities. All of these small entities would be subject to the proposed amendments to the filing timeframe and publication frequency. The number of small entities that would be affected by the proposed amendments to the reporting items within Form N–PORT would generally depend on the portfolio of each small entity.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

As finalized in the 2024 amendments, Form N–PORT requires open-end and closed-end funds, as well as ETFs organized as UITs, to report monthly portfolio holdings information on a monthly basis in a structured, XML format within 30 days after month end. Under the 2024 amendments, each month's data will be published 60 days after month end. We propose amendments to require these funds to

¹⁶⁴ The Commission has a pending proposal addressing the definition under the Investment Company Act of small organization and small business for purposes of the Regulatory Flexibility Act. The Commission encourages commenters to review the proposal to determine whether it might affect their comments on this IRFA. See Small Entity Proposing Release, *supra* note 81.

¹⁶⁵ While exchange-traded funds organized as unit investment trusts file Form N–PORT, there are no such funds that would be considered small entities.

¹⁶³ 5 U.S.C. 603(a).

file Form N–PORT reports on a monthly basis within 45 days after month end and to publish reports for only the third month of a fund’s fiscal quarter 60 days after month end. We also propose additional amendments to certain items and sub-items on Form N–PORT.

We estimate that 68 open-end and closed-end funds are small entities that would be required to comply with our proposed amendments to Form N–PORT. The proposed amendments are intended to reduce the risk of errors in the reported information and reduce reporting burdens, while continuing to recognize that Form N–PORT information is most valuable to the Commission and staff when it reflects reasonably current portfolio holdings and related information. The proposed amendments would also reduce the overall burden on small entities by providing fifteen additional days to file Form N–PORT compared to the 2024 amendments and by streamlining or eliminating certain reporting requirements. We discuss the specifics of those burden reductions in the Economic Analysis and Paperwork Reduction Act sections above.

E. Duplicative, Overlapping, or Conflicting Federal Rules

We do not believe that the proposed amendments would duplicate, overlap, or conflict with other existing Federal rules.

F. Significant Alternatives

The RFA directs the Commission to consider significant alternatives that would accomplish our stated objectives, while minimizing any significant economic impact on small entities. We considered the following alternatives for small entities in relation to the proposed amendments to Form N–PORT to enhance the benefits of the proposal for small entities: (1) establishing different requirements that take into account the resources available to small entities; (2) exempting small entities from all or part of the requirements; (3) clarifying, consolidating, or simplifying requirements under the rules for small entities; and (4) using performance rather than design standards.

The proposed amendments relating to the filing timeframe are designed to reduce the risk of errors in the reported information and reduce reporting burdens, while continuing to recognize that Form N–PORT information is most valuable to the Commission and staff when it reflects reasonably current portfolio holdings and related information. We anticipate registered funds, including smaller funds, would benefit from these proposed

amendments. We considered providing registered funds that are small entities with additional time to file their reports on Form N–PORT, such as 60 days after month end. This alternative would further reduce reporting costs for registered funds that are small entities. However, delays in the receipt of information can affect the Commission’s and the staff’s ability to use Form N–PORT information to carry out the Commission’s regulatory function for the asset management industry, and the associated benefits of these activities for investors, especially during periods of stress in which analysis of potential issues and development of any regulatory responses are particularly time sensitive endeavors. For instance, further delaying the receipt of information for registered funds that are small entities could hinder the Commission staff’s ability to identify efficiently small funds affected in a market stress event. Moreover, delaying the receipt of information for registered funds that are small entities would reduce the benefits of receiving more timely information from other registered funds, as the information available to the staff would necessarily be incomplete until small entities filed at a later date.

We also considered allowing registered funds that are small entities to make less frequent, or more delayed, public disclosure of their portfolio holdings on Form N–PORT. However, the costs of an increased publication frequency of portfolio holdings generally relate more to a fund’s strategy than its size, so such a change may not significantly benefit registered funds that are small entities. Moreover, registered funds that are small entities may be at a lower risk for certain types of front running. For example, registered funds that are small entities are more likely than other funds to have relatively small position sizes, meaning that it may take smaller registered funds less time to build or dispose of positions, which reduces the risk of front running. Additionally, all registered fund investors, including investors in funds that are small entities, benefit from reporting requirements that permit them to make investment choices that better match their risk tolerances. Thus, the interest of investors would not be served by establishing different Form N–PORT publication requirements for registered funds that are small entities.

The amendments to Form N–PORT’s reporting items would overall reduce reporting costs, including for registered funds that are small entities. A few of the amendments would amend the

reporting threshold of a particular item. Registered funds, including small funds, with activity below the reporting threshold would not be required to provide the information. We considered higher thresholds for funds that are small entities. While this would further reduce costs for these funds, it would result in non-standardized information that is less beneficial to the Commission and the public. For example, higher thresholds for small entities would make it more difficult to understand interest and credit risks of these funds, as they would have higher reporting thresholds for portfolio level risk metrics.

The proposal would add a few reporting requirements for registered funds with ETF share classes. This new reporting would introduce minimal burdens for affected funds. Currently, no small entities offer ETF share classes. This could change in the future, and thus we considered exempting registered funds that are small entities from these new requirements. Such a change would create a minimal burden reduction for small entities if they begin to offer ETF share classes. However, an exemption from these requirements would reduce the Commission’s and investors’ ability to better understand this growing type of fund structure and to monitor the size and flows of different registered funds.

With respect to using performance rather than design standards, the proposed amendments primarily use design rather than performance standards to promote more consistent and uniform standards for all registered funds.

G. General Request for Comment

The Commission requests comments regarding this IRFA. We request comments on the number of small entities that may be affected by our proposed amendments and whether the proposed amendments would have any effects not considered in this analysis. We request that commenters describe the nature of any effects on small entities subject to the rules and forms, and provide empirical data to support the nature and extent of such effects. We also request comment on the proposed compliance burdens and the effect these burdens would have on smaller entities.

VI. Consideration of Impact on the Economy

For purposes of Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the

Congressional Review Act),¹⁶⁶ the Commission must seek OMB's determination whether a final regulation constitutes a "major" rule. Under the Act, a rule is considered "major" where, if adopted, it results in or is likely to result in:

- An annual effect on the economy of \$100 million or more;
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment, or innovation.¹⁶⁷

To help inform OMB's determination whether any final rule that results from the proposal would be a "major rule," we solicit comment and data on:

- The potential effect on the U.S. economy on an annual basis;
- Any potential increase in costs or prices for consumers or individual industries; and
- Any potential effect on competition, investment, or innovation.

Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VII. Other Matters

This action is an economically significant regulatory action under section 3(f)(1) of Executive Order 12866, as amended, and has been reviewed by the Office of Management and Budget. This action, if finalized as proposed, is expected to be an Executive Order 14192 deregulatory action.

Statutory Authority

The Commission is proposing the rule and form amendments contained in this document under the authority set forth in the Investment Company Act, particularly sections 8, 24, 30, and 38 thereof [15 U.S.C. 80a–1 *et seq.*].

List of Subjects in 17 CFR Parts 270 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Rule Amendments

For the reasons stated in the preamble, the Commission proposes to amend 17 CFR parts 270 and 274 as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

- 1. The authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–34(d), 80a–37, 80a–39, 1681w(a)(1), 6801–

6809, 6825, and Pub. L. 111–203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

* * * * *

- 2. Amend § 270.30b1–9 by revising it to read as follows:

§ 270.30b1–9 Monthly report.

Each registered management investment company or exchange-traded fund organized as a unit investment trust, or series thereof, other than a registered open-end management investment company that is regulated as a money market fund under § 270.2a–7 or a small business investment company registered on Form N–5 (§§ 239.24 and 274.5 of this chapter), must file a monthly report of portfolio holdings on Form N–PORT (§ 274.150 of this chapter), current as of the last business day, or last calendar day, of the month. A registered investment company that has filed a registration statement with the Commission registering an offering of its securities for the first time under the Securities Act of 1933 is relieved of this reporting obligation with respect to any reporting period or portion thereof prior to the date on which that registration statement becomes effective or is withdrawn. Reports on Form N–PORT must be filed with the Commission no later than 45 days after the end of each month. If a registered investment company does not file monthly reports within 45 days after the end of each month in accordance with the transition period described in Investment Company Act Release No. 35962 (Feb. 18, 2026), it must maintain in its records the information that is required to be included on Form N–PORT no later than 30 days after the end of each month. Such information shall be treated as a record under section 31(a)(1) of the Act [15 U.S.C. 80a30(a)(1)] and § 270.31a–1(b) subject to the requirements of § 270.31a–2(a)(2).

§ 270.30b1–9 [Amended]

- 3. Effective 18 months after publication of final rules in the **Federal Register**, further amend § 270.30b1–9 by removing the last two sentences.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

- 4. The general authority citation for part 274 continues to read, in part, as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78n–1, 78o(d), 80a–8, 80a–24, 80a–26, 80a–29, and sec. 939A, Pub. L. 111–203, 124 Stat. 1376, unless otherwise noted.

* * * * *

- 5. Amend § 274.150 by revising paragraph (a) to read as follows:

§ 274.150 Form N–PORT, Monthly portfolio holdings report.

(a) Except as provided in paragraph (b) of this section, this form shall be used by registered management investment companies or exchange-traded funds organized as unit investment trusts, or series thereof, to file reports pursuant to § 270.30b1–9 of this chapter no later than 45 days after the end of each month.

* * * * *

- 6. Amend Form N–PORT (referenced in § 274.150) by:

- a. Revising General Instructions A, E, and F;
- b. Redesignating current Item A.3 as Item A.4 and Item A.4 as Item A.5;
- c. Adding new Item A.3;
- d. Revising Items B.1, B.3, B.5, and B.6;
- e. Removing Item B.11;
- f. Revising Item C.2;
- g. Removing and reserving Item C.3; and
- h. Revising Item C.7, Item C.9, and Part D.

Note: Form N–PORT is attached as Appendix A to this document. Form N–PORT will not appear in the Code of Federal Regulations.

By the Commission.

Dated: February 18, 2026.

Sherry R. Haywood,
Assistant Secretary.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix A—Form N–PORT

Form N–PORT

* * * * *

General Instructions

A. Rule as to Use of Form N–PORT

Form N–PORT is the reporting form that is to be used for monthly reports of Funds other than money market funds and SBICs under section 30(b) of the Act, as required by rule 30b1–9 under the Act (17 CFR 270.30b1–9). Funds must report information about their portfolios and each of their portfolio holdings as of the last business day, or last calendar day, of each month. A registered investment company that has filed a registration statement with the Commission registering an offering of its securities for the first time under the Securities Act of 1933 is relieved of this reporting obligation with respect to any reporting period or portion thereof prior to the date on which that registration statement becomes effective or is withdrawn.

Reports on Form N–PORT must disclose portfolio information as calculated by the fund for the reporting period's ending net asset value (commonly, and as permitted by rule 2a–4, the first business day following the

¹⁶⁶ See 5 U.S.C. chapter 8.

¹⁶⁷ See 5 U.S.C. 804(2) (defining "major rule").

trade date). Reports on Form N-PORT for each month must be filed with the Commission no later than 45 days after the end of such month. If the due date falls on a weekend or holiday, the filing deadline will be the next business day.

A Fund may file an amendment to a previously filed report at any time, including an amendment to correct a mistake or error in a previously filed report. A Fund that files an amendment to a previously filed report must provide information in response to all items of Form N-PORT, regardless of why the amendment is filed.

* * * * *

E. Definitions

References to sections and rules in this Form N-PORT are to the Act, unless otherwise indicated. Terms used in this Form N-PORT have the same meanings as in the Act or related rules (including rule 18f-4 solely for Items B.9 and 10 of the Form), unless otherwise indicated.

As used in this Form N-PORT, the terms set out below have the following meanings:

“Absolute VaR Test” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Class” means a class of shares issued by a Fund that has more than one class that represents interests in the same portfolio of securities under rule 18f-3 [17 CFR 270.18f-3] or under an order exempting the Fund from provisions of section 18 of the Act [15 U.S.C. 80a-18].

“Controlled Foreign Corporation” has the meaning provided in section 957 of the Internal Revenue Code [26 U.S.C. 957].

“Derivatives Exposure” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Designated Index” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Designated Reference Portfolio” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Exchange-Traded Fund” means an open-end management investment company (or Series or Class thereof) or unit investment trust (or series thereof), the shares of which are listed and traded on a national securities exchange at market prices, and that has formed and operates under an exemptive order under the Act granted by the Commission or in reliance on rule 6c-11 [17 CFR 270.6c-11].

“ETF Class” means a Class that is an Exchange-Traded Fund in a Multiple Class Fund.

“Fund” means the Registrant or a separate Series of the Registrant. When an item of Form N-PORT specifically applies to a Registrant or a Series, those terms will be used.

“Highly Liquid Investment Minimum” has the meaning defined in rule 22e-4(a)(7) [17 CFR 270.22e-4(a)(7)].

“Illiquid Investment” has the meaning defined in rule 22e-4(a)(8) [17 CFR 270.22e-4(a)(8)].

“ISIN” means, with respect to any security, the “international securities identification number” assigned by a national numbering agency, partner, or substitute agency that is

coordinated by the Association of National Numbering Agencies.

“LEI” means, with respect to any company, the “legal entity identifier” as assigned by a utility endorsed by the Global LEI Regulatory Oversight Committee or accredited by the Global LEI Foundation.

“Multiple Class Fund” means a Fund that has more than one Class.

“Registrant” means a management investment company, or an Exchange-Traded Fund organized as a unit investment trust, registered under the Act.

“Relative VaR Test” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Restricted Security” has the meaning defined in rule 144(a)(3) under the Securities Act of 1933 [17 CFR 230.144(a)(3)].

“RSSD ID” means the identifier assigned by the National Information Center of the Board of Governors of the Federal Reserve System, if any.

“Securities Portfolio” has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“Series” means shares offered by a Registrant that represent undivided interests in a portfolio of investments and that are preferred over all other series of shares for assets specifically allocated to that series in accordance with rule 18f-2(a) [17 CFR 270.18f-2(a)].

“Swap” means either a “security-based swap” or a “swap” as defined in sections 3(a)(68) and (69) of the Securities Exchange Act of 1934 [15 U.S.C. 78c(a)(68) and (69)] and any rules, regulations, or interpretations of the Commission with respect to such instruments.

“Value-at-Risk” or VaR has the meaning defined in rule 18f-4(a) [17 CFR 270.18f-4(a)].

“VaR Ratio” means the value of the Fund’s portfolio VaR divided by the VaR of the Designated Reference Portfolio.

F. Public Availability

Information reported on Form N-PORT for the third month of each Fund’s fiscal quarter will be made publicly available 60 days after the end of the Fund’s fiscal quarter.

The SEC does not intend to make public the information reported on Form N-PORT for the first and second months of each Fund’s fiscal quarter that is identifiable to any particular fund or adviser, or any information reported with respect to a Fund’s Highly Liquid Investment Minimum (Item B.7), derivatives transactions (Item B.8), Derivatives Exposure for limited derivatives users (Item B.9), median daily VaR (Item B.10.a), median VaR Ratio (Item B.10.b.iii), VaR backtesting results (Item B.10.c), country of risk and economic exposure (Item C.5.b), delta (Items C.11.c.vii or C.11.g.iv), liquidity classification for portfolio investments (Item C.7), or miscellaneous securities (Part D), or explanatory notes related to any of those topics (Part E) that is identifiable to any particular fund or adviser. However, the SEC may use information reported on this Form in its regulatory programs, including examinations, investigations, and enforcement actions.

* * * * *

Item A.3. Ticker Information

a. Ticker symbol of Registrant, if any.

b. For each Class of Registrant or Series, as applicable, the:

- i. EDGAR Class identification number;
- ii. Class name; and
- iii. Ticker symbol.

* * * * *

Item B.1. Assets and liabilities. Report amounts in U.S. dollars.

* * * * *

d. If the Fund is a Multiple Class Fund with an ETF Class, also provide the ETF Class’s ticker symbol and the information required by Item B.1.c separately for the ETF Class.

* * * * *

Item B.3. Portfolio level risk metrics. If the average value of the Fund’s debt securities positions for the previous three months, in the aggregate, exceeds 50% of the Fund’s net asset value, provide:

a. Interest Rate Risk (DV100). Provide the change in value of the portfolio resulting from a 100 basis point change in interest rates, aggregated across all currencies for which the Fund had a value of 1% or more of the Fund’s net asset value, for each of the following maturities: 3 month, 1 year, 5 years, 10 years, and 30 years.

b. Credit Spread Risk (SDV01, CR01 or CS01). Provide the change in value of the portfolio resulting from a 1 basis point change in credit spreads where the shift is applied to the option adjusted spread for each of the following maturities: 3 month, 1 year, 5 years, 10 years, and 30 years.

For purposes of Item B.3., calculate value as the sum of the absolute values of: (i) the value of each debt security, (ii) the notional value of each swap, including, but not limited to, total return swaps, interest rate swaps, and credit default swaps, for which the underlying reference asset or assets are debt securities or an interest rate; (iii) the notional value of each futures contract for which the underlying reference asset or assets are debt securities or an interest rate; and (iv) the delta-adjusted notional value of any option for which the underlying reference asset is an asset described in clause (i), (ii), or (iii). Report zero for maturities to which the Fund has no exposure. For exposures that fall between any of the listed maturities in (a) and (b), use linear interpolation to approximate exposure to each maturity listed above. For exposures outside of the range of maturities listed above, include those exposures in the nearest maturity. Report in U.S. dollars.

* * * * *

Item B.5. Return information.

a. Monthly total returns of the Fund for each of the preceding three months. If the Fund is a Multiple Class Fund, report returns for a single representative Class. Such returns shall be calculated in accordance with the methodologies outlined in Item 26(b)(1) of Form N-1A, Instruction 13 to sub-Item 1 of Item 4 of Form N-2, or Item 26(b)(i) of Form N-3, as applicable, except the return calculation should not deduct sales loads and redemption fees charged to shareholder accounts.

b. Class identification number (if any) of the representative Class for which returns are reported.

c. For each of the preceding three months, monthly net realized gain (loss) and net change in unrealized appreciation (or depreciation) attributable to derivatives for each of the following asset categories: commodity contracts, credit contracts, equity contracts, foreign exchange contracts, interest rate contracts, and other contracts. Report in U.S. dollars. Losses and depreciation shall be reported as negative numbers.

d. For each of the preceding three months, monthly net realized gain (loss) and net change in unrealized appreciation (or depreciation) attributable to investments other than derivatives. Report in U.S. dollars. Losses and depreciation shall be reported as negative numbers.

Instruction to Item B.5. For a Multiple Class Fund, select the representative Class in the same manner as described in Instruction 3(a) to Item 4(b)(2) of Form N-1A.

Item B.6. Flow information. Provide the aggregate dollar amounts for sales and redemptions/repurchases of Fund shares during each of the preceding three months. If shares of the Fund are held in omnibus accounts, for purposes of calculating the Fund's sales, redemptions, and repurchases, use net sales or redemptions/repurchases from such omnibus accounts. The amounts to be reported under this Item should be after any front-end sales load has been deducted and before any deferred or contingent deferred sales load or charge has been deducted. Shares sold shall include shares sold by the Fund to a registered unit investment trust. For mergers and other acquisitions, include in the value of shares sold any transaction in which the Fund acquired the assets of another investment company or of a personal holding company in exchange for its own shares. For liquidations, include in the value of shares

redeemed any transaction in which the Fund liquidated all or part of its assets. Exchanges are defined as the redemption or repurchase of shares of one Fund or series and the investment of all or part of the proceeds in shares of another Fund or series in the same family of investment companies.

* * * * *

d. If the Fund is a Multiple Class Fund with an ETF Class, also provide the information required by Item B.6.a through B.6.c separately for the ETF Class.

* * * * *

Item C.2. Amount of each investment.

a. Balance. Indicate whether amount is expressed in number of shares, principal amount, or other units. For derivatives contracts, as applicable, provide the number of contracts.

b. Currency. Indicate the currency in which the investment is denominated.

c. Value. Report values in U.S. dollars. If currency of investment is not denominated in U.S. dollars, provide the exchange rate used to calculate value.

d. Percentage value compared to net assets of the Fund.

Item C.3. [Reserved]

* * * * *

Item C.7. Liquidity classification information. For portfolio investments of open-end management investment companies, provide the liquidity classification(s) for each portfolio investment among the following categories as specified in rule 22e-4 [17 CFR 270.22e-4]. For portfolio investments with multiple liquidity classifications, indicate the percentage amount attributable to each classification.

- a. Highly Liquid Investments
- b. Moderately Liquid Investments
- c. Less Liquid Investments
- d. Illiquid Investments

Instructions to Item C.7. Funds may choose to indicate the percentage amount of a

holding attributable to multiple classification categories only in the following circumstances: (1) if portions of the position have differing liquidity features that justify treating the portions separately; (2) if a fund has multiple sub-advisers with differing liquidity views; or (3) if the fund chooses to classify the position through evaluation of how long it would take to liquidate the entire position (rather than basing it on the sizes it would reasonably anticipated trading). In (1) and (2), a fund would classify using the reasonably anticipated trade size for each portion of the position.

* * * * *

Item C.9. For debt securities, also provide:

* * * * *

f. For convertible securities, also provide:

i. Mandatory convertible? [Y/N]

i. Contingent convertible? [Y/N]

ii. Description of the reference instrument, including the name of issuer, title of issue, and currency in which denominated, as well as CUSIP of reference instrument, ISIN (if CUSIP is not available), ticker (if CUSIP and ISIN are not available), or other identifier (if CUSIP, ISIN, and ticker are not available). If other identifier provided, indicate the type of identifier used.

* * * * *

Part D: Miscellaneous Securities

For reports filed for the last month of each fiscal quarter, report miscellaneous securities, if any, using the same Item numbers and reporting the same information that would be reported for each investment in Part C if it were not a miscellaneous security. Information reported in this Item will be nonpublic.

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Part III

Department of Homeland Security

8 CFR Parts 208 and 274a

Employment Authorization Reform for Asylum Applicants; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 208 and 274a

[CIS No. 2799–25; DHS Docket No. USCIS–2025–0370]

RIN 1615–AC97

Employment Authorization Reform for Asylum Applicants

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Homeland Security (DHS) proposes to modify regulations governing applications for asylum and withholding of removal (asylum applications) and employment authorization based on a pending asylum application. The proposed rule would change filing and eligibility requirements for aliens requesting employment authorization and an employment authorization document (EAD) based on a pending asylum application. The changes include pausing acceptance of EAD applications from asylum applicants during periods when affirmative asylum average processing time exceeds 180 days, extending the waiting period to apply for employment authorization to 365 days, changing EAD application processing time requirements, and adding eligibility requirements.

DATES: Comments on this proposed rule, including the proposed information collections, must be received on or before April 24, 2026. The electronic Federal Docket Management System will accept comments prior to midnight Eastern time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this proposed rulemaking package, identified by DHS Docket No. 2025–0370, through the Federal eRulemaking Portal: <http://www.regulations.gov>. In accordance with 5 U.S.C. 553(b)(4), the summary of this rule may also be found at <https://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments must be submitted in English, or an English translation must be provided. Comments submitted in a manner other than via <http://www.regulations.gov>, including emails or letters sent to DHS or U.S. Citizenship and Immigration Services (USCIS) officials, will not be considered comments on the proposed rule and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-

delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using <http://www.regulations.gov>, please contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Division of Humanitarian Affairs, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (not a toll-free call).

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Table of Abbreviations

AO—asylum officer
 APA—Administrative Procedure Act
 BIA—Board of Immigration Appeals
 BLS—U.S. Bureau of Labor Statistics
 CBP—U.S. Customs and Border Protection
 CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 DOJ—U.S. Department of Justice
 EAD—employment authorization document
 E.O.—Executive Order
 EOIR—Executive Office for Immigration Review
 Form I-589—Application for Asylum and for Withholding of Removal
 Form I-765—Application for Employment Authorization
 FY—Fiscal Year
 HSA—Homeland Security Act of 2002
 ICE—U.S. Immigration and Customs Enforcement
 IIRIRA—Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 IJ—Immigration Judge
 INA—Immigration and Nationality Act
 INS—Immigration and Naturalization Service
 LIFO—last in, first out
 NEPA—National Environmental Policy Act
 NPRM—notice of proposed rulemaking
 NTA—Notice to Appear
 OMB—Office of Management and Budget
 PRA—Paperwork Reduction Act
 RFA—regulatory flexibility analysis
 RIA—regulatory impact analysis
 SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act)
 Secretary—Secretary of Homeland Security
 TVPRA—William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
 UAC—Unaccompanied Alien Child
 UMRA—Unfunded Mandates Reform Act of 1995
 U.S.C.—United States Code
 USCIS—U.S. Citizenship and Immigration Services

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects of this proposed rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other

than via <http://www.regulations.gov>, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2025–0370 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at <http://www.regulations.gov>.

Docket: For access to the docket and to read background documents or comments received, go to <http://www.regulations.gov>, referencing DHS Docket No. USCIS–2025–0370. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Executive Summary

A. Purpose of the Regulatory Action

The overarching goals of this proposed rulemaking are to enhance the benefit integrity of requests for asylum and employment authorization based on a pending asylum application, address national security and public safety concerns, and mitigate undue strains on DHS's operational resources by reducing the incentive for aliens to file frivolous, fraudulent, or otherwise meritless asylum applications as a means to obtain employment authorization, and thereby facilitating faster and more efficient adjudications of meritorious asylum claims and pending asylum employment authorization applications. USCIS' receipts of initial applications for employment authorization based on a pending asylum application have reached a historic high and USCIS' adjudicative resources are strained.

To enhance benefit integrity, protect national security, and reduce resource strains on USCIS, DHS proposes changes to its regulations regarding EAD

applications filed by asylum applicants¹ under 8 CFR 274a.12(c)(8) (“(c)(8) category”). DHS proposes to codify in regulations to pause USCIS' acceptance of initial Form I-765, Application for Employment Authorization (“EAD application”), filings in the (c)(8) category when USCIS' average processing time for affirmative asylum applications exceeds 180 days. This proposed rule also increases the waiting period to apply for (c)(8) EADs to 365 calendar days, extends the processing timeframe for USCIS to adjudicate initial (c)(8) EAD applications, and introduces additional eligibility requirements for (c)(8) EADs. Lastly, the proposed rule also impacts affirmative asylum processing by allowing USCIS to prioritize adjudication of asylum applications when derogatory information is found during review of the EAD application. Allowing asylum officers to prioritize an affirmative asylum application based on derogatory information found during the employment authorization application process will improve USCIS' national security and public safety posture while also allowing the agency to more efficiently triage and process potentially frivolous, fraudulent, or otherwise meritless cases.

As discussed below, there is historical precedent for the provisions proposed in this rule, and DHS believes that the promulgation of this rule will reduce frivolous, fraudulent, or otherwise meritless asylum applications that are filed for the sole purpose of obtaining employment authorization. Ultimately, reducing frivolous, fraudulent, or meritless asylum filings will enable USCIS to dedicate an increased share of its finite resources to adjudicating meritorious asylum applications, including backlog cases, and other pending benefit requests. USCIS anticipates that the impact of this proposed rule will align the adjudication of the applications for (c)(8) EADs more closely with the statute by facilitating timely adjudication of asylum applications and eventually limiting work authorization during the pendency of an application for asylum to a reduced number of cases where a decision on an asylum application cannot be made within 365 days.

¹ For purposes of this rule, the term “asylum applicant” is generally used interchangeably with “aliens who applied for asylum,” and “aliens with a pending asylum application.”

B. Summary of the Major Provisions of the Regulatory Action

DHS proposes to codify in regulation the following major changes:

1. Amend 8 CFR 208.3(c)(3), Form of Application

DHS proposes to align its criteria for determining when an asylum application is received and complete more closely with the general rules governing immigration benefit requests in 8 CFR 103.2. The existing regulations at 8 CFR 103.2(a)(7) state that USCIS will record the receipt date as of the actual date the immigration benefit request is received at the designated filing location, whether electronically or on paper, provided that it is signed with a valid signature, executed, and filed in compliance with the regulations governing that specific benefit request and with the correct fee. DHS proposes to apply these existing regulations to asylum applications filed after the effective date of this rule. Immigration benefit requests not meeting these requirements are rejected and returned and do not retain a filing date. DHS also proposes to remove the language in 8 CFR 208.3(c)(3) providing that an application for asylum will be deemed “complete” if USCIS fails to return the incomplete application to the alien within a 30-day period.

2. Amend 8 CFR 208.7(a), Employment Authorization

a. Biometrics

DHS proposes to require all applicants for a (c)(8) EAD, including renewal requests, to submit biometrics. If an alien fails to appear for biometrics submission, the alien’s application for employment authorization would be denied under 8 CFR 103.2(b)(13)(ii), similar to how USCIS currently handles other benefit requests.

b. Extension of 180-Day Asylum EAD Clock to 365 Calendar Day Waiting Period

Under the proposed rule, asylum applicants would be eligible to apply for employment authorization 365 calendar days from the date their asylum application is received. The 365 calendar-day waiting period will begin on the date of the receipt of a complete asylum application, as recorded pursuant to 8 CFR 103.2(a)(7).

c. Recommended Approvals

DHS proposes to remove the language referring to “recommended approvals.” USCIS’ Asylum Division no longer issues recommended approvals as a

preliminary decision for affirmative asylum adjudications.

d. Processing Timeframes

DHS proposes to amend the regulatory requirement that USCIS complete adjudication of initial (c)(8) EAD applications within 30 days. For initial (c)(8) EAD applications received on or after the effective date of the final rule, DHS proposes to extend the processing timeframe to 180 days for USCIS to adjudicate the EAD application. DHS does not propose any changes to initial (c)(8) EAD applications submitted prior to the effective date of this rule.

e. Ineligibility Grounds

DHS proposes to exclude from (c)(8) EAD eligibility any alien where there is reason to believe that the alien may be barred from a grant of asylum due to one of the criminal bars to asylum under sections 208(b)(2)(A)(ii)–(iii).

f. Effect of a Denial of Asylum Application

DHS proposes to exclude from initial (c)(8) EAD eligibility any alien whose asylum application is denied by an asylum officer or an Immigration Judge (IJ) within the 365 calendar-day waiting period, or before the adjudication of the initial (c)(8) EAD application.

g. One-Year Filing Deadline

DHS proposes to exclude from (c)(8) EAD eligibility any alien whose asylum application is filed on or after the effective date of the final rule and more than 1 year after the alien’s arrival in the United States, unless an asylum officer or IJ determines that an exception to the 1-year filing deadline exists, or unless the alien is under USCIS’ initial jurisdiction as an unaccompanied alien child (UAC).

h. Illegal Entry

DHS proposes to exclude from (c)(8) EAD eligibility any alien who entered or attempted to enter the United States without inspection on or after the effective date of the final rule, unless the alien, without delay but no later than 48 hours after entry, expressed to an immigration officer an intention to apply for asylum or expressed to an immigration officer a fear of persecution or torture; or unless the alien establishes good cause for the illegal entry or attempted entry; or unless the alien meets the definition of, or at any time since their most recent entry was determined to be, a UAC as defined in 6 U.S.C. 279(g)(2).

i. Use of Derogatory Information

To assist with improving adjudicative efficiency, DHS proposes to prioritize asylum applications for adjudication if USCIS finds derogatory information during the process of the adjudication of (c)(8) EAD applications.

j. Pause and Re-Start of Acceptance of Initial (c)(8) EAD Applications

DHS proposes to pause the acceptance of initial (c)(8) EAD applications when the average processing time for affirmative asylum applications over a consecutive period of 90 day adjudications exceeds 180 days. After such a pause is implemented, acceptance of initial (c)(8) EAD applications would resume when the average processing time for affirmative asylum application adjudications over a consecutive period of 90 days is less than or equal to 180 days. The USCIS Director’s determination to pause and restart (c)(8) EAD acceptances will be based solely on the affirmative asylum application processing times, and not subject to discretion. In evaluating the affirmative asylum application processing times for USCIS asylum cases, the USCIS Director will consider all pending asylum applications before USCIS over the preceding 90-day period. The rule would require the USCIS Director to review affirmative asylum application processing times on the effective date of the final rule. DHS proposes to notify the public of any such processing changes and provide the supporting quarterly processing times through USCIS website announcements.

As described in section V.A of this preamble, USCIS’ current affirmative asylum processing times are significantly greater than 180 days.² Processing times were trending downward, but recently increased again. USCIS expects this rule to support another downward trend in the long term, but USCIS also expects that, upon implementation of this rule, new EAD applications for pending asylum applicants would be paused for an extended period, possibly many years. For example, without factoring in any of the other proposed changes in this rule and how they may impact adjudication times, it may take between 14 and 173 years to reach a 180-day processing time, depending on the extent of the reduction in asylum application receipts

² USCIS OPQ DATA, “I–589 Processing Time With and Without Admin Closed by Fiscal Year (FY2022–2025) (May 27, 2025). DHS notes these processing times are under LIFO processing, so these are still the “newer” cases being adjudicated. Further, these adjudications are not reducing the overall size of the asylum backlog.

following this rule. It bears repeating that neither of those projections take into account any of the other proposed changes in this rule which, if finalized, would also shorten those processing times. USCIS also recognizes that while the asylum adjudication processing time calculation will be based solely on affirmative asylum applications, the pause on acceptances of (c)(8) employment authorization applications will impact both affirmative and defensive asylum applications. While this is a significant change in access to employment authorization based on a pending asylum application, DHS believes it is necessary to achieve its goals of enhancing benefit integrity, protecting national security, and reducing resource strains.

3. Amend 8 CFR 208.7(b), Renewal

DHS proposes to clarify and consolidate the requirements for requesting a (c)(8) EAD renewal and specify that aliens applying for renewal (c)(8) EADs must also submit biometrics.

4. Amend 8 CFR 208.7(c), Termination

Under the proposed rule, termination of a (c)(8) EAD would occur: (1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an Immigration Judge; (2) on the date that is 30 days after the date on which an Immigration Judge denies an asylum application, unless the alien makes a timely appeal to the Board of Immigration Appeals; or (3) immediately following the denial or dismissal by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

5. Amend 8 CFR 274a.12(c)(8)

DHS proposes to remove the reference to recommended approvals because USCIS no longer issues recommended approvals as a preliminary decision for affirmative asylum adjudications.

6. Amend 8 CFR 274a.13, Application for Employment Authorization

Under the proposed rule, approval of (c)(8) EAD applications would be at USCIS' discretion, in keeping with its discretionary authority under section 208(d)(2) of the INA, 8 U.S.C. 1158(d)(2). DHS also proposes to replace the detailed information about filing and adjudicating applications for (c)(8) EADs with a reference to 8 CFR 208.7.

7. Technical and Conforming Updates to the Proposed Amendments

DHS proposes technical and conforming amendments to the affected

regulations to align with the major changes described previously, including structural updates to 8 CFR 208.7(a) in order to incorporate the new provisions. The proposed rule would also revise outdated language, such as replacing references to "the commissioner" with "USCIS."

C. Impact of Effective Date of the Final Rule

Under this proposed rule, DHS will allow aliens with pending asylum applications that have not yet been adjudicated and who already have employment authorization before the final rule's effective date to remain employment authorized until the expiration date on their current EAD, unless the card is terminated or revoked on the grounds specified in regulations in effect when their EAD was issued.

In this proposed regulation, there are certain provisions that apply only to initial (c)(8) EAD applications filed on or after the effective date of the final rule. Provisions that apply only to initial (c)(8) EAD applications are noted in the proposed regulatory text. The remaining proposed provisions apply to both initial and renewal (c)(8) EAD applications filed on or after the effective date of the final rule. In general, and unless otherwise specified, aliens who file renewal (c)(8) EAD applications on or after the effective date of the final rule would be subject to the applicable provisions in this proposed rule regardless of the date on which their initial application for a (c)(8) EAD was filed. By applying many of these provisions to renewals, DHS aims to further insulate the employment authorization and asylum processes from fraud and abuse. Aliens requesting employment authorization renewals who may have abandoned their asylum applications or not appeared for their asylum interviews or biometrics appointments will no longer be able to receive employment authorization renewals due to additional scrutiny under the proposed rule. The application of certain provisions to renewals will also allow DHS to vet aliens and reduce the number of employment authorization renewals granted to aliens who were convicted of crimes after receiving their initial EAD, thereby enhancing public safety and strengthening national security. Finally, applying these changes to renewals as well as initials results in efficiencies for USCIS adjudicators, who would only have to apply one set of eligibility requirements for (c)(8) EADs and not one set of eligibility requirements for initial (c)(8)s and a different set of requirements for renewal (c)(8)s.

The provisions that apply only to initial (c)(8) EAD applications include the proposed changes to the processing timeframe, the waiting period to apply for and receive a (c)(8) EAD, and the pause and re-start of (c)(8) EAD application acceptance. With regard to the pause and re-start, USCIS anticipates that the rule would result in an initial and potentially lengthy pause. USCIS anticipates that this pause would be instituted after USCIS reviewed average asylum application times for the first 90-day period after the rule took effect. USCIS acknowledges that, while the asylum adjudication processing time calculation will be based solely on affirmative asylum applications, the pause on acceptances of (c)(8) employment authorization applications will impact both affirmative and defensive asylum applicants. This rule will not have any impact on the ability to apply to replace lost, stolen, or damaged (c)(8) EADs.

1. Processing Timeframe

DHS proposes to amend 8 CFR 208.7(a)(1) to extend the processing requirement from 30 days to 180 days for all initial (c)(8) EAD applications filed on or after the effective date of the final rule. Any initial (c)(8) EAD applications that are pending as of the effective date of the final rule would continue to be subject to the current 30-day processing requirement. A fuller discussion of this change and litigation relating to processing timeframes in *Rosario v. USCIS* appears in section V.D of this preamble. There are currently no processing timeframe requirements for renewal (c)(8) EAD applications, and there would be no changes to timeframe requirements for renewal (c)(8) EAD applications within this proposed rule.

2. Waiting Period To Apply for and Receive an Initial (c)(8) EAD

DHS proposes to amend the waiting period to apply for and receive an initial (c)(8) EAD to 365 calendar days. This regulation would apply to all initial applications for (c)(8) EADs filed on or after the effective date of the final rule. Any initial (c)(8) EAD applications that are pending as of the effective date of the final rule would still be subject to the current 180-day Asylum EAD Clock. There are currently no regulatory waiting period requirements for renewal (c)(8) EAD applications,³ and there

³ USCIS advises aliens that they should file their renewal Form I-765 within 6 months of the expiration date of the current EAD. USCIS, "I-765, Application for Employment Authorization," <https://www.uscis.gov/i-765> (last updated Apr. 29, 2025).

would be no changes related to waiting periods for renewal (c)(8) EAD applications within this proposed regulatory action.⁴

3. Pause and Re-Start of (c)(8) EAD Application Acceptance

DHS proposes to pause and re-start the acceptance of initial (c)(8) EAD applications based on the average processing time of asylum application adjudications over a 90-day period. For purposes of this NPRM, an affirmative asylum application is considered processed when a grant, referral, or denial is issued or the application is administratively closed. Cases described as administrative closures are those that do not receive a final decision on the merits but are closed for reasons such as lack of jurisdiction or abandonment of the asylum application, USCIS uses different terms to address the lifespan of a case, including both “process time” and “cycle time”. Generally, “processing time” is the time from receipt to completion for each individual form and can be averaged over a specific period of time in the past, but does not take into account currently pending applications and is not used for projections. “Cycle time” is defined as how many months’ worth of receipts represents the current pending case volume. This is an internal metric that can be used for projections because it takes into account current pending volume, anticipated receipts, and expected completions. As an internal management metric, cycle times are generally comparable to the agency’s publicly posted median processing times. Cycle times are what the operational divisions of USCIS use to gauge how much progress the agency is, or is not, making on reducing our pending affirmative asylum caseload and overall case processing times. DHS would pause the acceptance of initial (c)(8) EAD applications when the average processing time for all affirmative asylum applications over a

consecutive period of 90 days adjudication exceeds 180 days. Acceptance of initial (c)(8) EAD applications would resume when the average processing time for affirmative asylum adjudication over a consecutive period of 90 days is less than or equal to 180 days. The proposed provisions to pause and re-start EAD application acceptance only impact initial (c)(8) EAD applications. Thus, even in a period in which USCIS has paused the acceptance of initial (c)(8) EAD applications due to asylum application processing times, USCIS will continue to receive and adjudicate renewal (c)(8) EAD applications, as well as EAD applications in other eligibility categories.

The rule would require the USCIS Director to review affirmative asylum application processing times for the purpose of determining whether USCIS’ (c)(8) EAD application acceptances would be paused or restarted. This requirement would begin on the effective date of the final rule and the Director would conduct the first required review of asylum application processing times after the first 90-day period thereafter. Based on recent processing times, USCIS anticipates that the Director will institute an initial pause on asylum EAD adjudications following that review. The USCIS Director’s determination is not discretionary, and the determination to pause or restart acceptance of initial (c)(8) EAD applications is directly tethered to the processing times of all affirmative asylum applications over the previous 90-day period. DHS proposes to notify the public of any such processing changes and provide the supporting processing times through USCIS website announcements.

D. Summary of Benefits and Costs

DHS expects that this proposed rule will generate substantial benefits. As discussed later in this preamble, the asylum system is overwhelmed, federal adjudications resources are strained, and the affirmative asylum application backlog serves as a magnet pulling aliens into the U.S. illegally. The surge in both asylum filings and associated EADs over the past few years has created an untenable situation. This proposed rule would benefit USCIS by allowing it to operate under long-term, sustainable case processing times for initial EAD applications for asylum applicants, to allow sufficient time to address national security, public safety, or fraud concerns, and to maintain technological advances in document production and identity verification. Just as the 1994 INS rulemaking

referenced below, DHS expects that this action would reduce frivolous and fraudulent asylum claims and perverse economic incentives to obtain an EAD under meritless asylum claims. 59 FR 14779 (Mar. 30, 1994); 59 FR 62284 (Dec. 5, 1994). Frivolous, fraudulent, and meritless asylum applications and related filings for employment authorization can serve as a magnet for illegal immigration and generate costs to localities, states, the national economy, and strain resources. These costs could include public assistance and additional local or state resources used to assist aliens, and this rule would potentially mitigate some of these costs. DHS expects that these changes would reduce confusion regarding EAD requirements for aliens with pending asylum applications and the public, help ensure the regulatory text reflects current DHS policy and more faithfully implements the intent of the statute while simultaneously improving program integrity. DHS cannot currently quantify all of the potential benefits of this proposed rule.

In addition, if employers are able to hire American workers to fill the jobs the asylum applicants would otherwise hold, the change in earnings to such aliens would constitute beneficial wage and benefit transfers to American workers and would potentially pose no productivity loss or costs to employers. While it is possible that aliens without work authorization could require assistance from their social and support networks, which could include public entities, there could be a counterbalance; as this rule potentially will reduce immigration, there could be less of an economic strain on states, local government, and non-governmental organizations, in terms of any public assistance and resources that are currently provided to asylum applicants. Furthermore, DHS anticipates this proposed rule would decrease illegal migration and fraudulent claims for asylum applications and EADs.

Many of the impacts described above will be indirect, unquantifiable benefits resulting from this proposed rule. DHS cannot estimate these potential indirect impacts (whether costs, benefits, transfers) or second order effects and beyond, as they are beyond the scope of this analysis. This rulemaking seeks to reduce frivolous, fraudulent, and meritless asylum applications and their associated applications for (c)(8) EADs while improving the administrative process for issuance of employment authorization documents for aliens with meritorious asylum applications at USCIS.

⁴ A settlement in *Garcia Perez v. DHS*, 2:22-cv-806 (W.D. Wash. 2022) was approved in September 2024 after class members challenged EOIR and USCIS policies and procedures regarding the 180-day Asylum EAD Clock. Among other provisions, the *Garcia Perez* settlement provides asylum applicants with an ability to obtain information about their Asylum EAD Clock and challenge the reason for any stops to the clock. The current mechanism to do this will be simplified by conversion to a 365-calendar day calculation. To the extent that there is conflict between the settlement agreement and the 365-calendar day calculation, this rule change would supersede the *Garcia Perez* settlement agreement, which contains a clause acknowledging the settlement agreement does not preclude future regulatory or statutory changes. See *Garcia Perez Settlement Agreement*, Section II.C.7—*Impact of Statutory, Regulatory, or Precedential Changes, and/or Operational Needs*.

Requiring aliens to submit biometrics collections for both initial and renewal requests for employment authorization would enable DHS to vet an alien's biometrics against government databases to determine if he or she matched any criminal activity on file, to verify the alien's identity, and to facilitate card production. In addition, biometrics collection enables DHS to confirm that individuals are not utilizing multiple identities or that multiple individuals are not utilizing one identity. Lastly, from biometrics collections DHS would increase program integrity by ensuring that only eligible aliens who continued to pursue asylum were applying for and obtaining work authorization, because those who have abandoned their asylum applications or who do not have a genuine need for asylum may be less likely to appear for biometrics collection. This would also generally provide a benefit for the public because it would increase transparency pertinent to application and filing requirements. As discussed in the preamble, the asylum program has been subject to identity fraud concerns historically.

The impacts of this proposed rule include both potential distributional effects (which are transfers) and costs. The potential distributional impacts fall on the asylum applicants who may be delayed in entering the U.S. labor force or who may not obtain an EAD due to being ineligible (e.g., aggravated felon, serious non-political crime, etc.) or due to a processing pause. The potential distributional impacts (transfers) would be in the form of lost opportunity to earn compensation (wages and benefits). A portion of this lost compensation might be transferred from asylum applicants to others that are currently employed in the U.S. labor force, possibly in the form of additional hours worked or overtime pay. A portion of the impact of this rule may also be borne by companies that would have hired the asylum applicants had they been eligible for an EAD or in the labor market earlier. However, if the affected employer were unable to find available workers, these companies could incur a cost to productivity and potential profit.

Companies may also incur opportunity costs by having to choose the next best alternative to immediately filling the job the asylum applicant would have filled. USCIS does not know what this next best alternative may be

for those companies. As a result, USCIS does not know the portion of overall impacts of this rule that are transfers or costs. If companies can find replacement labor for the position the asylum applicant would have filled, this rule would have primarily distributional effects in the form of transfers from asylum applicants to others already in the labor market (or workers induced to return to the labor market). USCIS acknowledges that there may be additional opportunity costs to employers such as additional search costs. However, if companies cannot find a reasonable substitute for the labor an asylum applicant would have provided, the effect of this rule would primarily be a cost to these companies through lost productivity and profits.

USCIS uses the changes to earnings to asylum applicants as a measure of the overall impact of the rule—either as distributional impacts (transfers) or as a proxy for businesses' cost for lost productivity. It does not include additional costs to businesses for lost profits and opportunity costs or the distributional impacts for those in an applicant's support network. The lost compensation to these asylum applicants could range from \$34.6 billion to \$126.6 billion annually (undiscounted) depending on the wages the asylum applicant would have earned and other factors. The 5-year total discounted lost compensation to asylum applicants at 3 percent could range from \$155.4 billion to \$568.6 billion and at 7 percent could range from \$135.5 billion to \$495.8 billion (FY 2025 through FY 2029).

The quantified estimates may be overstated, as they assume that without this rule (i.e. under the baseline) the EAD validity period would be longer than is currently permitted.⁵ Since USCIS has reduced the maximum EAD validity period for aliens with pending asylum applications to 18 months, recipients must renew more often, which could result in fewer pending asylum applicants authorized to work over the 5-year period of analysis. This reduction would result from attrition in renewal applications and more frequent vetting.

There could be tax impacts pertinent to earnings changes. Asylum applicants who could be delayed or precluded from obtaining an EAD may generate forgone federal and state taxes. However, as was noted above, the strain

on resources that could be mitigated due to the effects of this rule could counterbalance some or all of the tax losses, if there are any. Additionally, if the earnings are transferred to American workers, there may be no loss of taxes.

This rule could possibly result in reduced opportunity costs to the Federal Government. Since the *Rosario* court order, 365 F. Supp. 3d 1156 (W.D. Wash. 2018), compelled USCIS to comply with the 30-day processing timeframe provision in FY 2018, USCIS has redistributed its adjudication resources to work up to compliance. By extending the 30-day processing timeframe to 180 days, it is possible that resources could be reallocated, which could have the effect of reducing delays in processing status-granting benefit requests, and avoiding costs associated with hiring additional employees. However, there are many factors that could influence such processing. Additionally, if asylum filings decline, as this rule generates a disincentive to meritless claims with the goal of obtaining an EAD, then the public and the Federal Government could experience operational and cost efficiencies as it is based on adjudicating fewer asylum claims. DHS does not rule out that there could be resources allocated to other operational areas.

Table 1 provides a detailed summary of the regulatory changes and the expected impacts of proposed rule's provisions. USCIS estimates the primary impact of the rule would result from a pause in accepting all new initial (c)(8) EAD applications until USCIS' affirmative asylum applications processing time reach a 180-day average (Module 1). Additionally, USCIS provides impacts for provisions that would affect applicants (for initial and renewal EADs) when the pause is lifted (Module 2). However, USCIS does not include Module 2 in the total rule impact, because the Module 1 impacts (pause EADs) already accounted for impacts to all new EAD applicants. To include Module 2 would be double counting the impacts for the same population. Where a monetized figure is presented, it is based on a 7 percent annualized average, and the annual population is the midpoint of a high-low range.

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⁵ Effective December 5, 2025, USCIS reduced the maximum EAD validity period for aliens with pending asylum applications to 18 months. See

USCIS, Policy Alert, "Updating Certain Employment Authorization Document Validity Periods" (Dec. 4, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf>.

Table 1. Summary of Proposed Provisions and Estimated Impacts.

Proposed Provision (proposed CFR)	Proposed Regulatory Changes	Estimated Impact of Regulatory Change
Amend 8 CFR 208.3(c)(3), Form of application	Asylum applications filed with USCIS must be in accordance with § 103.2(a)(7) of this chapter and the form instructions. If the application does not comply with the requirements, it will be deemed incomplete and USCIS will reject and return the application; an application that was rejected may be resubmitted.	Annual Population: 503,000. Impact: Unknown. Quantitative estimate: Not Estimated. Qualitative description: USCIS would gain operational efficiency, and the general public would benefit because it would essentially instill one set of rules governing the submission of benefit requests, as opposed to the current state with two materially different sets of rules. This will generate more efficient and effective decisions on asylum applications as officers are currently required to obtain omitted information at interview.
Require Biometrics for Asylum EAD applications.	Require all applicants for a (c)(8) EAD to submit biometrics. If an alien fails to appear for biometrics submission, the alien's application for employment authorization would be denied.	Population: 503,000. Impact type: costs to asylum applicants and USCIS. Quantitative estimate: Not Estimated. Qualitative description: There would be a travel and time cost to aliens to submit biometrics for affected aliens as well as costs to USCIS to collect biometrics. Biometrics collections will enable DHS to minimize known identity fraud concerns by verifying that aliens are not utilizing multiple identities or that multiple aliens are not utilizing one identity; will enable DHS to vet an alien's biometrics to determine matches to any criminal activity on file, to verify the alien's identity, and to facilitate card production.⁶

Increasing the wait period for initial EAD filing from 180 to 365 days.	Except in the case of an alien who filed an asylum application prior to January 4, 1995, requires employment authorization application to be submitted no earlier than 365 calendar days after the date on which a complete asylum application is submitted. EAD applications filed before waiting period will be denied. If an asylum application has been rejected and returned as incomplete the 365-day waiting period will commence upon the date of receipt of the complete asylum application.	Quantitative (Module 2 results): Population impacted: Provision would cover total population, but DHS estimates impacts will accrue to about 224,000 defensive cases. Impact type: Transfers, taxes, filing costs. Quantitative estimate: Earnings change: \$6.3 billion with Federal tax impact of \$0.66 billion; the earnings and taxes lost could represent a transfer if replacement labor is available for the delayed period. Qualitative description: If the average USCIS processing time for adjudicating asylum applications is less than or equal to 180 days for a period of 90 consecutive days, USCIS will accept (c)(8) EAD applications according to the proposed 365 calendar-day waiting period for pending asylum applications. For the defensive population not subject to proposed bars, there may be a minor form time burden increase of 0.34 hours. Benefit: Increasing the period for filing from 180 days to 365 days permits USCIS to focus resources on the underlying asylum applications which, if adjudicated first, obviates the need to adjudicate the pending (c)(8) EAD applications. Further, the increase may reduce or limit fraudulent, frivolous, and meritless asylum applications (e.g., knowing the alien must wait 1 year to file for an EAD, etc.).
Increasing USCIS EAD processing timeframe from 30 to 180 days.	Processing Timeframe for initial applications for employment authorization received on or after the effective date of the final rule under this section, USCIS will have 180 days to adjudicate an initial application for employment authorization, except for those applications requiring additional review for background checks or vetting.	Quantitative (Module 2 results): Population impacted: Provision would cover total population, but DHS estimates impacts will accrue to about 224,000 defensive cases. Impact type: costs, transfers, taxes Quantitative estimate: Earnings change: \$6.3 billion with Federal tax impact of \$0.66 billion; the earnings and taxes lost could represent a transfer if replacement labor is available for the delayed period. Qualitative description: By extending the 30-day (c)(8) EAD adjudications timeframe to 180-day, USCIS would be able to shift resources from the (c)(8) EAD workload to adjudications with backlogs. Additionally, having more than 30 days to adjudicate the (c)(8) EAD would provide USCIS additional time for screening and vetting, which would increase program integrity and help identify national security and public safety threats, which are significant benefits to the immigration system.

EAD Eligibility Bars: Proposed criteria for EAD ineligibility for asylum applicants.	Changes to asylum applicants who are ineligible for employment authorization. As is detailed fully in section II. B. 2. E-F, including exceptions and circumstances, an applicant for asylum is not eligible for employment authorization if: (A) There is reason to believe that the alien may be barred from a grant of asylum due to significant criminal grounds; (B) An asylum officer or an Immigration Judge has denied the alien's application within the 365 calendar-day waiting period or before the adjudication of the initial request for employment authorization; (C) The applicant filed their asylum application on or after the effective date of the final rule and filed the application after the 1-year filing deadline; (D) The applicant is an alien who entered or attempted to enter the United States at a place and time other than lawfully through a U.S. port of entry.	Quantitative (Module 2 results): Population: minimum 96,000 Impact type: costs, transfers, taxes Quantitative estimate: Earnings change: \$15.1 billion with Federal tax impact of \$1.6 billion; the earnings and taxes lost could represent a transfer if replacement labor is available for the delayed period. Benefit: Prohibiting approval of (c)(8) EAD applications to aliens who are ineligible for asylum, including aliens who may be barred from a grant of asylum due to one of the criminal bars to asylum under sections 208(b)(2)(A)(ii)-(iii) and where the alien, except an alien who meets the definition of an unaccompanied alien child, as defined in 6 U.S.C. 279(g), filed his or her asylum application after the one year filing deadline would increase program integrity by ensuring that criminal aliens and other aliens not eligible for asylum are not granted immigration benefits, including work authorization. This would also reduce or limit a substantial incentive for filing fraudulent, frivolous, and meritless asylum applications (e.g., knowing an alien with any one of these types of crimes would be denied an EAD, etc.).
USCIS may use derogatory information from an EAD application to prioritize asylum application, denying asylum sooner.	Derogatory information. If USCIS discovers derogatory information during the adjudication of an application for employment authorization for an alien with a pending asylum application, USCIS may prioritize the alien's asylum application for adjudication.	Population: Unknown. Impact type: costs, transfers. Qualitative Description: Costs and Transfers: If individuals are denied an EAD, it would likely reduce their earnings and tax payments, which could be transfers to other American workers. Benefits: Would benefit USCIS processing because currently USCIS processes asylum applications in a "last in, first out" order. This will increase efficiency (e.g., denying asylum applications sooner, reducing asylum backlog, etc.) and is a logical and rational way to handle cases (e.g., adjudicating all pending benefit requests based on the same derogatory information). This proposed prioritization would likely result in applicants that would have been denied asylum to be brought in for processing faster.
USCIS may pause the issuance of EADS.	(2)(i) Pausing and Restarting Acceptance of Initial Applications for Employment Authorization. Beginning on the effective date of the final rule and anytime thereafter, if the average USCIS processing time for adjudicating affirmative asylum applications is greater than 180 days for all	Population: 503,000. Impact type: earnings change, taxes, cost-savings. Quantitative estimate: earnings change of \$70.4 billion and Federal government taxes

	applications for asylum currently pending before USCIS for a period of 90 consecutive days, USCIS will not accept initial applications for employment authorization. If the average USCIS processing time for adjudicating affirmative applications is less than or equal to 180 days for a period of 90 consecutive days, USCIS will again accept initial applications for employment authorization. The preamble provides information concerning the basis for decision of pause and announcement of pause and publication of processing times.	of \$7.4 million; aliens would experience a cost-savings from not filing.⁷ Qualitative: Pausing acceptance of (c)(8) EAD applications when the average USCIS processing time for adjudicating asylum applications is greater than 180 days for a period of 90 consecutive days, permits USCIS to focus resources on the underlying asylum applications which, if adjudicated first, obviates the need to adjudicate the pending (c)(8) EAD applications. Further, tethering (c)(8) EAD application acceptance to asylum processing times may reduce or limit a substantial pull factor for filing fraudulent, frivolous, and meritless asylum applications (e.g., knowing the alien must wait 1 year to file for an EAD, etc.). Finally, the tethering will eliminate the potential that USCIS will again find itself in the situation it is currently in where large asylum backlogs attract frivolous, fraudulent, or otherwise meritless asylum filings seeking ancillary benefits. The implementation of this tether will permanently eliminate the possibility that asylum backlogs may serve as a magnet attracting illegal immigration.
Additional requirements.	Renewal. Employment authorization shall be renewable, in increments to be determined by USCIS, for the continuous period of time necessary for the asylum officer or Immigration Judge to decide the asylum application and, if necessary, for completion of any administrative or judicial review. The alien must request renewal of employment authorization on the form and in the manner prescribed by USCIS and according to the form instructions, with the appropriate fee, and, if required by USCIS, must submit biometrics at a scheduled biometrics services appointment in accordance with § 103.2(b)(9) of this chapter. USCIS requires that an alien establish that he or she has continued to pursue an asylum	Quantitative: Impact type: transfers, taxes Population: Full population unknown. Quantitative: DHS estimates impacts for about 160 affirmative asylum denials with EADS; \$0.01 billion in earnings and \$0.001 in Federal taxes. Qualitative: Modifying the requirements for renewal (c)(8) EAD applications, including adding the requirement to submit biometrics, but also requiring that the alien establish he or she continued to pursue asylum, would increase program integrity by ensuring that only eligible aliens who continued to pursue asylum were applying for and obtaining work authorization. This would also generally provide a benefit for the public by

	application before an Immigration Judge or sought administrative or judicial review. For purposes of employment authorization, pursuit of an asylum application is established by presenting one of the following, depending on the stage of the alien's immigration proceedings: (1) If the alien's case is pending in proceedings before the Immigration Judge, and the alien wishes to continue to pursue his or her asylum application, a copy of any asylum denial, referral notice, or of the charging document placing the alien in such proceedings; (2) If the Immigration Judge has denied asylum, a copy of the document issued by the Board of Immigration Appeals to show that a timely appeal has been filed from a denial of the asylum application by the Immigration Judge; or (3) If the Board of Immigration Appeals has denied or dismissed the alien's appeal of a denial of asylum, or sustained an appeal by DHS of a grant of asylum, a copy of the petition for judicial review or for habeas corpus pursuant to section 242 of the Act, date stamped by the appropriate court. (c) <i>Termination.</i> In addition to the termination and revocation provisions under 8 CFR 274a.14, employment authorization granted under this section shall terminate as follows, even if the expiration date specified on the employment authorization document has not been reached: (1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an Immigration Judge; (2) on the date that is 30 days after the date on which an Immigration Judge denies an asylum application, unless the alien makes a timely appeal to the Board of Immigration Appeals; or (3) immediately following the denial or dismissal by the Board of Immigration Appeals of an appeal of a denial of an asylum application. (c)(8) An alien who has a pending application for asylum or withholding of deportation or removal pursuant to part 208 of this chapter. Employment authorization may be granted according to the provisions of §208.7 of this chapter in increments to be determined	increasing transparency on application and filing requirements. USCIS believes this update would also reduce or limit a substantial incentive for filing fraudulent, frivolous, and otherwise meritless asylum applications (e.g., knowing an alien must affirmatively establish that he or she continued to pursue asylum and could not simply repeatedly file a renewal (c)(8) I-765 solely to obtain employment authorization). With respect to the termination provisions, with few exceptions, immediately and automatically terminating (c)(8) EADs upon denial of the asylum application by either USCIS or an Immigration Judge, rather than 60 days after denial or after EAD expiration, whichever is later, would benefit USCIS operationally since the change removes the separate requirement for terminating the EAD upon denial of the asylum application. This is a significant benefit for USCIS given asylum applications have low associated filing fees. As such, it would help USCIS to reduce the number of notices that must be issued when adjudicating applications with low associated filing fees.

	by USCIS and will expire on a specified date.	
	(1) The approval of applications filed under § 274a.12(c) is within the discretion of USCIS. Where economic necessity has been identified as a factor, the alien must provide information regarding his or her assets, income, and expenses. (2) An application for an initial employment authorization or for a renewal of employment authorization filed in relation to a pending claim for asylum or withholding of removal must be filed and adjudicated in accordance with § 208.7.	Qualitative: By making this a discretionary adjudication, USCIS would generally not approve EADs for aliens with criminal arrests and convictions, which in turn: promotes the integrity of the immigration system, makes U.S. workplaces safer, and removes a pull factor for aliens to remain in the United States (e.g., whether the alien warrants a favorable exercise of discretion).

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In addition to the information presented in Table 1, details and an A-4 accounting statement are provided in Section VI (Statutory and Regulatory Requirements) of the proposed rule.

⁶ See Office of the Inspector General, OIG-16-130 “Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records” (Sept. 8, 2016), <https://www.oig.dhs.gov/reports/2016-09/potentially-ineligible-individuals-have-been-granted-uscitizenship-because>, finding “During immigration enforcement encounters with aliens, CBP and ICE take fingerprint records. These components and their predecessor, INS, used to collect aliens’ fingerprint on two paper cards. One card was supposed to be sent to the FBI to be stored in its repository. The other fingerprint card was to be placed in the alien’s file with all other immigration related documents.” Ultimately finding that “As long as the older fingerprint records have not been digitized and included in repositories, USCIS risks making naturalization decision without complete information and, as a result, naturalizing additional individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.” See also Office of the Inspector General, DHS, “Individuals with Multiple Identities in Historical Fingerprint Enrollment Records Who Have Received Immigration Benefits” DHS-OIG 17-111 (Sept. 25, 2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-111-Sept17.pdf>, “Individuals with Multiple Identities in Historical Fingerprint Enrollment Records Who Have Received Immigration Benefits” finding “from this data set, we determined that, as of April 24, 2017, 9,389 aliens USCIS identified as having multiple identities had received an immigration benefit” and that “10 percent of cases, but not discussed in this report, include applications for asylum and travel documents.”

⁷ DHS caveats that the quantified estimates are currently overstated due to the change in the maximum EAD validity period for aliens with pending asylum applications to 18 months. USCIS will consider the recent change and incorporate updates where appropriate in the final rule to reflect this change.

E. Legal Authority

The Secretary’s authority for the proposed regulatory amendments is found in various sections of the INA, 8 U.S.C. 1101 *et seq.*, and the Homeland Security Act of 2002 (HSA), Public Law 107-296, 116 Stat. 2135 (codified in part at 6 U.S.C. 101 *et seq.*). General authority for issuing this proposed rule is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.⁸

Additional authority for this rule is found in:

- Section 274A(h)(3)(B) of the INA, 8 U.S.C. 1324a(h)(3)(B), which recognizes the Secretary’s discretionary authority to extend employment authorization to aliens in the United States;⁹

⁸ Although several provisions of the INA discussed in this proposed rule refer exclusively to the “Attorney General,” such provisions now refer to the Secretary by operation of the HSA. See 6 U.S.C. 202(3), 251, 271(b), 542 note, and 557; 8 U.S.C. 1103(a)(1) and (g) and 1551 note; *Nielsen v. Preap*, 586 U.S. 392, 397 n.2 (2019).

⁹ Courts have acknowledged that Congress delegated authority to DHS to grant or extend employment authorization to certain classes of aliens. See, e.g., *Washington Alliance of Technology Workers v. DHS*, 50 F.4th 164, 191–92 (D.C. Cir. 2022) (“What matters is that section 1324a(h)(3) expressly acknowledges that employment authorization need not be specifically conferred by statute; it can also be granted by regulation.”). DHS is exercising this discretionary authority consistent

- Sections 208(d)(1) and (d)(5)(B) of the INA, 8 U.S.C. 1158(d)(1) and (d)(5)(B), which authorize the Secretary to establish regulations concerning the procedures and conditions on asylum applications;

- Section 208(d)(2) of the INA, 8 U.S.C. 1158(d)(2), which provides the Secretary discretion to grant employment authorization to applicants for asylum if 180 days have passed since filing an application for asylum;

- Section 101(b)(1)(F) of the HSA, 6 U.S.C. 111(b)(1)(F), which establishes as a primary mission of DHS the duty to “ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;” and

- Section 271(a)(3) of the HSA, 6 U.S.C. 271(a)(3), which confers authority on the Director of USCIS to establish “policies for performing [immigration adjudication] functions.”

with all applicable authorities, including the referenced authorities in the HSA, and sections 103, 208, and 274A(h)(3) of the INA, 8 U.S.C. 1103, 1158, and 1324a(h)(3), as well as the Administrative Procedure Act (APA) at 5 U.S.C. 553. See *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244, 2263 (2024) (“In a case involving an agency, of course, the statute’s meaning may well be that the agency is authorized to exercise a degree of discretion. Congress has often enacted such statutes. For example, some statutes expressly delegate to an agency the authority to give meaning to a particular statutory term. Others empower an agency to prescribe rules to fill up the details of a statutory scheme, or to regulate subject to the limits imposed by a term or phrase that leaves agencies with flexibility, such as ‘appropriate’ or ‘reasonable.’”) (internal citations omitted).

F. Severability

The Department intends for the provisions of this proposed rule, if finalized, to be severable from each other and to be given effect to the maximum extent possible, such that if a court were to hold that any provision is invalid or unenforceable as to a particular alien or circumstance, the other provisions will remain in effect as to any other alien or circumstance. For example, if a court of competent jurisdiction were to hold that the proposed amendments to the regulations under 8 CFR 208.7(a)(2) alone should be enjoined or should be vacated for some reason, it is the intent of DHS that such court would narrowly construe its decision and leave the remainder of the rule in place with respect to all other covered aliens and circumstances. While the various provisions of this proposed rule, taken together, would provide maximum benefit with respect to improving the integrity of both the asylum program and employment authorization benefits process, strengthening the Department's national security and public safety posture, and decreasing the strain on operational resources, none of the provisions are fully interdependent and unable to operate separately.

DHS recognizes that the proposed provisions at 8 CFR 208.7(a)(1)(i), 8 CFR 208.7(a)(1)(iv), and 8 CFR 208.7(a)(1)(v) are related to each other, but they may still exist independently. The proposed amendments at 8 CFR 208.7(a)(1)(iv) would expand the list of criminal ineligibilities for employment authorization, including the incorporation of criminal bars to asylum, specifically where there is reason to believe that the applicant may be barred from a grant of asylum due to one of the criminal bars to asylum under sections 208(b)(2)(A)(ii)–(iii) and the proposed amendments at 8 CFR 208.7(a)(1)(v) would allow DHS to prioritize for adjudication asylum applications for which derogatory information is discovered during the EAD adjudications. These proposed provisions would be strengthened by the proposed provision at 8 CFR 208.7(a)(1)(i), which requires biometrics for all aliens applying for EADs based on pending asylum applications. This new categorical biometrics provision would allow DHS to conduct more in-depth screening and vetting, thus providing a more complete, comprehensive, and accurate view of the alien's criminal history. However, even if USCIS could not implement the categorical biometrics provision, the Department could still apply the

criminal ineligibility grounds and derogatory information provisions to the EAD adjudication by reviewing other available evidence in the record or available in government systems.

III. Background and Purpose

A. Introduction

On January 20, 2025, President Donald J. Trump issued a Presidential Proclamation declaring that a national emergency exists at the southern border of the United States¹⁰ and a Presidential Proclamation stating that the circumstances of the emergency qualify as an invasion under Article IV, Section 4, of the Constitution of the United States.¹¹ Stating that the number of aliens encountered along the southern border of the United States over the course of the prior administration had overwhelmed the U.S. immigration system and rendered many of the INA's provisions to control the entry and exit of people and goods across the borders of the United States ineffective, the President invoked emergency tools to suspend the physical entry of aliens involved in an invasion into the United States across the southern border and provide additional authorities and resources to support the Federal Government's response.¹²

On the same day, the President issued Executive Order (E.O.) 14159, Protecting the American People Against Invasion, to ensure “that the Federal Government protects the American people by faithfully executing the immigration laws of the United States.”¹³ The E.O. also directed the Secretary to ensure “that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.”¹⁴

Through this proposed rule, DHS is addressing, in part, the President's national emergency and invasion at the southern border declarations by: (1) reducing incentives for aliens to file frivolous, fraudulent, or otherwise meritless asylum applications intended primarily to obtain employment authorization and to remain in the United States for years due to the

current backlog of asylum cases; (2) disincentivizing illegal entry into the United States by providing that, on or after the effective date of the final rule, any alien who enters or attempts to enter the United States at a place and time other than lawfully through a U.S. port of entry will be ineligible to receive a (c)(8) EAD, with limited exceptions; (3) reducing opportunities for fraud; and (4) protecting USCIS' ability to have sufficient time and resources to receive, meaningfully screen and vet, and process initial (c)(8) EAD applications, while also protecting the security-related processes undertaken for each employment authorization application. This rule also aims to address the increased public safety and national security concerns exacerbated by large numbers of aliens illegally crossing the border and overwhelming the U.S. immigration system. DHS is also proposing reforms that will ease many of the burdens USCIS faces in accepting and adjudicating applications for asylum and related employment authorization.

As explained more fully later in this preamble, these reforms will help mitigate the crisis that our immigration and asylum systems are facing as a consequence of the mass migration of aliens across the southern border, and improve the current asylum backlog by discouraging new frivolous, fraudulent, or otherwise meritless asylum applications and freeing DHS resources to focus on applications in the current backlog, helping to clear the way for meritorious asylum applications to be received, processed, and adjudicated more quickly.

The existing asylum backlog has engendered a flood of litigation by aliens with pending asylum applications alleging unreasonable delay of their applications that has significantly drained the resources of USCIS and the U.S. Department of Justice (DOJ) to resolve. In fact, petitions for writs of mandamus¹⁵ related to affirmative asylum cases have been on the rise in recent years, from 1,545 in FY 2022 to 4,093 in FY 2023 to 5,187 cases in FY 2024.¹⁶ Affirmative asylum cases with mandamus actions further stymie progress on affirmative asylum backlog reduction because USCIS must prioritize responses to and adjudication of certain mandamus affirmative asylum

¹⁰ Proclamation 10886 of Jan. 20, 2025, “Declaring a National Emergency at the Border”, 90 FR 8327, 8328 (Jan. 29, 2025).

¹¹ Proclamation 10888 of Jan. 20, 2025, “Guaranteeing the States Protection Against Invasion,” 90 FR 8333, 8335 (Jan. 29, 2025).

¹² *Id.*

¹³ E.O. 14159 of Jan. 20, 2025, “Protecting the American People Against Invasion,” sec. 1, 90 FR 8443 (Jan. 29, 2025).

¹⁴ *Id.* at sec. 16(c), 90 FR 8446.

¹⁵ A Writ of Mandamus is a district court filing used to compel an agency to perform a duty owed to the plaintiff. USCIS may expedite cases for aliens with long-standing asylum claims who use this style of litigation to seek action.

¹⁶ USCIS internal data, Office of the Chief Counsel, Form I-589 Mandamus Statistics, May 22, 2025.

cases. This creates a cyclical issue because mandamus actions force USCIS to reallocate resources to meet the court deadlines by pulling officers off either recent or backlog adjudications, which leads to increased processing times for other pending asylum applications.¹⁷ Adopting the provisions described in this proposed rule would give aliens with meritorious asylum claims the predictability they deserve but are currently denied because of the backlog of asylum claims clogging the system. The extensive resources required to process pending asylum applications generally extends the time to process meritorious asylum claims.

Additionally, illicit organizations, including designated Foreign Terrorist Organizations (FTOs),¹⁸ benefit financially by smuggling aliens into the United States, and, upon arrival in this country, many aliens then apply for asylum or other immigration benefits. A 2023 congressional report stated that aliens routinely paid smuggling organizations more than \$10,000 to \$15,000 to facilitate the journey across the southwest border, with drug cartels playing an increasingly influential role in human smuggling.¹⁹ It is estimated that cartel revenue from human smuggling is in the billions of dollars, with cartels operating in the Del Rio Sector alone making around \$1.5 billion a year.²⁰ Recently designated FTOs, including Cartel Del Golfo (Gulf Cartel), Cartel Del Noreste, and Mara Salvatrucha (MS-13) continue to engage in dangerous and often fatal human smuggling operations, bringing vulnerable men, women, and children to the United States illegally.²¹ By

nature, these organizations engage in illegal and often extremely violent activities; therefore, this strategic exploitation of the immigration system by FTOs constitutes a massive national security and public safety threat.

DHS expressly recognizes that there are many populations with reliance interests on the current regulatory framework for (c)(8) EAD applications, including aliens applying for asylum, employers, and state and local communities. These interests include the aliens with meritorious asylum claims desiring to access employment authorization faster and with fewer requirements so that they might become financially independent sooner, the need for employers to more readily access a pool of employment-authorized aliens, and a state or community's economic need for newly arrived aliens to sustain themselves and contribute to the economy. DHS acknowledges that this rule may negatively impact potentially meritorious asylum applicants who may decide not to file for asylum because they cannot afford to wait the extended period before applying for employment authorization. These aliens, who may otherwise have strong asylum claims, may have family responsibilities, medical, or other financial burdens, that make it extremely difficult for them to wait 365 calendar days, or potentially many years due to the pause and restart provisions of this rule, to file for employment authorization while their asylum application is pending. DHS also recognizes that extending the processing time for employment authorization may also factor into a potentially meritorious applicant's decision-making process before applying for asylum. Due to this rule and the increased waiting periods before an alien may receive employment authorization, there may be aliens with potentially meritorious asylum claims who instead return to a country where they may fear harm. DHS has seriously

considered the harm to this potential population, and, while these interests are relevant and justified, DHS has determined that they are outweighed by the needs of the Federal Government to protect U.S. national security, public safety, and the overall integrity of the asylum program, as well as sustain an operationally efficient immigration system.²² The asylum program and the immigration system are heavily burdened and overwhelmed, and this has led to a massive pending affirmative asylum caseload.²³ This pending affirmative asylum caseload weakens the integrity of the system, allowing thousands of non-meritorious cases to languish and obstructing the agency from identifying potential public safety and national security concerns until years later when the cases are finally adjudicated. The security of the United States and the integrity of our immigration processes outweigh the potential harm to a subset of the asylum applicant population. Additionally, there is no justified reliance on the current regulations for the purpose of exploiting the immigration system through filing fraudulent, frivolous, or otherwise meritless asylum cases primarily to access employment authorization. Removing this potential abuse as a pull factor for illegal immigration should decrease the number of illegal border crossers and outweighs reliance on the current regulations. Finally, many asylum seekers may have existing support networks of family, friends, and community members, including other asylees and refugees, who are able to alleviate the financial burdens caused by the longer wait to receive employment authorization. These communities provide a significant and positive national fiscal impact and may support those who are not yet employment authorized.²⁴ Therefore, reliance interests are limited to the employment of aliens who are already present in the United States at the time

¹⁷ Office of Inspector General, DHS, "USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Claims" (July 3, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>. See also Citizenship and Immigration Services Ombudsman, DHS, "Annual Report 2022" (June 30, 2022), https://www.dhs.gov/sites/default/files/2022-07/2022%20CIS%20Ombudsman%20Report_verified_medium_0.pdf.

¹⁸ Bureau of Counterterrorism, DOS, "Designated Foreign Terrorist Organizations," <https://www.state.gov/foreign-terrorist-organizations/> (last visited May 23, 2025); E.O. 14157 of Jan. 20, 2025, "Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists," 90 FR 8439 (Jan. 29, 2025).

¹⁹ U.S. Congress, House of Representatives, Committee on Homeland Security Majority Report, *Phase 2 Interim Report*, 118th Cong., 1st sess., Sept. 7, 2023, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.

²⁰ U.S. Congress, House of Representatives, Committee on Homeland Security Majority Report, *Phase 2 Interim Report*, 118th Cong., 1st sess., Sept. 7, 2023, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.

²¹ ICE, "Cartel Del Noreste Members Sent to Prison for Roles in Cartel-Linked Human Smuggling

Scheme" (Nov. 4, 2024), <https://www.ice.gov/news/releases/cartel-del-noreste-members-sent-prison-roles-cartel-linked-human-smuggling-scheme>; DOJ, "Fatal human smuggling case and two alleged MS-13 members among those charged in relation to immigration and border security" (Apr. 4, 2025), <https://www.justice.gov/usao-sdtx/pr/fatal-human-smuggling-case-and-two-alleged-ms-13-members-among-those-charged-relation>; DOS, "In Dual Actions, Treasury Sanctions Clan Del Golfo Leadership in Colombia and Businesses" (Sept. 25, 2024), <https://pa.usembassy.gov/in-dual-actions-treasury-sanctions-clan-del-golfo-leadership-in-colombia-and-businesses-owned-by-sinaloa-cartel-fentanyl-traffickers-in-mexico/>; DOJ, "Law Enforcement Cooperation Between United States and Mexico Results in Mexican Takedown of Cartel-Linked Alien Smugglers," (Feb. 20, 2025), <https://www.justice.gov/opa/pr/law-enforcement-cooperation-between-united-states-and-mexico-results-mexican-takedown-cartel>.

²² See *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1914 (2020). ("And, even if DHS ultimately concludes that the reliance interests rank as serious, they are but one factor to consider. DHS may determine, in the particular context before it, that other interests and policy concerns outweigh any reliance interests.")

²³ USCIS, "Number of Service-wide Forms By Quarter, Form Status, and Processing Time" (Apr. 30, 2025), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2025_q1.xlsx.

²⁴ U.S. Department of Health and Human Services, "The Fiscal Impact of Refugees and Asylees Over 15 Years: Over \$123 Billion in Net Benefit from 2005–2019" (Feb. 15, 2024), available at <https://aspe.hhs.gov/sites/default/files/documents/ea6442054785081eb121fa5137cf837d/aspe-brief-refugee-fiscal-impact-study.pdf>.

the final rule becomes effective and who may apply for asylum, or those who are lawfully admitted or paroled into the United States and subsequently apply for asylum, and the employers, states, and local communities who are impacted by these populations.

Further, many of the goals of this rule actually support the interests of those same asylum applicants, employers, and state and local communities. For example, the changes proposed in the rule would help deter frivolous, fraudulent, and otherwise meritless asylum filings, which would permit DHS to more efficiently adjudicate the applications for aliens with meritorious asylum claims. Employers who rely on employment-authorized aliens for a labor pool are unlikely to prefer aliens with criminal arrests and convictions, aliens who pose national security threats, or aliens who committed fraud during the immigration process. Similarly, while state and local communities have an economic interest in newly arrived aliens sustaining themselves and contributing to the economy, they also have an interest in protecting their communities from national security threats, aggravated felons, and other criminal and fraud risks.

It is the policy of the Executive Branch to protect the national sovereignty of the United States by facilitating the admission of aliens whose presence serves the national interest and preventing the admission of those who do not, as well as to protect national security and public safety. 90 FR 8327 (Jan. 29, 2025); 90 FR 8333 (Jan. 29, 2025). Aliens admitted into the United States may choose to file for a variety of immigration benefits or protections, one of which is asylum. This rulemaking is part of a series of reforms DHS is undertaking to improve the integrity of the asylum system, including streamlining efforts, so that those with meritorious asylum claims are adjudicated quickly and aliens who are ineligible are promptly denied.

B. Efforts To Reform the Asylum System

The Refugee Act of 1980, Public Law 96–212, 94 Stat. 102, was the first comprehensive legislation to establish the modern refugee and asylum system.²⁵ Signed into law in March 1980, the legislation was intended to “provide a permanent and systematic procedure for admission to this country

of refugees of special humanitarian concern to the United States” and to provide provisions for effective resettlement of such refugees.²⁶ The Refugee Act also, for the first time, created a statutory basis for asylum, in order to help ensure that U.S. statutory law conformed to Article 33 of the 1951 U.N Convention relating to the Status of Refugees.²⁷ The law directed the Attorney General to establish a procedure for the granting of asylum status to aliens physically present in the United States, or at a land border or port of entry, if the Attorney General determines the alien meets the definition of a refugee.²⁸

In June 1980, legacy Immigration and Naturalization Service (INS) issued an interim regulation implementing provisions of the Refugee Act.²⁹ Among other things, the regulation permitted district directors, in their discretion, to grant requests for employment authorization made by aliens who had filed non-frivolous asylum applications.³⁰ DHS notes the significance of even that interim regulation requiring that asylum applications be non-frivolous. The regulation did not, however, build in a waiting period, meaning aliens were eligible to request and receive employment authorization upon filing their asylum applications.³¹ Further, the regulation did not specify any other restrictions related to employment authorization, such as the duration of employment authorization or grounds of ineligibility.³²

While the 1980 regulation fulfilled the Refugee Act’s rulemaking mandate, it was a temporary regulatory mechanism and merely functioned to bridge the new statute with the system that was already in place while the U.S.

government took up a period of deliberate study and analysis to design permanent procedures. 55 FR 30674, 30675 (July 27, 1990). In 1987, the INS published a more fulsome proposed regulation to reform asylum adjudications. 52 FR 32552 (Aug. 28, 1987). In 1988, the INS published a revised proposed rule in response to comments on the 1987 proposed rule, and in 1990, it promulgated the final regulation. 48 FR 5885 (Apr. 8, 1988); 55 FR 30674 (July 27, 1990). The final system included, among other changes, the creation of a new corps of asylum officers who would adjudicate asylum claims, moving away from district directors. 55 FR 30676. The final rule also changed the process for obtaining employment authorization, removing it from district director discretion and instead mandating employment authorization for asylum applicants who were not detained and whose applications an asylum officer determined were not frivolous. *Id.* at 30676–77. The validity period was set to 1 year, with renewable increments of up to 1 year. *Id.* The regulation also included automatic termination of employment authorization upon expiration of the EAD or 60 days after denial of asylum, whichever was longer. *Id.*; *see also id.* at 30682.

The INS’s new regulatory scheme for asylum cases proved to be flawed and inadequately resourced, and as a result, asylum processing quickly became overwhelmed. By 1992, the INS received 103,964 asylum applications but adjudicated only 21,996, a mere 21 percent of received asylum applications.³³ Since employment authorization was tethered to the filing of a nonfrivolous asylum application, at this time asylum applicants were typically employment authorized immediately.³⁴ This created a processing issue that fueled itself: as asylum adjudication times increased, more aliens received employment authorization without having to appear before an INS officer to establish identity or justify their asylum claims, then more aliens began to use asylum applications as a mechanism for prompt employment authorization which further increased filings and asylum application processing times.³⁵ In

²⁶ Refugee Act of 1980, Public Law 96–212, sec. 101(b), 94 Stat. 102, 102 (Mar. 17, 1980).

²⁷ H.R. Rep. No. 96–608 (1979).

²⁸ Refugee Act of 1980, sec. 201(b), 94 Stat. at 105 (adding section 208 of the INA, 8 U.S.C. 1158); *see also id.* at sec. 201(a), 94 Stat. at 102 (codifying the following definition of “refugee”: “The term ‘refugee’ means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. . . .”).

²⁹ Aliens and Nationality; Refugee and Asylum Procedures, 45 FR 37392 (June 2, 1980). This interim rule was not finalized until 1983. Aliens and Nationality; Asylum Procedures, 48 FR 5885 (Feb. 9, 1983).

³⁰ 45 FR 37394.

³¹ *Id.*

³² *Id.*

²⁵ The Refugee Act of 1980 codified the definition of a refugee from the 1967 United Nations Protocol Relating to the Status of Refugees. United Nations, “Protocol Relating to the Status of Refugees” (Jan. 31, 1967), 19 U.S.T. 6223, TIAS No. 6577, 606 U.N.T.S. 267.

³³ INS, DOJ, “1994 Statistical Yearbook of the Immigration and Naturalization Service” (Feb. 1996), p. 83.

³⁴ FR 30681–82. Additionally, the direct filing of asylum applications in the asylum office with jurisdiction over the applicant’s residence did not change until 1994. *See* 59 FR 14779, 14782.

³⁵ *See, e.g.,* David A. Martin, “Making Asylum Policy: The 1994 Reforms” 70 Wash. L. Rev. 725, 734–37 (July 1995).

addition to breeding asylum abuse and program integrity concerns, this situation adversely impacted aliens with meritorious asylum claims by increasing the backlog and decision wait times and leading to a rise in unscrupulous immigration “consultants” who preyed on aliens with meritorious asylum claims, convincing them to file boilerplate asylum claims even when the aliens had their own valid claims.³⁶

Faced with these difficulties and mounting pressures from internal and external stakeholders, the INS published a proposed reform in March 1994 and final regulations in December 1994. 59 FR 14779 (Mar. 30, 1994); 59 FR 62284 (Dec. 5, 1994). INS’s 1994 proposed rule could easily describe the current state of DHS’s asylum backlog, albeit with an even larger backlog and longer wait times for adjudications:

The existing system for adjudicating asylum claims cannot keep pace with incoming applications and does not permit the expeditious removal from the United States of those persons who [sic] claims fail. While part of this difficulty is attributable to limited resources, the problem also stems in large part from the effort to meet procedural requirements imposed by current regulations. On October 1, 1990, the INS had a backlog of approximately 90,000 asylum claims. Since that date, approximately 250,000 cases have been added to that backlog. Asylum applications are received at a current rate approaching 150,000 per year. A significant and growing percentage of current receipts are claims that appear on their face to be nonmeritorious or abusive. . . . Indeed, most asylum applicants wait a year or more to receive even initial decision on their cases.³⁷

As such, INS proposed several changes to the rules governing asylum applications and associated EADs. Most relevant to what DHS endeavors to do today were the provisions designed to decrease frivolous filings, specifically the creation of the rule that asylum applicants could not apply for employment authorization until 150 days had elapsed after their initial filing of a complete asylum application.³⁸ According to the proposal, the INS then had 30 additional days to adjudicate the employment authorization application.³⁹ This 180-day period is colloquially known as the “180-day Asylum EAD Clock.”⁴⁰ The INS

proposed rule explained that the proposed 150-day wait for filing an EAD application was important to encourage INS to adjudicate claims promptly within the 150-day period to avoid having to separately adjudicate the work authorization applications; and that it would authorize INS to deny employment authorization to those whose underlying asylum applications have been denied. The proposed rule noted that this reform should reduce the number of asylum applications filed primarily to obtain employment authorization. It also explained that applicants with pending asylum claims would wait longer, but those whose claims are not adjudicated within the 150-day period would, subject to certain conditions, would be eligible to apply for and receive work authorization; and that INS would adjudicate those applications within 30 days, regardless of the merits of the underlying asylum claim.⁴¹

The INS received 345 public comments in response to the proposed rule and, in December 1994, published a final rule. 59 FR 62284, 62285 (Dec. 5, 1994).⁴² While the INS changed several parts of the proposed rule in response to public comments, the provisions governing the 150-day waiting period to apply for employment authorization and the 30-day processing timeframe for adjudicating employment authorizations for pending asylum applicants were both retained. 59 FR 62290–62291. The INS discussed several public comments submitted that were not supportive of the proposed 150-day waiting period and 30-day processing timeframe changes, which included concerns that:

- Asylum applicants would be forced to work illegally in jobs where they would be underpaid and treated poorly but would have no means of redress because of the fear of reprisals.
- Advocated for eliminating the waiting period and maintaining the current rule, which allowed immediate applications for employment authorization and issuance within 90 days.

document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf (last updated Mar. 2025).

⁴¹ See 59 FR 14779, 14780.

⁴² Not all public comments related to the 150-day waiting period and the 30-day processing timeframe. Many of the public comments related to the other proposed changes, including the proposed filing fee for asylum applications and associated employment authorization applications, the form of the asylum application, how incomplete applications would be processed, renewal of employment authorization, interviews and other procedures, and how failures to appear by the alien would be processed. See generally 59 FR 62284.

- Advised providing exceptions to the waiting period by granting employment authorization immediately or within 90 days to applicants who demonstrate hardship or economic need (such as those with no relatives in the United States or who have small children).

59 FR 62290. The INS responded to explain the belief that the asylum process should be separated from the employment authorization process and that the rule would discourage applicants from filing meritless asylum applications solely to obtain employment authorization. The INS further explained that it expected all applicants to have work authorization after 180 days unless their claims had been denied.

INS stated that it had considered in particular recommendations that it establish alternate means for adjudicating employment authorization based on the merits of the asylum application or on economic need. INS noted that either alternative would invite a large number of applications, thus diverting resources and undermining the goal of asylum reform. The Department noted that it did not believe loosening eligibility standards for employment authorization was the appropriate path in light of the large number of applicants who applied for asylum primarily as a means to gain work authorization, and that it believed the rule would instead provide the best way to discourage applications filed for this reason and enable it to grant asylum, and work authorization, to applicants meriting such relief. 59 FR 62290–91.

Clearly, the intent was that this would decouple asylum applications from employment authorization in order to disincentivize frivolous filings and allow the system to function properly. Further, DHS notes that the INS affirmatively decided to delay all aliens with pending asylum applications (both meritorious and meritless filings) the opportunity to apply for employment authorization expressly because the INS believed this measure would help combat frivolous, fraudulent, or otherwise meritless asylum applications filed primarily to obtain employment authorization and regain control over the backlog and processing times.

In 1996, shortly after the regulatory asylum reform, Congress passed comprehensive immigration enforcement legislation, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which, among other things, included provisions

³⁶ *Id.*

³⁷ See 59 FR 14780.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ USCIS, “The 180-Day Asylum EAD Clock Notice,” <https://www.uscis.gov/sites/default/files/>

on asylum adjudications.⁴³ IIRIRA states that any procedures established under section 208(d)(1) of the INA; 8 U.S.C. 1158(d)(1), “shall” provide that, in the absence of exceptional circumstances, final administrative adjudications of asylum applications “shall” be completed within 180 days after the date applications are filed.⁴⁴ Mirroring the 1994 regulatory reforms, IIRIRA also restricted the Secretary from granting employment authorization to asylum applicants until 180 days after the filing of the application for asylum.⁴⁵

The regulatory reforms, either alone or in tandem with the statutory change, succeeded in curtailing meritless claims and delivering fair and timely decisions on asylum cases. New asylum filings actually decreased from their peak of 149,566 in FY 1995 to just 30,261 in FY 1999, a decrease of nearly 80 percent in only five FYs.⁴⁶ At the same time, the approval rate significantly increased, from 15 percent of cases adjudicated in FY 1993 to 38 percent in FY 1999.⁴⁷ In February 2000, the INS issued a News Release celebrating the 1994 Asylum Reforms (which became effective in January 1995), including the following statement by INS Commissioner Doris Meissner, “Five years ago, INS launched badly needed reform of an asylum system that was overwhelmed, unresponsive and vulnerable to misuse.”⁴⁸ The news release continued:

By 1992, almost two-thirds of all claims became part of a burgeoning backlog due to a lack of resources and effective procedures for processing those claims. By 1993, the asylum system was in a crisis, having become a magnet for abuse by persons filing applications in order to obtain employment authorization.⁴⁹

INS statistics showed a “decrease of 75 percent in the number of new claims being filed with INS, from 127,129 in

FY 1993 to 30,261 in FY 1999” while “the approval rate of cases heard by INS asylum officers has increased from 15 percent of cases adjudicated in FY 1993 to an approval rate of 38 percent in FY 1999, another indicator that INS is receiving more valid claims.”⁵⁰ These statistics show that the 1994 rulemakings had an unmistakable impact on asylum program integrity.⁵¹ With overall asylum filings decreasing and the approval rate increasing, the clear implication was that ineligible aliens (regardless of the basis for ineligibility or whether the filing was frivolous, fraudulent, or otherwise meritless) stopped filing and, as a result, clogged the asylum system. DHS seeks a similar result with this proposed regulatory action.

C. Continued Need for Reform

Since IIRIRA, there have been no major statutory changes to the asylum provisions to address the immigration realities faced by the United States today. While little has changed with respect to asylum-specific statutory and regulatory authorities for EADs for asylum applicants since the 1994 regulatory reforms, there have been significant operational changes and numerous challenges for these cases, including what steps constitute a part of the adjudication and the length of time to adjudicate the applications.⁵²

Application Support Centers

One such operational challenge arose after the 1994 regulatory reforms, related to biometrics. In 1994 the INS was still using FD-258 fingerprint cards for the submission of biometrics for immigration benefit requests. The INS accepted those FD-258 fingerprint cards directly from applicants and petitioners through the mail. In 1997, when funding the agency for 1998, Congress prohibited the INS from accepting any fingerprint cards collected by entities outside the INS for immigration benefits, except in certain instances when collected by law enforcement agencies and in certain overseas

situations.⁵³ Previously, certain “designated fingerprint services” entities could collect fingerprints and submit them to INS. This FD-258 process was fraught with both errors and fraud.⁵⁴ To comply with the law, INS established the Application Support Centers (ASCs), which continue to exist nationwide today and which DHS operates for the collection of biometrics for immigration benefits. *See* 63 FR 12979 (Mar. 17, 1998).

This new process was something of a double-edged sword. There were notable advantages, including improved program integrity, capability for identity verification, and a more automated conduit for criminal history background checks. However, one time-intensive consequence was that the new process required INS (and later USCIS) to affirmatively schedule an alien’s ASC appointment for biometrics collection after receipt of a benefit request.⁵⁵ At the time, the affirmative scheduling of an ASC appointment after receipt of a benefit request added anywhere from several weeks to over a month to the front-end processing times for immigration benefit requests with an associated biometrics collection. This continues to be true, as most aliens today are scheduled for ASC

⁵³ *See* Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998, Title I, Public Law 105–119, 111 Stat. 2440, 2447–48 (1997).

⁵⁴ *See* Office of the Inspector General, DHS, OIG–16–130 “Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records” (Sept. 8, 2016), <https://www.oig.dhs.gov/reports/2016-09/potentially-ineligible-individuals-have-been-granted-us-citizenship-because>.

⁵⁵ In essence, INS or USCIS would receive a benefit request and an employee would determine whether the filing was subject to a biometrics requirement. The employee would then determine the nearest ASC to the alien, according to the address provided on the request. The employee would have to then determine the next available appointment date and time for a biometrics collection at that particular ASC. Finally, the employee would have to create a paper appointment notice for the alien and mail it to the address provided on the request. In order to give the alien a reasonable amount of notice, and account for postal service delivery of the written appointment notice, appointments were typically scheduled approximately 30 days from the date of the appointment notice. While much of this process was automated in recent years by USCIS, there is still the need to afford the alien adequate notice of the appointment and not overbook appointments at a particular ASC. Consequently, while there is variance in backlogs and throughputs from ASC to ASC, today USCIS still estimates the wait for an ASC appointment to be several weeks. Additionally, if the scheduled appointment is not convenient, the alien can use an online tool to reschedule an existing appointment, but that does not help schedule initial appointments faster. *See generally* USCIS, “Preparing for Your Biometric Services Appointment” (last updated July 6, 2023), <https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment>.

⁴³ Public Law 104–208, div. C, 110 Stat. 3009, 3009–546.

⁴⁴ *Id.* sec. 604, 110 Stat. at 3009–694 (codified at INA sec. 208(d)(5)(A)(iii), 8 U.S.C. 1158(d)(5)(A)(iii)).

⁴⁵ *Id.* sec. 604, 110 Stat. at 3009–693 (codified at INA sec. 208(d)(2), 8 U.S.C. 1158(d)(2)).

⁴⁶ Ruth Ellen Wasem, Congressional Research Service, “Asylum and ‘Credible Fear’ Issues in U.S. Immigration Policy” (June 29, 2011), <https://www.congress.gov/crs-product/R41753>; INS, DOJ “Asylum Reform: Five Years Later” (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>.

⁴⁷ INS, DOJ “1999 Statistical Yearbook of the Immigration and Naturalization Service” (Mar. 2002), p. 100. Percent approved is “[t]he number of cases granted divided by the sum of: cases granted; denied; and referred to an Immigration Judge following an interview.”

⁴⁸ INS, DOJ, “Asylum Reform: Five Years Later” (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>.

⁴⁹ *Id.*

⁵⁰ *Id.*; *see also* INS, DOJ “1999 Statistical Yearbook of the Immigration and Naturalization Service”, p. 100 (Mar. 2002) (Percent approved is “[t]he number of cases granted divided by the sum of: cases granted; denied; and referred to an Immigration Judge following an interview.”).

⁵¹ *Id.*; *see also* INS, DOJ, “Asylum Reform: Five Years Later” (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>.

⁵² *See* 59 FR 62284, 62289 (Dec. 5, 1994). On July 26, 2018, in *Rosario v. USCIS*, the U.S. District Court for the Western District of Washington granted summary judgment against the government and issued an order requiring USCIS to comply with the 30-day regulatory timeline at 8 CFR 208.7. 365 F. Supp. 3d 1156 (W.D. Wash. 2018).

appointments approximately three to four weeks after receipt of a benefit request.

Aggravated Felony Conviction Bar for EADs

With respect to employment authorization for pending asylum applicants, the creation of ASCs and the requirement for biometrics collection at certain facilities, operated by INS and later DHS, brought to bear another problem. In the previously mentioned 1994 final rule, INS amended the regulations to bar aliens convicted of an aggravated felony from submitting an application for employment authorization based on the pending asylum application. *See* 59 FR at 62299. Although there is no discussion on specific comments directly on this point in the final rule, the INS did not amend the final rule to remove the proposed bar for aliens convicted of an aggravated felony. 59 FR at 62291.

Prior to the 1994 rulemakings, having an aggravated felony conviction was not grounds for denying an employment authorization application,⁵⁶ and prior to the creation of ASCs in 1998, the agency accepted fingerprints on cards that were submitted with the benefit request being filed. Once INS began requiring an alien to appear at an ASC for biometric collection, it made compliance with both the aggravated felony conviction ineligibility ground and the 30-day asylum EAD processing timeframe extremely difficult. The most reliable way for USCIS to identify criminality (*e.g.*, aggravated felonies) is with a Federal Bureau of Investigation (FBI) Identity History Summary (IdHS, formerly known as a “RAP sheet”), which locates criminal records based on the alien’s fingerprints.⁵⁷ In order to obtain an alien’s RAP sheet from the FBI, INS needed to send the alien to the ASC—which took several weeks. All the while, the 30-day asylum EAD processing timeframe was running. *See* current 8 CFR 208.7(a)(1). Due to the expanded logistics and process for obtaining RAP sheets, officers could not comply with both provisions of 8 CFR 208.7(a)(1), which simultaneously prohibited approval of an EAD to an aggravated felon and required that the application be adjudicated within 30 days of filing. *See* current 8 CFR

208.7(a)(1). This left INS, and, in turn, USCIS, in an extremely difficult dilemma, as waiting on the results of biometrics in order to identify an aggravated felony conviction for potential ineligibility grounds meant that USCIS would violate the 30-day asylum EAD processing timeframe. DHS recognizes that requiring biometrics collection now and analyzing a variety of criminal issues may again increase employment authorization application processing times, but DHS firmly believes the increased benefits to national security and public safety outweigh this potential delay in adjudications.

Policy Memorandum 110 and USCIS–ICE Memorandum of Agreement.

Adding another layer of complexity to employment authorization processing for pending asylum applicants, on July 11, 2006, USCIS issued Policy Memorandum 110 (“PM 110”) entitled *Disposition of Cases Involving Removable Aliens*, which mandated that officers refer egregious public safety cases to USCIS’ Fraud Detection and National Security (FDNS) and suspend adjudication of such cases for 60 days or until Immigration and Customs Enforcement (ICE) provides notification of its action on the cases, which ever date was earlier.⁵⁸ Imbedded within PM 110 was a copy of a Memorandum of Agreement (MOA) with ICE, dated June 20, 2006, negotiated and signed by both agencies.⁵⁹ The MOA detailed specific processes at both agencies for handling cases referred to ICE by USCIS, including USCIS 60-day adjudicative hold, ICE response time requirements, and specific guidance for cases where ICE failed to provide any response within the 60-day timeline. The purpose of the 60-day hold was to provide ICE with an appropriate amount of time to adequately screen, vet, and investigate aliens and determine what, if any, enforcement action was appropriate.⁶⁰ However, the hold also created a significant impediment to compliance with existing regulations governing the timeline for adjudicating employment authorization for pending asylum

applicants. Consequently, this meant that even where USCIS could schedule a biometrics collection and obtain a RAP sheet within 30 days, if the RAP sheet (or any other source of derogatory information) indicated the existence of a public safety concern—even one that did not rise to the level of aggravated felony—an additional 60-day hold would be required. Furthermore, in some cases, scheduling such an alien for an ASC appointment could use the entire 30-day (c)(8) EAD processing timeframe and that was prior to referring the case to FDNS or ICE.

On May 11, 2007, USCIS issued the Interoffice Memorandum *Processing of Applications for Ancillary Benefits Involving Aliens Who Pose National Security or Egregious Public Safety Concerns*,⁶¹ which clarified PM 110 as it related to primary and ancillary benefit requests. The Interoffice Memorandum expressly stated, “The adjudication of ancillary applications and petitions shall be suspended for 60 days or until ICE provides notification of its intended action(s) on the primary applicant, whichever is earlier.” In fact, the Interoffice Memorandum added another population of cases to the mix as well, by requiring that any application for an ancillary benefit filed by an alien who poses a national security concern would now be processed in a similar manner as an egregious public safety case.⁶² As such, for any employment authorization application filed by a pending asylum applicant with potential national security or public safety derogatory information, officers could not comply with both the 30-day EAD processing timeframe and USCIS policy with respect to ICE referrals. This created another extremely difficult situation even in cases where USCIS already had a RAP sheet: screening and vetting in cases with national security or public safety concerns meant that USCIS would violate the asylum 30-day EAD processing timeframe. As USCIS receipts have increased, so has the need to thoroughly screen and vet cases, especially where there may be security concerns, and while the agency continues to meet its national security responsibilities, the 30-day EAD processing timeframe also continues to make this effort challenging.

Rosario v. USCIS.

Another ensuing challenge encountered for asylum related

⁵⁶As explained above, the June 1980 INS interim regulation implementing provisions of the Refugee Act had no waiting period or ineligibilities. 45 FR 37392; *see also* 48 FR 5885 (Feb. 9, 1983) (finalizing this interim rule).

⁵⁷*See* Criminal Justice Information Services Division (CJIS), Federal Bureau of Investigation (FBI), “Next Generation Identification (NGI),” <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ngi> (last visited May 23, 2025).

⁵⁸USCIS Policy Memorandum No. 110, “Disposition of Cases Involving Removable Aliens” (Jul. 11, 2006).

⁵⁹*Id.*

⁶⁰USCIS, PM 110 (“USCIS will interrupt adjudication and FDNS will refer the case to ICE so that ICE has an opportunity to decide it, when and how it will issue an NTA and/or detain the alien.”); *see also* Memorandum of Agreement Between United States Citizenship and Immigration Services and United States Immigration and Customs Enforcement on the Issuance of Notices to Appear to Aliens Encountered During an Adjudication (June 20, 2006).

⁶¹Memorandum from Michael Aytes, Associate Director, District Operations, HQOFO 70/1–P (May 11, 2007) <https://www.uscis.gov/sites/default/files/document/memos/AncillaryEPSNS051107.pdf>.

⁶²*Id.*

employment authorization applications was the *Rosario* litigation. On May 22, 2015, *Rosario v. USCIS* was filed in the U.S. District Court for the Western District of Washington under case no. 2:15-cv-00813 challenging the delays in processing initial EADs for asylum applicants.⁶³ On July 26, 2018, in a published order, the District Court found that USCIS data revealed that “from 2010 to 2017, USCIS met its 30-day deadline in only 22% of cases—that is, out of 698,096 total applications, USCIS resolved only 154,629 applications on time. In 2017, USCIS timely resolved only 28% of applications.”⁶⁴

However, the District Court recognized USCIS made some changes in response to the need to more quickly adjudicate the (c)(8) EAD applications. First, the court recognized that two years earlier, USCIS had increased the validity period of an initial asylum EAD from one year to two years.⁶⁵ Second, the court recognized that the previous year USCIS provided checklists on its websites to assist asylum applicants seeking to submit (c)(8) EAD applications.⁶⁶ The court found one of the “chief purposes” of the 30-day asylum EAD processing timeframe, as part of the larger INS regulatory amendments, was “to ensure that bona fide asylees are eligible to obtain employment authorization as quickly as possible.”⁶⁷ The court noted that the focus on expediency is reinforced by how the agency described the INS’s 1994 proposed rule: “The INS will adjudicate these applications for work authorization within 30 days of receipt, regardless of the merits of the underlying asylum claim.”⁶⁸ Ultimately, the court granted the plaintiffs’ motion for summary judgment, denied USCIS’ motion for summary judgment, found that USCIS was in violation of 8 CFR 208.7(a)(1), enjoined USCIS from further failing to adhere to the 30-day asylum EAD processing timeframe as set forth in 8 CFR 208.7(a)(1), and ordered USCIS to

submit status reports every six months regarding the rate of compliance with the 30-day EAD processing timeframe.⁶⁹ USCIS still submits status reports in compliance with the court order as of the publication of this NPRM.⁷⁰

Subsequent Regulatory Efforts and Litigation.

More recently, there have been multiple efforts to reform the existing system, with the intent of relieving the agency of the burden of adjudicating (c)(8) EADs within 30 days and diminishing the incentive to file frivolous, fraudulent, or otherwise meritless affirmative asylum applications. In recent years, DHS published two regulations aimed at reforming the existing system and accomplishing those goals. In 2020, DHS published the Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications (“Timeline Repeal Rule”) Final Rule, which removed the regulatory provision stating that USCIS has 30 days from the date an alien with a pending asylum application files the initial application for employment authorization to grant or deny that application. 85 FR 37502 (June 22, 2020). The rule also removed the provision requiring that an application for renewal of a (c)(8) EAD must be received by USCIS 90 days prior to the expiration of the employment authorization. *Id.* In 2020, DHS also published the Asylum Application, Interview, and Employment Authorization for Applicants (“Broader Asylum EAD Rule”) Final Rule, which modified regulations governing asylum applications, interviews, and eligibility for employment authorization based on a pending asylum application. FR 38532 (June 26, 2020). Major provisions of that rule included removing the “deemed complete” provision related to asylum application filings, increasing the waiting period before asylum applicants were eligible to file for and receive an EAD, and imposing other eligibility requirements. *Id.* In January 2018, prior to the promulgation of these rules, the affirmative asylum backlog stood at approximately 311,000 pending cases.⁷¹ By the end of FY 2022, the backlog had

nearly doubled to approximately 625,000 affirmative asylum applications, and by the end of FY 2023, had tripled to more than 1 million pending affirmative asylum cases.⁷² This drastic increase in the affirmative asylum backlog highlights the dire situation USCIS finds itself in and the urgent need for reform of the existing regulations and process.

Litigation followed the publication of these two rules (“2020 Asylum EAD Rules”), including *CASA*⁷³ in the U.S. District Court for the District of Maryland, and *Asylumworks*⁷⁴ in the U.S. District Court for the District of Columbia. On September 11, 2020, the court in *CASA* imposed a preliminary injunction requiring that USCIS not apply the 2020 Asylum EAD Rules to members of *CASA* and Asylum Seeker Advocacy Project (ASAP) organizations.⁷⁵ The *CASA* preliminary injunction applying only to members of the *CASA* and ASAP created a bifurcated and operationally challenging application of the 2020 asylum rules in that the rules were enjoined from applying to organizational members while continuing to apply to non-member applicants. The *CASA* court made a finding that was significant to this proposed rulemaking, when the court determined the elimination of the 30-day Asylum EAD clock (“Timeline Repeal Rule”) was arbitrary and capricious for two different reasons. Specifically, the court found, first, that USCIS’ rationale for elimination of the 30-day processing timeframe belied the evidence in the record and, second, that USCIS’ responses to public comments were conclusory and reflected that the agency did not consider important policy alternatives (e.g., imposing a longer processing timeframe).⁷⁶ Specifically, the court found, “But rather than giving adequate consideration to this important alternative, the agency provided a half-baked and internally contradictory explanation for rejecting it. Its rationale does not pass muster.”⁷⁷ Relying on *Rosario*, the court noted “While the agency’s difficulty in complying with the 30-day deadline supports extending the timeline, it hardly explains why there should be no timeline at all.”⁷⁸ In this proposed rule, DHS seeks to

⁶³ 365 F. Supp. 3d 1156 (W.D. Wash. 2018).

⁶⁴ *Rosario*, 365 F.Supp.3d at 1158.

⁶⁵ See USCIS, “USCIS Increases Validity of Work Permits to Two Years for Asylum Applicants, U.S. Citizenship and Immigration Services” (Oct. 6, 2016), <https://www.uscis.gov/archive/uscis-increases-validity-of-work-permits-to-two-years-for-asylum-applicants>.

⁶⁶ See Form M–1162, “Optional Checklist for Form I–765(c)(8) Filings,” Asylum Applications (With a Pending Asylum Application) Who Filed for Asylum on or after January 4, 1995, (July 17, 2017), <https://www.uscis.gov/archive/optional-checklist-for-form-i-765-c8-filings>.

⁶⁷ See *Rosario*, 365 F.Supp.3d at 1160 (citing to 62 FR at 10318).

⁶⁸ See *Rosario*, 365 F.Supp.3d at 1160 (citing to 50 FR at 14780).

⁶⁹ See *Rosario*, 365 F.Supp.3d at 1163.

⁷⁰ See generally, USCIS, “*Rosario* Class Action,” <https://www.uscis.gov/laws-and-policy/other-resources/class-action-settlement-notice-and-agreements/rosario-class-action> (last updated Sept. 19, 2022).

⁷¹ 71 OIG, USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Cases (July 3, 2024), available at: <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

⁷² *Id.*

⁷³ See *CASA de Maryland, Inc. v. Wolf*, 486 F. Supp. 3d 928 (D. Md. 2020).

⁷⁴ *Asylumworks v. Mayorkas*, 590 F. Supp. 3d 11 (D.D.C. Feb. 7, 2022).

⁷⁵ *CASA*, 486 F. Supp. 3d at 973–74.

⁷⁶ See *id.* at 961–63.

⁷⁷ *Id.* at 963.

⁷⁸ *Id.*

extend—rather than eliminate—the 30-day EAD processing timeline.

On February 7, 2022, the U.S. District Court for the District of Columbia issued an order in *Asylumworks* vacating the 2020 Asylum EAD Rules in their entirety.⁷⁹ On September 22, 2022, DHS published a final rule titled “Asylum Application, and Employment Authorization for Applicants; Implementation of Vacatur” (87 FR 57795 (Sept. 22, 2022)) that implemented the court order in *Asylumworks* by removing the changes made by the 2020 Asylum EAD Rules and restored the regulatory text that predated the 2020 Asylum EAD Rules.

As a result of the *Asylumworks* court order, since February 7, 2022, USCIS has been required to process all initial (c)(8) EAD applications within 30 days of filing. While the court ordered a return to a regulatory requirement that had existed until 2020, the burden created by the order was significant and continues to impact overall EAD processing due to the surge in (c)(8) EAD applications. Following the *Asylumworks* vacatur, at the end of February 2022, there were 93,639 pending EAD applications to which the 30-day processing timeframe requirement applied, including those aliens who were CASA or ASAP members who already benefited from the 30-day processing timeframe and those who were not previously subject to the CASA injunction and for whom USCIS was not subject to a processing timeframe prior to the vacatur.⁸⁰ To address the backlog of cases and comply with the court’s order, USCIS surged resources for the entire initial (c)(8) workload, including adding staff (pulling from other EAD workloads as well as new hires) and authorizing overtime.

Changing EAD Validity Periods

Additionally, USCIS utilized a different method to help manage the (c)(8) EAD operational workload. In an effort to control the (c)(8) processing times, on several occasions USCIS has extended the validity periods of (c)(8) EADs.

First, in 2016, USCIS increased the validity period of an initial and renewal asylum EADs from one year to two years.⁸¹ This fact was recognized by the *Rosario* Court in its grant of summary judgment.⁸² As data referenced in other parts of this proposed rulemaking illustrate, this did not help with receipts or processing times. So, on September 27, 2023, USCIS extended the validity period for (c)(8) EADs (both initials and renewals) again, this time from two years to five years. The stated justification was, “[t]he increase in the EAD validity period will reduce the frequency with which affected noncitizens must file an Application for Employment Authorization (Form I–765) with USCIS if they wish to renew their EAD.”⁸³ The purpose of this policy change was to alleviate some operational pressure to adjudicate renewals prior to expiration solely based on USCIS processing times with an overall benefit of supporting all timely adjudications of employment authorization, including initial applications for (c)(8) EADs.

To date, the agency is still ascertaining the effectiveness of the validity period extension. What is clear is that with some fluctuations, monthly asylum application filings rose from 36,728 in October 2023 to 53,182 in January 2025, before falling to 40,344 in April 2025.⁸⁴ Initial applications for (c)(8) EAD filings increased almost every single month from 90,307 in October 2023 before reaching a high of 152,341 in January 2025.⁸⁵ Since that time, initial EAD (c)(8) EAD receipts have somewhat decreased over recent months, but rebounded to 153,888 in July 2025.⁸⁶

On December 4, 2025, USCIS issued policy guidance in the USCIS Policy Manual to update the maximum EAD

validity periods for certain EAD categories, including aliens with pending asylum applications. See USCIS, Policy Alert, “Updating Certain Employment Authorization Document Validity Periods” (Dec. 4, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf>. Effective December 5, 2025, the maximum EAD validity period for aliens with pending asylum applications has been reduced to 18 months. *Id.* This change is intended to ensure more frequent vetting of aliens applying for work authorization in the United States and will better enable USCIS to deter fraud and detect aliens with potentially harmful intent. *Id.* Second, in 2024, DHS published the “Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants” Final Rule which increased the automatic extension period for expiring EADs for certain renewal applicants from 180 to 540 days in order to prevent aliens from experiencing lapses in employment authorization due to significant delays in EAD processing times. 89 FR 101208 (Dec. 13, 2024).⁸⁷ While this rule extended authorization periods for a range of EAD categories, it applied to (c)(8) applicants, and DHS discussed the surge in (c)(8) applications as part of the support for that rule. See, e.g., *id.* at 101220.⁸⁸

During the (c)(8) EAD validity extension and the automatic extensions, asylum application receipts increased while initial (c)(8) EADs significantly increased. Reasonable minds can disagree on whether it was prudent or appropriate from a program integrity perspective to more than double the validity period of (c)(8) EADs to alleviate some operational pressure on renewal based on USCIS processing times with an overall benefit of supporting all timely adjudications of employment authorization, including initial (c)(8) EAD applications. Nevertheless, it is clear that DHS has attempted multiple solutions and attempted to regain control over the

⁷⁹ See *Asylumworks v. Mayorkas*, 590 F. Supp. 3d 11 (D.D.C. Feb. 7, 2022) (“*Asylumworks* vacatur”). The vacatur decision in *Asylumworks* effectively mooted the CASA case. The CASA court acknowledged the case had become moot on May 18, 2023, when it granted the government’s motion to dismiss. See *CASA de Maryland, Inc. v. Mayorkas*, No. 8:20–CV–2118–PX, 2023 WL 3547497 (D. Md. May 18, 2023).

⁸⁰ See *Asylumworks v. Mayorkas* 1:20–cv–03815–BAH (D.D.C. Feb. 7, 2022) memorandum opinion explaining CASA and ASAP members previously were granted a preliminary enjoined enforcement of both 2020 EAD rules; see also USCIS Stopped Applying June 2020 Rules Pursuant to Court Order in *Asylumworks v. Mayorkas* (Sept. 21, 2022) (noting CASA and ASAP members no longer need to provide evidence of membership with their initial C8 EAD applications), <https://www.uscis.gov/archive/uscis-stopped-applying-june-2020-rules-pursuant-to-court-order-in-asylumworks-v-mayorkas>.

⁸¹ See USCIS, “USCIS Increases Validity of Work Permits to Two Years for Asylum Applicants, U.S. Citizenship and Immigration Services” (Oct. 6, 2016), <https://www.uscis.gov/archive/uscis-increases-validity-of-work-permits-to-two-years-for-asylum-applicants>.

⁸² See *Rosario*, 365 F.Supp.3d at 1158.

⁸³ *Id.*

⁸⁴ USCIS National Production Dataset (NPD), May 27, 2025.

⁸⁵ *Id.*; USCIS OPQ Data, “I–765, Application for Employment Authorization, C08 Eligibility Category, Receipts from August 1, 2024–July 31, 2025” (Aug. 26, 2025).

⁸⁶ *Id.*

⁸⁷ See also 87 FR 26614 (May 4, 2022) (temporary final rule on this same topic); 89 FR 24628, 24634 (Apr. 8, 2024) (same).

⁸⁸ On October 30, 2025, DHS ended the practice of automatically extending the validity period for EADs in certain categories, including aliens with pending asylum applications. 90 FR 48799 (Oct. 30, 2025). DHS explained that this change was designed to ensure complete and thorough vetting of all EAD applicants and that USCIS only issues EADs to aliens who are in fact eligible. 90 FR 48807–08.

(c)(8) filings using regulatory, policy, and operational tools—but all efforts have failed, and receipt volumes keep rising.

Frivolous, Fraudulent, and Meritless Filings

There are numerous and well-documented examples of frivolous, fraudulent, and meritless asylum filings.⁸⁹ Some asylum fraud schemes have been perpetrated for the primary purpose of obtaining an asylum EAD.⁹⁰ While USCIS uses various methods to identify fraud in specific affirmative asylum applications, a GAO Report concluded that despite its robust methods USCIS actually had limited capability to detect fraud in affirmative

asylum applications.⁹¹ The GAO reported that USCIS asylum officers encountered challenges with proving fraud in asylum filings due to the nonadversarial, cooperative approach that asylum officers are trained to take when interviewing asylum applications.⁹² According to an Asylum Division Branch Chief cited in the report, while the “cooperative approach aims to protect genuine asylees, it can also create favorable circumstances for ineligible individuals who seek to file fraudulent claims” and the GAO reported that asylum officers “in seven of the eight asylum offices we spoke with told us that they have granted asylum in cases in which they suspected fraud.”⁹³

This is not a new revelation. As the former INS Commissioner noted in 2000 regarding the asylum reforms, “By 1993, the asylum system was in a crisis, having become a magnet for abuse by persons filing applications in order to obtain employment authorization.”⁹⁴ Even more telling, during the same period, incentives to abuse the asylum system reemerged as well. The number of EADs approved for aliens with asylum applications pending for more than 180-days increased from 55,000 in FY 2016 to 270,000 in FY 2022. This increase in EAD approvals may suggest that meritless asylum applications, filed for the purpose of obtaining work authorization, have increased alongside asylum application processing times.⁹⁵

All told, a myriad of factors contributed to the size and growth of the backlog, which then feeds abuse of the system. There were certainly external factors. Over the past decade, USCIS, along with other DHS components, have been substantially taxed due to a surge of aliens attempting to enter the United States at and between ports of entry and expressing a fear of returning to their home countries, thereby requiring a credible fear or reasonable fear screening. Starting in 2014, USCIS saw a surge in affirmative asylum filings. In 2012, the Asylum Division received

approximately 3,000 applications per month.⁹⁶ By FY 2014, that number doubled, reaching 6,000 filings per month and steadily grew until the peak in March 2017.⁹⁷ A 2020 Citizenship and Immigration Services Ombudsman’s Report found “Total apprehensions of inadmissible aliens at the Southern border, after reaching an all-time high of 1.6 million in FY 2000, rose again from 444,859 in FY 2015 to 977,509 in FY 2019.”⁹⁸

Additionally, COVID-19 exacerbated existing problems. On March 18, 2020, USCIS suspended routine in-person services to help slow the spread of COVID-19.⁹⁹ “This included USCIS asylum offices and ASCs used for collecting biometrics. On average, USCIS asylum offices conduct between 2,000 to 4,500 interviews a month; these interviews were not taking place during the period the offices remained closed.”¹⁰⁰

USCIS policy and processing changes also led to growth in the backlog. INS developed “Last-in, First-out” (LIFO) processing in the mid-1990s. The LIFO system is designed to allow employment authorization for asylum seekers while discouraging aliens from potentially filing meritless asylum applications to take advantage of the backlog to obtain employment authorization during the period in which their cases are pending in the backlog. In other words, by giving priority to the newest cases, the intent was that aliens who may have filed asylum applications solely to obtain work authorization would have their cases heard more quickly and denied during the waiting period, meaning that any efforts to file solely to obtain work authorization would be fruitless. LIFO remained in place for years.

Then on December 26, 2014, USCIS began prioritizing working affirmative asylum cases in the order which they were received; this “First-In, First-Out” (FIFO) processing was a deviation from past agency practice.¹⁰¹ As a result of this change the asylum backlog grew more than 1750 percent between 2013

⁸⁹ See generally, DOJ, Press Release, “Brooklyn Attorneys Sentenced For Asylum Fraud Scheme”, Press Release, “SoCal Immigration Consultants Sentenced to Prison in Scheme That Filed Bogus Asylum Applications for Hundreds of Chinese Nationals” (May 6, 2014), <https://www.ice.gov/news/releases/social-immigration-consultants-sentenced-prison-scheme-filed-bogus-asylum-applications>; DOJ, Press Release, “Three Defendants Sentenced in Manhattan Federal Court for Roles in Immigration Asylum Fraud Scheme” (Mar. 14, 2014), <https://archives.fbi.gov/archives/newyork/press-releases/2014/three-defendants-sentenced-in-manhattan-federal-court-for-roles-in-immigration-asylum-fraud-scheme>; DOJ, Press Release, “Florida Resident Charged in Scheme to Submit Fraudulent Asylum Applications” (Jan. 24, 2025), <https://www.justice.gov/usao-ndca/pr/florida-resident-charged-scheme-submit-fraudulent-asylum-applications>; DOJ, Press Release, “Executives of Immigration Services Company Charged in Scheme to Submit Fraudulent Asylum Applications” (Oct. 11, 2024), <https://www.justice.gov/usao-ndca/pr/executives-immigration-services-company-charged-scheme-submit-fraudulent-asylum-applications>; DOJ, Press Release, “Twenty-Six Individuals, Including Six Lawyers, Charged in Manhattan Federal Court with Participating in Immigration Fraud Schemes Involving Hundreds of Fraudulent Asylum Applications” (Dec. 18, 2012), <https://archives.fbi.gov/archives/newyork/press-releases/2012/twenty-six-individuals-including-six-lawyers-charged-in-manhattan-federal-court-with-participating-in-immigration-fraud-schemes-involving-hundreds-of-fraudulent-asylum-applications>; DOJ, Press Release, “Middlesex County, New Jersey, Man Admits Attempting to Obtain United States Citizenship by Fraud” (Apr. 8, 2019), <https://www.justice.gov/usao-nj/pr/middlesex-county-new-jersey-man-admits-attempting-obtain-united-states-citizenship-fraud>; DOJ, Press Release, “Broward Woman Charged in Scheme to Submit Fraudulent Asylum Applications” (Mar. 12, 2025), <https://www.justice.gov/usao-sdfl/pr/broward-woman-charged-scheme-submit-fraudulent-asylum-applications>.

⁹⁰ See generally, USCIS, Press Release, “Phony Immigration Attorney Who Filed Hundreds of Fraudulent Asylum Applications Sentenced to More Than 20 Years in Federal Prison” (Apr. 13, 2021), <https://www.uscis.gov/archive/phony-immigration-attorney-who-filed-hundreds-of-fraudulent-asylum-applications-sentenced-to-more>; DOJ, Press Release, “Thai National Admits to Running Immigration Fraud Scheme” (Feb. 7, 2017), <https://www.justice.gov/usao-ri/pr/thai-national-admits-running-immigration-fraud-scheme>.

⁹¹ GAO, Report to Congressional Requesters, “Asylum: Additional Actions Needed to Assess and Address Fraud Risks” (Dec. 2015), <https://www.gao.gov/assets/gao-16-50.pdf>.

⁹² GAO, Report to Congressional Requesters, “Asylum: Additional Actions Needed to Assess and Address Fraud Risks” (Dec. 2015), <https://www.gao.gov/assets/gao-16-50.pdf>.

⁹³ GAO Report, “Asylum: Additional Actions Needed to Assess and Address Fraud Risks” (Dec. 2015), <https://www.gao.gov/assets/gao-16-50.pdf>.

⁹⁴ DOJ, News Release “Asylum Reform: Five Years Later” (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>.

⁹⁵ Doris Meissner, Faye Hipsman, & T. Alexander Aleinikoff, “U.S. Asylum System in Crisis: Charting a Way Forward” Migration Policy Institute, (Sept. 2018).

⁹⁶ USCIS, “Affirmative Asylum Statistics: July, August and September 2014” (Oct. 28, 2014), https://www.uscis.gov/sites/default/files/USCIS/Outreach/Upcoming%20National%20Engagements/PED_Affirmative_Asymylum_July_August_September_2014.pdf.

⁹⁷ *Id.*

⁹⁸ CIS Ombudsman’s Report 2020, at 43.

⁹⁹ USCIS, “USCIS Temporarily Closing Offices to the Public March 18–April 1” (Mar. 17, 2020), <https://www.uscis.gov/archive/uscis-temporarily-closing-offices-to-the-public-march-18-april-1>.

¹⁰⁰ CIS Ombudsman’s Report 2020, at 47.

¹⁰¹ USCIS, Press Release “USCIS Processing of Asylum Cases” (Nov. 6, 2020), <https://www.uscis.gov/archive/uscis-processing-of-asylum-cases>.

and 2018.¹⁰² As such, to “stem the growth of the agency’s asylum backlog” and “deter those who might try to use the existing backlog as a means to obtain employment authorization,” in January 2018 USCIS returned to LIFO processing that had been in place for nearly 20 years from 1995 to 2014.¹⁰³ USCIS’ announcement explained that returning to LIFO would “allow USCIS to identify frivolous, fraudulent or otherwise non-meritorious asylum claims earlier and place those individuals into immigration proceedings.”¹⁰⁴ However, the damage was already done. As the former Commissioner of the INS noted, “Beginning in 2010, and especially since 2014, affirmative applications, credible-fear claims, and backlogs—in both the immigration courts and the Asylum Division—have ballooned.”¹⁰⁵ In FY2010, USCIS received 28,000 affirmative asylum applications, but by FY2017, USCIS received 143,000 asylum applications (a 402% increase).¹⁰⁶

FDNS Directorate is responsible for safeguarding the integrity of the nation’s lawful immigration system by leading agency efforts to combat fraud, detecting national security and public safety threats, and maximizing law enforcement and Intelligence Community partnerships. FDNS’s case management system, FDNS NexGen, tracks certain records actions relevant to USCIS adjudications. Specifically important for this proposed rule, NexGen contains relevant data on pending and adjudicated asylum applications with a “Fraud Found” Statement of Findings (SOF). NexGen data reveals that FDNS has identified 8,392 aliens who filed an asylum application and also had a “Fraud Found” SOF relating to that alien.¹⁰⁷

Further, NexGen data reveals 1,240 aliens who had attorneys or representatives, filed an asylum application, and also had a “Fraud Found” SOF relating to that alien.¹⁰⁸ Of course, this is not an exhaustive list of fraud among all asylum applications, since only cases where fraud is suspected are even referred to FDNS for investigation.

USCIS recognizes that occasionally attorneys and representatives are the source of asylum fraud. Within USCIS’ Office of the Chief Counsel is the USCIS Disciplinary Counsel, an office tasked with tracking attorneys and representatives who engage in fraud or other unscrupulous practices. According to USCIS Disciplinary Counsel, there are numerous practitioners and former practitioners who engage in fraudulent practices with asylum cases filed before USCIS.¹⁰⁹

application filed by the same alien who submitted the application for asylum.

¹⁰⁸ FDNS analysis of NexGen data, May 22, 2025.

¹⁰⁹ See generally, Advance Local Media, “Disbarred attorney on trial for taking money from Hispanic clients found guilty” (Apr. 11, 2017), https://www.al.com/news/birmingham/2017/04/disbarred_attorney_who_took_mo.html; Office of the Massachusetts Attorney General, “Immigration Attorney Barred From Running Asylum Scam, Ordered to Pay More Than \$240,000 Following AG Lawsuit” (Mar. 24, 2022), <https://www.mass.gov/news/immigration-attorney-barred-from-running-asylum-scam-ordered-to-pay-more-than-240000-following-ag-lawsuit>; Commonwealth of Massachusetts Board of Bar Overseers of the Supreme Judicial Court, “In re: Matter of George Maroun, Jr., BBO No. 674213” (Oct. 21, 2024), https://bbopublic.massbbo.org/web/f/JHRPT-1-22-00273564_et_al.pdf; NPR, “Thousands Could Be Deported As Government Targets Asylum Mills’ Clients” (Sept. 28, 2018), <https://www.npr.org/sections/money/2018/09/28/652218318/thousands-could-be-deported-as-government-targets-asylum-mills-clients> (detailing Operation Fiction Writer in which over 3,500 primarily Chinese immigrants unlawfully obtained asylum. “During that probe, federal prosecutors in New York rounded up 30 immigration lawyers, paralegals and interpreters who had helped immigrants fraudulently obtain asylum in Manhattan’s Chinatown and in Flushing, Queens.”); DOJ, Press Release, “Defendants at Two New York City Firms Prepared Coached Clients to Lie During Immigration Proceedings” (Feb. 18, 2021), <https://www.justice.gov/usao-sdny/pr/attorneys-and-managers-fraudulent-asylum-scheme-charged-manchattan-federal-court>; *Matter of Sofer*, 2023 NY Slip Op 00033 Decided on January 05, 2023 Appellate Division, First Department (Jan. 5, 2023), <https://law.justia.com/cases/new-york/appellate-division-first-department/2023/motion-no-2022-03963-case-no-2022-00928.html> (“On or about March 7, 2022, the Attorney Grievance Committee (Committee) filed a notice of petition and petition of charges pursuant to Judiciary Law § 90(2) and the Rules for Attorney Disciplinary Matter (22 NYCRR) § 1240.8 seeking an order that respondent be disciplined for professional misconduct related to his representation of six clients with regard to their immigration matters, particularly in filing asylum applications and/or cancellation of removal relief.”); Supreme Court of New Jersey Disciplinary Review Board, “In the Matter of Douglas Andrew Grannan, an Attorney at Law” Docket No. DRB 20–236 (June 2, 2021),

EOIR publishes a list of disciplined practitioners who are not permitted to appear before EOIR or DHS.¹¹⁰

In an effort to correlate disciplined or suspended attorneys to frivolous, fraudulent, or meritless asylum filings, FDNS searched asylum applications that were filed by, or associated with, these disciplined or suspended attorneys and representatives. According to USCIS data, the 1,074 (at the time USCIS reviewed) disciplined or suspended attorneys and representatives were associated with 84,586 asylum applications in GLOBAL, USCIS’ case management system for asylum.¹¹¹ This search was conducted by the attorney or representative’s name and, as such, could have yielded a small degree of false positives when the attorney or representative has a common name. At the same time, DHS recognizes that certain unscrupulous attorneys or representatives may continue to file immigration benefit requests for clients after being disciplined or suspended, in such cases the attorney or representative simply does not file a G–28 for the alien. In those cases, the FDNS name search for attorney or representative would have underrepresented the actual number of asylum applications filed by this population of disciplined or suspended attorneys. DHS notes that this is a recognized problem and even the American Immigration Lawyers Association (AILA) has issued guidance to its practitioners regarding ethical concerns to be considered when an attorney decides whether to file an affirmative application for asylum, knowing the alien is not eligible for asylum, and the attorney is acting solely for the purpose of having the alien deliberately placed in removal proceedings.¹¹² The AILA guidance notes that, depending on the facts of a particular case, an attorney’s conduct could be considered frivolous under the

https://drblookuportal.judiciary.state.nj.us/DocumentHandler.ashx?document_id=1142939; Supreme Judicial Court of Massachusetts, “In re: Stephen A. Lagana” No. BD–2010–072 from hearing by the Massachusetts Board of Bar Overseers (Aug. 8, 2010), <https://bbopublic.massbbo.org/web/f/bd10-072.pdf>.

¹¹⁰ See EOIR, DOJ, “List of Currently Disciplined Practitioners” (May 14, 2025), <https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>; see also 8 CFR 1003.101.

¹¹¹ USCIS FDNS Systems and Integration Division Data, “DOJ EOIR Disbarred Attorney Match to Global Asylum Receipts” (May 28, 2025).

¹¹² Matthew Blaisdell and Michele Carney, “Ethical Considerations Related to Affirmatively Filing an Application for Asylum for the Purpose of Applying for Cancellation of Removal and Adjustment of Status for a Nonpermanent Resident” American Immigration Lawyers Association, (updated July 31, 2020) <https://www.aila.org/library/submitting-an-affirmative-asylum-app-ethical-q.s>.

¹⁰² *Id.*

¹⁰³ USCIS, Press Release, “USCIS to Take Action to Address Asylum Backlog” (Jan. 31, 2018); <https://www.uscis.gov/news/news-releases/uscis-take-action-address-asylum-backlog>.

¹⁰⁴ *Id.*

¹⁰⁵ Doris Meissner, Faye Hipsman, & T. Alexander Aleinikoff, “U.S. Asylum System in Crisis: Charting a Way Forward” Migration Policy Institute, (Sept. 2018).

¹⁰⁶ *Id.*

¹⁰⁷ It must be noted that not all of these Fraud Found SOFs related to the asylum application, however this is to be expected. Sometimes fraud and other irregularities are not discovered until after an immigration benefit is approved and this is not exclusive to asylum. For example, INA 318 establishes as a requirement for naturalization that an alien was lawfully admitted as a permanent resident, which is a specific requirement for naturalization that every alien should have already complied with when they obtained their permanent resident status. In the context of this data, asylum fraud may not be discovered until an alien filed for adjustment of status or naturalization—which is why the “Fraud Found” SOF may relate to another

asylum-specific definition within 8 CFR, the American Bar Association's Model Rules, and the more general definition of "frivolous" found in 8 CFR; violate the requirement that an attorney provide candor to the tribunal; undercut the requirement that an attorney exhibit competence and diligence; and, in certain circumstances, rise to the level of criminal liability per 18 U.S.C. 1001 (knowing false statements) and 18 U.S.C. 1546 (fraud and misuse of visas and other immigration documents).¹¹³

However, these cases with "Fraud Found" SOFs, or other fraud possibilities relating to aliens or attorneys/representatives, are not the only concern. One of the purposes of this rule is to combat "frivolous, fraudulent, and meritless" asylum applications and their associated applications for employment authorization, but the FDNS "Fraud Found" data arguably only accounts for the "fraudulent" applications and likely not the "frivolous" or "meritless" applications. When FDNS finds fraud after an administrative investigation, the record contains sufficient evidence to conclude there was a knowingly false representation of a material fact with the

intent to deceive.¹¹⁴ While the "Fraud Found" data is not exhaustive, it is the best direct data USCIS has on these cases; USCIS could not track fraudulent cases that were not identified or cases with fraud indicators that were not referred internally to FDNS. Quantifying "meritless" cases seems even more difficult. In these cases, the alien's filing does not have to rise to the level of fraud or willful misrepresentation under INA 212(a)(6)(C)(i); rather, "meritless" cases are simply cases that have no value or, possibly, that do not meet the substantive requirements for asylum. "Frivolous" and "meritless" cases, by their definition, cannot be approved. However, these cases remain in the pending affirmative asylum caseload, and the aliens who filed them are eligible to apply for (c)(8) EADs as a result.

USCIS data from FY2015 to present helps scope this problem and reveals some startling trends. Of course, asylum applications have risen incredibly since FY2015, when USCIS received 83,463 new asylum applications and the number of pending cases was 118,217

cases.¹¹⁵ In FY 2017, the new receipts reached 142,254 with a pending caseload of 306,078.¹¹⁶ Then, receipts in FY 2018 began to drop for four consecutive years until 2021, when receipts were 65,518 with a pending caseload of 452,181.¹¹⁷ In FY2022, new asylum receipts jumped to 247,790 with a pending caseload of 664,290.¹¹⁸ In FY2023, new asylum receipts jumped again to 464,398, with a pending caseload of 1,081,440.¹¹⁹ In FY2024, new asylum receipts dipped from the previous year slightly to 422,457; however the pending caseload continued to grow, reaching a high total of 1,374,006.¹²⁰ Through most of FY2025, new receipts are 331,883, and the pending caseload has grown to 1,525,933.¹²¹ DHS provides in Table 2 data applicable to Form I-589, Application for Asylum and for Withholding of Removal (principals only) by FY, data type, and denial/referral reasons, FY2015–2025 (through May 22, 2025).

¹¹⁵ USCIS OPQ DATA, "By Fiscal Year, Data Type, and Deny/Referral Reasons" (May 22, 2025).

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹¹³ *Id.*

¹¹⁴ See USCIS, "Policy Manual," <https://www.uscis.gov/policy-manual/volume-8-part-j-chapter-2> (last updated May 13, 2025).

Table 2: USCIS Form I-589 Volume and Completion Data (FY 2015 through FY 2025).						
I-589 Data Type	Receipts	Pending	Total Completions	Approved	Admin Closed	Denial/ Referral
				(As a percentage of Total Completions)		
2015	83,463	118,217	34,546	13,797 (39.9%)	5,234 (15.2%)	15,515 (44.9%)
2016	116,295	206,764	27,746	9,112 (32.8%)	5,998 (21.6%)	12,636 (45.5%)
2017	142,254	306,078	42,939	12,284 (28.6%)	8,466 (19.7%)	22,189 (51.7%)
2018	108,308	343,647	70,738	16,383 (23.2%)	13,060 (18.5%)	41,295 (58.4%)
2019	101,035	374,588	70,094	17,129 (24.4%)	10,752 (15.3%)	42,213 (60.2%)
2020	99,152	422,173	51,565	9,952 (19.3%)	13,772 (26.7%)	27,841 (54.0%)
2021	65,518	452,181	35,509	5,793 (16.3%)	12,693 (35.7%)	17,023 (47.9%)
2022	247,790	664,290	35,678	7,576 (21.2%)	12,650 (35.5%)	15,452 (43.3%)
2023	464,398	1,081,440	47,247	10,811 (22.9%)	30,473 (64.5%)	5,963 (12.6%)
2024	422,457	1,374,006	129,891	17,175 (13.2%)	107,007 (82.4%)	5,709 (4.4%)
2025	331,883	1,525,933	180,069	8,667 (4.8%)	159,530 (88.6%)	11,872 (6.6%)
Source: USCIS OPQ, GLOBAL, HQRAIO, PAER0019436 (Nov. 4, 2025).						

Since 2015, new asylum receipt volumes have varied from a low of 65,518 in FY2021 to a high of 422,457 in FY2024—a 545% increase in four FYs. Over the same ten-year period, approval numbers also varied but not as wildly as new receipt volumes; approvals reached a low of 5,793 and a

high of 17,175, also in FY2021 and FY2024, respectively (an increase of just under 200 percent). However, denials and referrals followed a different pattern. Since 2015, denials and referrals reached a high of 42,213 in FY2019 and a low of 5,709 in FY2024. Table 3 presents data applicable to Form

I-589, Application for Asylum and for Withholding of Removal (principals only), by FY, from FY2015–2025 (through May 22, 2025), applicable to denials/referrals with a previously approved (c)(8) EAD.

Table 3: USCIS Form I-589 Volume and Completion Data (FY 2015 through FY 2025).

I-589 Data Type	Pending I-589	I-589 Denial/Referrals		
	With a Previously Approved I-765 C08	Total	With Previously Approved I-765 C08	Percentage of Total Denials/Referrals with a Previously Approved I-765
2015	67,304	15,515	4,578	29.5%
2016	96,502	12,636	5,345	42.3%
2017	113,524	22,189	9,667	43.6%
2018	106,673	41,295	11,172	27.1%
2019	95,945	42,213	10,427	24.7%
2020	89,489	27,841	4,890	17.6%
2021	84,068	17,023	3,298	19.4%
2022	122,526	15,452	4,903	31.7%
2023	192,049	5,963	4,351	73.0%
2024	156,722	5,709	5,087	89.1%
2025	13,916	11,872	9,475	79.8%

Source: USCIS OPQ, GLOBAL, HQRAIO, PAER0019436 (Nov. 4, 2025).

When cross-referencing all asylum application denials with asylum application denials where the alien had a previously approved application for employment authorization in the (c)(8) category, a notable pattern emerges. In FY2015, USCIS issued 15,515 denials or referrals to asylum applicants, but only 4,578 (29.5%) had one or more previously approved (c)(8) EAD.¹²² By FY2023, USCIS issued 5,963 denials or referrals to asylum applicants, but 4,351 (73%) had one or more previously approved (c)(8) EAD.¹²³ In FY2024, USCIS issued 5,709 denials or referrals to asylum applicants, but 5,087 (89%) had one or more previously approved (c)(8) EAD.¹²⁴ In FY2025 (through May 22, 2025), USCIS issued 11,872 denials or referrals to asylum applicants, and 9,475 (79.8%) had one or more previously approved (c)(8) EAD.¹²⁵ These data are significant.

At the simplest level, if there were no asylum backlog and each asylum application received was adjudicated within 180 days, none of those aliens whose asylum applications were denied would have been granted an employment authorization. Looking at the percentages, it is clear there is an increasing correlation between asylum

denials and previously approved (c)(8) EADs. Not only do these data serve as evidence that current asylum processing is not functioning properly, but it is also evidence that the processing is worsening. The INS's original intention of discouraging aliens from filing meritless asylum claims cannot be fulfilled given the backlog volume is at an all-time high and nearly 90% of asylum denials last FY had a previously approved (c)(8) EAD. USCIS notes that it is not necessarily assigning, and does not need to assign, any fraudulent or bad intent to this population. These are simply cases where the alien was ultimately found ineligible for asylum, but, due to current agency regulations, policies, and processes, was able to derive employment authorization despite asylum ineligibility.

Despite the relative lack in changes for the adjudication of EADs for aliens with pending asylum applications since the 1994 regulatory reform, the number of asylum applications, and with it the number of requests for employment authorization have increased exponentially, fueling a massive asylum backlog. In FY 1994, the year the then-INS promulgated the requirement that employment authorizations for aliens with pending asylum applications be adjudicated within 30 days, the INS received 144,577 applications for affirmative asylum.¹²⁶ In FY 1996, the

year IIRIRA provided that, in the absence of exceptional circumstances, final administrative adjudications of asylum applications "shall" be completed within 180 days after the date applications are filed,¹²⁷ the INS received 107,130 applications for affirmative asylum and had a backlog of 453,580 pending at the end of the fiscal year.¹²⁸ In FY 2024, USCIS received more than 419,000 applications for affirmative asylum, and adjudicated or closed more than 126,000 affirmative asylum applications.¹²⁹ At the end of FY 2024, the number of affirmative asylum applications pending with USCIS grew to more than 1.35 million.¹³⁰

As asylum caseloads both before USCIS and DOJ's EOIR have grown, so have employment authorization applications for aliens with pending asylum applications. For example, in FY 2013, USCIS received 41,000 initial (c)(8) EAD applications from aliens with pending asylum applications before

¹²² USCIS OPQ DATA, "Form I-589, Application for Asylum and for Withholding of Removal (Principals only), Pending/Denial/Referral with a previously approved I-765(c)(8) by FY for FY2015–2025 (through May 22, 2025)".

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ INS, DOJ, "1994 Statistical Yearbook of the Immigration and Naturalization Service" (Feb. 1996), p. 83.

¹²⁷ IIRIRA sec. 604, Public Law 104–208, 110 Stat. 3009, 3009–694, codified at INA sec. 208(d)(5)(A)(iii), 8 U.S.C. 1158(d)(5)(A)(iii).

¹²⁸ INS, DOJ, "1996 Statistical Yearbook of the Immigration and Naturalization Service" (Oct. 1997), p. 90–91.

¹²⁹ USCIS, "All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)" (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

¹³⁰ USCIS, "All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)" (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

USCIS or EOIR; in the month of January 2025 alone, USCIS received approximately 152,000 initial (c)(8) EAD applications for the same population, in addition to nearly 60,000 renewal (c)(8) EAD applications from aliens with pending asylum applications.¹³¹ The large influx has consumed an extraordinary amount of USCIS resources.

As a result of all these factors, DHS finds itself in a comparatively worse position to that of the INS in the early 1990s. Asylum application filings, and with them the asylum backlog, have grown to an unmanageable size. The asylum program continues to attract frivolous, fraudulent, or otherwise meritless claims, likely incentivized by the decades long processing times and access to employment authorization. Many modern asylum applicants are fleeing generalized violence and poor economic conditions in their home countries, but these, in and of themselves, are not grounds for asylum.¹³²

Protecting Americans Workers

In addition to all the factors discussed at length above, such as overall asylum program integrity and specifically disincentivizing frivolous, fraudulent, and meritless asylum applications, DHS recognizes the importance of U.S. workers as well. DHS notes that when adjudicating certain employment-based visas, statutory authorities mandate that such alien workers not displace qualified, available American workers who are capable of performing such services or labor, and similarly that such alien employment not adversely affect

the wages and working conditions of workers in the United States.¹³³ DHS is in no way equating asylum applicants with temporary nonagricultural workers; rather DHS merely notes the mandatory consideration for American workers in certain visa programs. DHS recognizes there is historical precedent to consider American workers when DHS exercises discretion to determine the availability and scope of employment authorization for aliens.

For example, in 1974 the former INS Commissioner Leonard F. Chapman, Jr. announced a significant change to the summer program policy for foreign students.¹³⁴ Under the new policy, foreign students seeking summer employment had to apply and obtain permission from the INS.¹³⁵ In changing the long-standing student employment policy, the INS recognized the foreign policy benefits for young aliens studying in the United States, but determined that the protection of job opportunities for American workers should be the ultimate consideration.¹³⁶ The following year, INS General Counsel Sam Bernsen gave a presentation detailing this INS' decision further.¹³⁷ He recognized that F-1 student work was not banned by statute, but was concerned that "a United States citizen or a United States lawful permanent resident [could] be fired from a campus job to provide employment for a nonimmigrant student."¹³⁸ Continuing, Bernsen stated "INA had to weigh the adverse effect on foreign relations against the adverse effect on the labor market."¹³⁹ This ultimately meant students who wanted employment had to apply before the INS and establish eligibility under the prescribed rules.

Unfortunately, Department of State (DOS) data on F-1 student visa admissions only goes back to 1987,¹⁴⁰ so official data for 1974 F-1 visa admissions is not available from DOS.

However, that data is available from the Government Accountability Office (GAO).¹⁴¹ According to the GAO, there were approximately 154,580 F-1 students in 1974.¹⁴² If every single one of the F-1 students displaced an American worker that is a relatively small number compared to DHS's current situation with (c)(8) EAD applications. USCIS received 422,457 Form I-589s and 1.2 million applications for initial (c)(8) EADS in FY 2024.¹⁴³ DHS notes that, if INS was justified in terminating a form of work authorization in 1974 in order to prevent the possible displacement of approximately 150,000 American workers, DHS would similarly be justified today to consider the potential impact on up to 1.2 million American workers when reviewing a discretionary EAD category like the (c)(8)s.

Building an Efficient Asylum System

As the INS did in 1994, DHS is implementing limitations on the availability of employment authorization and more stringent requirements for eligibility for employment authorization, in order to protect U.S. national security and public safety, better manage the asylum caseload, and disincentivize aliens who do not have meritorious asylum claims from exploiting the asylum program to seek economic opportunity in the United States. 59 FR 14779 (Mar. 30, 1994); 59 FR 62284 (Dec. 5, 1994).

As it currently functions, the asylum system is overwhelmed, unresponsive, and vulnerable to abuse. Congress gave the Executive Branch the discretion to make employment authorization available to asylum applicants by regulation.¹⁴⁴ Employment authorization for aliens seeking asylum is not an entitlement under statute. DHS believes that this rule is key to disincentivizing aliens from using asylum primarily as a path to seek employment authorization in the United States and to ensuring more timely processing of asylum applications. By allowing DHS to focus resources on reducing the asylum backlog, ensuring that asylum applications are processed in a fair and timely manner, and divorcing the filing of an asylum application with a near automatic grant

¹³¹ USCIS, "Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type (Fiscal Year 2025, Quarter 1)" (April 30, 2025), https://www.uscis.gov/sites/default/files/document/data/i765_application_for_employment_fy2025_q1.xlsx.

¹³² See Congressional Research Service, "Central American Migration: Root Causes and U.S. Policy" (Oct. 30, 2024), <https://www.congress.gov/crs-product/IF11151>; Congressional Research Service, "Asylum Eligibility for Applicants Fleeing Gang and Domestic Violence: Recent Developments" (Aug. 6, 2021), https://www.congress.gov/crs-external_products/LSB/PDF/LSB10617/LSB10617.3.pdf, discussing whether fleeing generalized violence or domestic violence is a legitimate basis for asylum relief; Council on Foreign Relations, "Why Six Countries Account for Most Migrants at the U.S.-Mexico Border" (July 9, 2024), <https://www.cfr.org/article/why-six-countries-account-most-migrants-us-mexico-border>; Council on Foreign Relations, "Central America's Turbulent Northern Triangle" (July 12, 2023), <https://www.cfr.org/background/central-americas-turbulent-northern-triangle>; United Nations High Commissioner for Refugees, "El Salvador, Guatemala and Honduras: Global Appeal 2025 Situation Overview" (2025), <https://reporting.unhcr.org/sites/default/files/2024-11/El%20Salvador%20C%20Guatemala%20and%20Honduras%20Situation%20Overview.pdf>.

¹³³ See INA sec. 101(a)(15)(H)(ii)(b), 8 U.S.C. 1101(a)(15)(H)(ii)(b); see also 8 CFR 214.2(h)(6)(i).

¹³⁴ See American Council for Nationalities Service, Interpreter Releases, "Foreign Student Work Policy Changed" (May 14, 1974) Vol. 51, No. 16.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ See Sam Bernsen, General Counsel, INS, DOJ, "Leave to Labor" (September 2, 1975), American Council for Nationalities Service Interpreter Releases, Vol. 52, No. 35.

¹³⁸ See Sam Bernsen, General Counsel, INS, DOJ, "Leave to Labor" (September 2, 1975), American Council for Nationalities Service Interpreter Releases, Vol. 52, No. 35.

¹³⁹ *Id.*

¹⁴⁰ See <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVClassIssuedDetailed/NIVClassIssued-DetailedFY1987-1991.pdf>.

¹⁴¹ See GAO, "Controls Over Foreign Students in U.S. Postsecondary Institutions Are Still Ineffective" (Mar. 10, 1983), <https://www.gao.gov/products/hrd-83-27>.

¹⁴² *Id.*

¹⁴³ USCIS, "All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)" (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

¹⁴⁴ INA sec. 208(d)(2).

of employment authorization, this regulation will help reverse the course of an overwhelmed system that has invited abuse.

DHS is now focusing on this regulation after years of different efforts to address the building backlog and significant program integrity concerns within the asylum program. The number of asylum officers USCIS employs increased from 349 in 2015 to 979 in 2025, but the asylum backlog has increased exponentially in spite of this. In the last decade, USCIS has built or expanded asylum offices in 11 cities to provide dedicated workspaces to accommodate the rapid growth in staffing.¹⁴⁵ USCIS has also implemented a number of operational changes designed to realize efficiency gains. These changes include post-interview case processing goals, the development of new technology, and the expansion of digitization to modernize case management.¹⁴⁶ Additionally, in 2024, USCIS first used innovative technology to identify asylum applications filed by aliens in removal proceedings and launched an automated process to administratively close those cases, thereby using fewer asylum staffing resources to quickly remove those cases from the pending caseload while permitting officers to focus on other pending cases. Subsequently, USCIS expanded its technological capabilities to start rejecting asylum applications filed by online applicants in removal proceedings, consistent with existing procedures to reject paper asylum applications filed by aliens in removal proceedings.¹⁴⁷ USCIS also used FY 2024 appropriated funds to support technology initiatives to digitize existing paper-filed asylum applications in the backlog, automate additional case processing steps, improve interview scheduling, and automatically identify multiple asylum applications filed by the same principal applicant using different A-numbers, all of which supported backlog reduction and decreased overall processing times.¹⁴⁸

Despite DHS's fervent efforts to address the backlog, the recent, drastic

increase in both affirmative and defensive asylum filings has prevented the agency from seeing any gains. For example, from FY 2022 to FY 2023, the number of affirmative asylum filings nearly doubled from 247,074 to 463,320 applications.¹⁴⁹ The total number of defensively filed asylum applications also nearly doubled from 2022 to 2023, from 260,830 to 488,620 applications.¹⁵⁰ In July 2024, the DHS Office of Inspector General found that more than 786,000 affirmative asylum applications were pending more than 180 days.¹⁵¹ In addition, a concurrent and massive increase in border encounters also contributed to the growth of the backlog because USCIS has had to divert resources and asylum officers from processing affirmative asylum backlog cases to address the high volume of credible fear and reasonable fear cases¹⁵² that require interviews in a very short period of time. In periods of peak credible fear and reasonable fear volumes, all available USCIS Asylum Division staff were temporarily assigned to these caseloads, reducing the number of asylum officers available to conduct affirmative asylum interviews.¹⁵³ In 2023, USCIS also trained more than 1,000 employees from across USCIS to assist with the credible fear workload as needed.¹⁵⁴ This diversion of resources to screening interviews further prevented USCIS from making meaningful progress to reduce or eliminate the affirmative asylum backlog. As affirmative asylum cases

slowly wind their way through the immigration system, aliens continue to receive EADs, even though many or most will be found ineligible for asylum.¹⁵⁵

Another consequence of the asylum backlog is that many aliens who will ultimately be denied asylum are able to remain in the United States and obtain employment authorization. As discussed above, DHS believes that imposing stricter requirements for (c)(8) EAD eligibility will disincentivize some economic migrants and others who would ultimately not qualify for asylum from applying and possibly from making the arduous journey to the United States. For example, in addition to the current regulatory language that excludes an alien with an aggravated felony conviction as described under INA 101(a)(43), DHS proposes to codify in regulation that it will exclude from (c)(8) EAD eligibility any alien where there is reason to believe that the alien may be barred from a grant of asylum due to one of the criminal bars to asylum under sections 208(b)(2)(A)(ii)–(iii). These are also grounds for denial of the alien's underlying asylum application. *See* INA 208(b)(2) and 8 U.S.C. 1158(b)(2). This would be a sensible and logical change. Further, the change would increase program integrity by ensuring that an alien who is statutorily ineligible for asylum cannot file a frivolous or meritless asylum application in order to receive a (c)(8) EAD and take advantage of current USCIS processing backlogs to obtain employment authorization. Rather, under these proposed changes, aliens who are ineligible for asylum would likewise be ineligible for a "pending asylum" EAD. As detailed above, the 1994 INS's final regulatory asylum reform made clear, "[t]his rule will discourage applicants from filing meritless claims solely as a means to obtain employment authorization. . . . When the system is fully operational, asylum officers are expected to grant or refer affirmative claims within about 60 days. . . . All applicants could have work authorization after 180 days, unless their claims have been denied by an Immigration Judge." 59 FR at 62290–91.

This is a significant point that is frequently lost given the current size of the asylum and asylum EAD backlogs: the INS designed the current regulatory landscape to be a means of primarily adjudicating the underlying asylum application. The intent was to give INS—today USCIS—180 days to

¹⁴⁵ USCIS, DHS, "Asylum Application Processing Fiscal Year 2023" (Nov. 1, 2023), https://www.dhs.gov/sites/default/files/2024-01/2023_1101_uscis_asylum_application_processing_fy2023.pdf.

¹⁴⁶ *Id.*

¹⁴⁷ DHS Office of Inspector General, "USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Claims" (July 3, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

¹⁴⁸ Letter from Representative Raúl M. Grijalva (July 11, 2024) and DHS response (Aug. 16, 2024), <https://www.uscis.gov/sites/default/files/document/foia/AffirmativeAsylum-RepresentativeGrijalva.pdf>.

¹⁴⁹ Noah Schofield and Amanda Yap, Office of Homeland Security Statistics, "Asylees: 2023" (Oct. 2024), https://ohss.dhs.gov/sites/default/files/2024-10/2024_1002_ohss_asylees_fy2023.pdf.

¹⁵⁰ *Id.*

¹⁵¹ Office of Inspector General, DHS, "USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Claims" (July 3, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

¹⁵² *See* 8 CFR 208.31, 8 CFR 235.3(b)(4). Any alien who indicates a fear of persecution or torture, a fear of return, or an intention to apply for asylum during the course of the expedited removal process is referred to an asylum officer for an interview to determine whether the alien has a credible fear of persecution or torture in the country of return. Aliens with prior removal orders for illegal entry or who are issued an administrative removal order for having been convicted of an aggravated felony may be referred to the asylum officer for a determination of whether the alien has a reasonable fear of persecution or torture. These screening interviews are required to be conducted by USCIS within a designated timeframe.

¹⁵³ *See* USCIS, DHS, "Asylum Application Processing Fiscal Year 2023 Report to Congress" at 4, (Nov. 1, 2023), https://edit.dhs.gov/sites/default/files/2024-01/2023_1101_uscis_asylum_application_processing_fy2023.pdf.

¹⁵⁴ *See* email entitled "Message from the Director—USCIS to Support Credible Fear Screening", April 25, 2023, located in the administrative record.

¹⁵⁵ EOIR, *Asylum Decisions* (Apr. 4, 2025), <https://www.justice.gov/eoir/media/1344851/dl?inline>.

adjudicate the underlying asylum application and, if that could not be accomplished, then the alien was not harmed because they were eligible for employment authorization after 180 days. USCIS aimed to adjudicate referrals of asylum applications within 60 days from the date a complete asylum application was filed with USCIS, which would then leave 120 remaining days for EOIR to complete processing of the referred asylum application.¹⁵⁶ As designed, the alien's asylum application would be approved and any pending or approved application for employment authorization was rendered moot by the grant of asylum or the alien's asylum application would be denied and any application for employment authorization was denied since the alien's asylum application was no longer pending—but one of those two outcomes was supposed to be reached within 180 days of filing. At the time, the application for employment authorization was an interim or “bridge” benefit only until the asylum application was adjudicated.

Due to the size of the current affirmative asylum pending caseload, adjudication of the asylum application within 180 days of filing in accordance with INA 208(d)(5)(A)(iii) is extremely difficult. In FY2022, FY2023, and FY2024, the average processing time for asylum applications that received a final decision (approval, administrative closure, or denial/referral) was 35.5 months, 25.0 months, and 22.8 months, respectively.¹⁵⁷ The processing times far exceed the 180-day statutory requirement, but are nevertheless trending the right direction. However, DHS believes that the level of effort currently going into asylum and related EAD adjudications is not sustainable, which is one reason DHS needs these proposed regulatory changes. If USCIS were no longer governed by the 30-day processing timeframe, it would permit the agency to focus resources on the pending asylum applications, which in and of itself would reduce (c)(8) EAD application filings. These cases drain

agency resources from other adjudications. Regardless of the backlog, the age of cases, or any asylum application processing changes, under 8 CFR 208.7(a)(1) USCIS is currently still required to adjudicate pending asylum applications for employment authorization within 30 days of filing. The changes proposed in this rule, specifically the pausing of (c)(8) EAD application acceptances and the 365-day wait to file an application for employment authorization, would allow USCIS to focus more on the underlying asylum applications—just as the INS attempted to do with the 1994 regulatory reforms.

Misalignment of Eligibility Requirements

Another problem unrelated to the pending affirmative asylum caseload that further acts as an incentive for frivolous, fraudulent, and meritless filings is the fact that eligibility requirements between the asylum application and the pending asylum application for employment authorization do not align. Currently, an asylum application will be denied if the alien was a persecutor, convicted of a particularly serious crime, committed a serious non-political crime outside the United States, or is a danger to the security of the United States, among other reasons. See INA 208(b)(2), 8 U.S.C. 1158(b)(2). However, an alien applying for employment authorization based on a pending asylum application is only ineligible based on an aggravated felony conviction.¹⁵⁸ See 8 CFR 208.7(a)(1). The disparity between eligibility requirements for the asylum application and the (c)(8) EAD renders aliens who under no set of circumstances could be approved for asylum (e.g., persecutors, aliens convicted of particularly serious crimes, etc.) eligible for employment authorization while waiting for their asylum application to be denied. This, in turn, incentivizes more aliens to file frivolous, fraudulent, or meritless asylum applications since they will obtain employment authorization 180 days after filing the asylum application—even if statutorily ineligible for asylum—and the alien's asylum application will likely remain pending for years given the asylum backlog. Previously, neither form had an

associated filing fee,¹⁵⁹ so there was no downside to filing this way because, even if USCIS denied the asylum application years later, the alien was employment authorized during that time. DHS's proposed rulemaking attempts to align the eligibility requirements and end the incentive to abuse the asylum system. Under this proposal, aliens would still apply for employment authorization but DHS would, as part of the screening and vetting of the alien as part of the (c)(8) EAD adjudication, essentially determine if the alien was statutorily or regulatorily ineligible or barred from asylum approval and, if so, DHS would deny the application for employment authorization.

The need to determine whether the alien applying for employment authorization is also not ineligible for asylum justifies an additional and related change being made in this rule as well, the mandatory collection of biometrics for both initial and renewal (c)(8) EAD applications and the requirement that applicants for an EAD submit all records of charges, arrests, and convictions as part of their EAD application. DHS would not be able to meaningfully screen and vet these aliens in order to determine whether they are ineligible or barred from asylum approval without biometrics and evidence of any criminal history. DHS already requires biometrics from asylum applicants; for the same reason DHS now proposes to collect biometrics on the pending application for employment authorization. Requiring asylum applicants submit biometrics and provide all records of charges, arrests, and convictions as part of their EAD application helps ensure that DHS has accurate and complete information before making a decision on the employment authorization application.¹⁶⁰ DHS is committed to enforcing our immigration laws by securing our borders, disrupting criminal organizations that bring people, drugs, and goods across the border illegally, and reducing abuse of our processes and laws.

DHS believes the provisions of this proposed rule will enable meritorious applications to be granted sooner and meritless applications to be referred or

¹⁵⁶ USCIS, *Affirmative Asylum Procedures Manual* (Feb. 2025), sec. III.F.2.b., available at <https://www.uscis.gov/sites/default/files/document/guides/AAPM.pdf>; USCIS, *USCIS Asylum Division Quarterly Stakeholder Meeting* (Feb. 2019), p. 2, available at https://www.uscis.gov/sites/default/files/document/outreach-engagements/PED_StakeholderPrivateAgenda_02222019.pdf.

¹⁵⁷ USCIS OPQ DATA, “I-589 Processing Time With and Without Admin Closed by Fiscal Year (FY2022–2025) (May 27, 2025). DHS notes these processing times are under LIFO processing so these are still the “newer” cases being adjudicated. Further, these adjudications are not reducing the overall size of the asylum backlog.

¹⁵⁸ This is not the only grounds for denial, rather it renders the alien ineligible. As stated above, the alien can be denied for filing the application for employment authorization before 150 days have passed since filing the asylum application. 8 CFR 208.7(a)(1).

¹⁵⁹ See USCIS, “G-1055, Fee Schedule,” (Apr. 18, 2025), <https://www.uscis.gov/g-1055>.

¹⁶⁰ USCIS criminal history record information requests to the FBI are not always complete or up-to-date, depending on the jurisdiction reporting the information. See generally National Crime Prevention and Privacy Compact, 34 U.S.C. 40311–40316 (formerly cited as 42 U.S.C. 14611–14616), including the definitions of “party state” and “nonparty state” found therein.

denied sooner. DHS recognizes that these reforms will apply equally to aliens with meritorious and meritless asylum claims and that either population may experience some degree of economic hardship as a result of heightened requirements for an EAD, the extended waiting period, and the pauses in USCIS' acceptance of EAD applications from asylum applicants. DHS also recognizes that some aliens whose asylum applications would have been found meritorious—*i.e.*, those who would be able to show a well-founded fear of persecution in their country of nationality (or last habitual residence) on account of a protected ground—may abandon their applications or decide not to file applications and forego the protection that asylum would provide because they would not be able to support themselves while their asylum application is adjudicated. DHS recognizes that extending the processing time for employment authorization may also factor into a potentially meritorious applicant's decision-making process before applying for asylum. Due to this rule's proposed increased waiting periods before an alien may receive employment authorization, there may be aliens with potentially meritorious asylum claims who instead return to a country where they may fear harm. DHS has seriously considered the potential harm to this population and has determined that the benefits of this rule outweigh these concerns: increasing program integrity, focusing USCIS resources on the underlying asylum backlog, ensuring aggravated felons and criminal aliens are not granted work authorization, biometrically verifying the identity of all (c)(8) EAD applicants and identifying any criminal history, if applicable, and disincentivizing asylum as a means to file a frivolous, fraudulent, or meritless application solely to obtain work authorization. Objectively speaking, the asylum system is overwhelmed and in need of additional reforms. The backlog of asylum cases weakens the integrity of the system, allowing thousands of non-meritorious cases to languish and obstructing the agency from addressing potential public safety and national security concerns until years down the road when the cases are finally adjudicated. The security of the United States and the integrity of our immigration processes outweighs the potential harm to a subset of the asylum applicant population. DHS has also considered potential hardship caused by a lengthier wait before filing an application for employment authorization or receiving employment

authorization, which may lead some aliens to attempt to work without authorization. In order to minimize unauthorized employment, DHS has instituted certain compliance measures through the Immigration Reform and Control Act (IRCA), which requires employers to verify the identity and employment eligibility of their employees and sets forth criminal and civil sanctions for employment-related violations. *See* Public Law 99–603, 100 Stat. 3445 (1986). Additionally, section 274A(b) of the INA, 8 U.S.C. 1324a(b), requires employers to verify the identity and employment eligibility of all aliens hired in the United States. The Employment Eligibility Verification form (Form I–9) is used by employers to document this verification. Employers who fail to properly complete Forms I–9 are subject to civil money penalties for paperwork violations.¹⁶¹ This process serves to protect the public and aliens who may attempt to work without authorization, which makes those aliens vulnerable to exploitation by their employers. Aliens who still choose to engage in unauthorized employment should be aware that this may render them removable and ineligible for future benefits such as adjustment of status.¹⁶² Finally, DHS acknowledges there may be unknown impacts to the above populations, but DHS's responsibility to safeguarding national security and public safety takes precedence and justifies the approach proposed here.

DHS's ultimate goal is to strengthen the benefit integrity of the asylum process and help ensure that the system is not being exploited. DHS has determined that the current model for obtaining employment authorization as an asylum applicant is no longer practicable, but also inconsistent with the original intent of the asylum system. The intent has always been that once an asylum claim is filed, a decision is made in a timely manner so that there is no need for an employment authorization document until the alien has received the benefit. DHS has determined it is reasonable to require additional time and security requirements on asylum applicants before they may apply for and receive an EAD. The urgency to protect national security, public safety, and maintain the integrity of the U.S. asylum and immigration system outweighs the hardship that may be imposed by an additional waiting period the meritorious asylum applicant

population would experience prior to receiving an EAD.

1. Other Regulatory Alternatives Considered

DHS considered several alternatives before deciding on the changes ultimately proposed in this rule and also recently implemented new filing fees that impact both asylum applications and pending asylum application-based applications for employment authorization.

On July 22, 2025, USCIS published the H.R.-1 **Federal Register** Notice to inform the public of a new series of fees for various immigration-related forms established in the OBBBA.¹⁶³ USCIS recently implemented statutorily-mandated filing fees, including a \$100 non-waivable filing fee for the asylum application and \$100 annual fee for every year the applicant's asylum application is pending, as well as a \$550 non-waivable filing fee for the initial (c)(8) employment authorization application.¹⁶⁴ Per statute, 50 percent of the asylum application fee is credited to DHS. None of the annual fee revenue is credited to USCIS and 25-percent of the (c)(8) employment authorization application fees are credited to USCIS.

Historically, fee changes alone have not caused significant changes in benefits requests, particularly when there are no alternatives.¹⁶⁵ Therefore, DHS does not think that the new asylum application fees from H.R.-1 alone are sufficient to dissuade the unsustainable volumes of meritless asylum claims identified in this rule, although DHS believes that it is possible that the fees may enhance the effects of this proposed rule to deter frivolous, fraudulent, or otherwise meritless asylum applications. Furthermore, as described in sections III.B and III.C of this proposed rule, and discussed by recent USCIS rulemakings 89 FR 101210 (Dec. 13, 2024), USCIS efforts to apply

¹⁶³ USCIS Immigration Fees Required by HR–1 Reconciliation Bill, 90 FR 34511 (Jul. 22, 2025); see H.R.1—One Big Beautiful Bill Act (OBBBA), Public Law 119–21, Title X, 139 Stat. 72. *See* USCIS Immigration Fees Required by HR–1 Reconciliation Bill, 90 FR 34511 (July 22, 2025).

¹⁶⁴ On Oct. 30, 2025, USCIS paused the implementation of the annual asylum fee, as required by an order issued in *Asylum Seeker Advocacy Project v. United States Citizenship and Immigration Services*, et al., SAG–25–03299 (D. Md.). That order does not affect this rule. *See Asylum Seekers Advocacy Project v. United States Citizenship and Immigration Svcs.*, No. 25–03299 (D.Md. Oct. 30, 2025).

¹⁶⁵ *See* USCIS, FY 2022–2023 Fee Review Regulatory Impact Analysis (RIA), <https://www.regulations.gov/document/USCIS-2021-0010-0031>; *See also* USCIS, FY 2022–2023 Fee Rule Price Elasticity Regression Analysis, <https://www.regulations.gov/document/USCIS-2021-0010-0033>.

¹⁶¹ *See* INA sec. 274A(e)(5), 8 U.S.C. 1324a(e)(5).

¹⁶² *See, e.g.*, INA sec. 237(a)(1)(C), 8 U.S.C. 1227(a)(1)(C); 8 CFR 214.1(e); INA sec. 274A, 8 U.S.C. 1324a.

additional resources toward faster processing of asylum and (c)(8) employment authorization applications have consistently failed to match rapid growth in volumes. DHS argues this is because the employment authorization for longer durations caused by persistent asylum backlogs have incentivized more asylum claims.¹⁶⁶

One alternative DHS considered and evaluated was the possibility of republishing the elimination of the 30-day EAD processing timeframe rule (“Timeline Repeal Rule”) from 2020, but with updated filing data, more recent economic analysis, and additional justification for the proposed changes. DHS recognizes that any such changes are within the Secretary’s authority under INA 274A(h)(3)(B) (8 U.S.C. 1324a(h)(3)(B)), INA 208(d)(1) and (d)(5)(B) (8 U.S.C. 1158(d)(1) and (d)(5)(B)), and INA 208(d)(2) (8 U.S.C. 1158(d)(2)). However, DHS is mindful of the *CASA de Maryland, Inc. v. Wolf* holding that determined the elimination of the 30-day Asylum EAD clock (“Timeline Repeal Rule”) was arbitrary and capricious for multiple different reasons. That court found that USCIS’ rationale for elimination of the 30-day processing timeframe belied the evidence in the record and USCIS’ responses to public comments were conclusory and reflected that the agency did not consider important policy alternatives.¹⁶⁷ Specifically, the court was not convinced that USCIS considered imposing a longer processing timeframe instead of removing the timeframe altogether.¹⁶⁸ Despite the fact that DHS still believes there should be no processing timeframe on (c)(8) EADs—just as there are currently no processing timeframes on any other EAD category—DHS was uncertain if a second proposed outright elimination of the (c)(8) EAD processing timeframe would be successful even with updated filing data, more recent economic analysis, additional consideration of alternatives, and additional justifications. A significant amount of work goes into regulatory changes, and DHS would rather not risk

another years long effort merely to be subject to adverse court action and, in the end, still be required to adjudicate pending asylum applications and associated employment authorization applications under the current, and flawed, regulatory authorities and timeframes.

A second alternative DHS considered and evaluated was extending the waiting period for filing an application for employment authorization based on a pending asylum application from the current 150 days to a significantly longer period, something closer to four or five years. Extending this waiting period would be well within the Secretary’s authority under INA 274A(h)(3)(B) (8 U.S.C. 1324a(h)(3)(B)), INA 208(d)(1) and (d)(5)(B) (8 U.S.C. 1158(d)(1) and (d)(5)(B)), and INA 208(d)(2) (8 U.S.C. 1158(d)(2)), which clearly recognize the discretionary authority to extend employment authorization to aliens, the authority to establish regulations concerning the procedures and conditions on asylum applications, and the discretion to grant employment authorization to aliens applying for asylum if 180 days have passed since filing the application for asylum. The benefits of such an extension are that it would essentially remove all screening and vetting roadblocks discussed above (e.g., ASC appointment delays, 60 day-pause for referrals to ICE, etc.) and it would also remove any incentive for aliens to file frivolous, fraudulent, or otherwise meritless asylum applications in order to receive employment authorization. Under such a proposal, very few aliens would actually wait five years for their initial employment authorization because asylum cases are currently worked under LIFO processing, so the overwhelming majority of recent asylum applicants would receive a final adjudication in less than five years. Even without the proposed regulatory changes DHS needs to improve operations as well as screening and vetting, in FY2022, FY2023, and FY2024, the average processing time for asylum applications that received a final decision (approval, administrative closure, denial/referral) was 35.5 months, 25.0 months, and 22.8 months, respectively.¹⁶⁹ While the processing times far exceed the 180-day target provided in INA 208(d)(5)(A)(iii), they are trending in the right direction and are less than the four or five year alternative proposal considered.

DHS ultimately decided not to extend the 150-day EAD clock this far for several reasons. While a four to five year waiting period would be a strong disincentive for frivolous, fraudulent, or meritless applications, this would likely lead to strong opposition from immigration advocates and asylum applicants who may view this fixed and lengthy change in the waiting period as unduly harsh. While the proposed pause and restart method will likely lead to a years-long wait as well, that pause can be lifted, unlike the change proposed in this second alternative. In the end, DHS determined that while a very strong disincentive for meritless filings, there would be numerous and strong public comments that did not support such a change, and the justification for such an extension of that duration may not be supported by data.

Another alternative considered by DHS was ending employment authorization for pending asylum applicants altogether, in other words, terminating the (c)(8) EAD category. Eliminating the (c)(8) EAD category would be well within the Secretary’s authority under INA 274A(h)(3)(B) (8 U.S.C. 1324a(h)(3)(B)), INA 208(d)(1) and (d)(5)(B) (8 U.S.C. 1158(d)(1) and (d)(5)(B)), and INA 208(d)(2) (8 U.S.C. 1158(d)(2)), which clearly recognize the discretionary authority to extend employment authorization to aliens, the authority to establish regulations concerning the procedures and conditions on asylum applications, and the discretion to grant employment authorization to aliens applying for asylum if 180 days have passed since filing the application for asylum. An alien with a pending asylum application is not entitled to employment authorization by statute, but Congress granted the Secretary discretion to authorize employment, through regulations, for these aliens while the asylum application is pending adjudication. See INA 208(d)(2), 8 U.S.C. 1158(d)(2). This alternative would obviate the need to screen and vet because there would be no application for employment authorization submitted by the alien. This alternative would really be the strongest disincentive possible for filing frivolous, fraudulent, or meritless asylum filings, not by adding a delay but by completely eliminating temporary employment authorization as an incentive for filing an asylum application. This option would eliminate any benefit to having a pending, but meritless asylum application in the backlog for years.

¹⁶⁶ See USCIS, Increase of the Automatic Extension Period of Employment Authorization Final Rule’s Background section detailing efforts to address EAD backlogs over the last 5 years. Section B.4 acknowledges asylum backlogs grew in FY23 despite USCIS’s best efforts, and that this further contributed to an unsustainable quantity of (c)(8) EAD renewals in FY24. <https://www.federalregister.gov/documents/2024/12/13/2024-28584/increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation-for-certain>.

¹⁶⁷ See *CASA de Maryland, Inc. v. Wolf*, 486 F.Supp.3d 928, 961–963 (D. Md. 2020).

¹⁶⁸ See *id.*

¹⁶⁹ USCIS OPQ DATA, “I-589 Processing Time With and Without Admin Closed by Fiscal Year (FY2022–2025) (May 27, 2025).

Under such a proposal, with no (c)(8) EAD to apply for, aliens with pending asylum applications would not be employment authorized until USCIS approved the underlying asylum application.

DHS ultimately decided not to pursue such an alternative at this time. First, DHS has already established that the primary problem is the processing of the volume of cases in the backlog. Second, because employment authorization for pending asylum applicants has been available for decades, since prior to the INS's 1994 asylum reform rulemakings, it is not clear at this time whether data exists to support such a change. Moreover, DHS was concerned with the anticipated public comments that did not support such a change. Additionally, DHS believes that the proposed provision of this rule tethering employment authorization to asylum processing times by pausing the acceptance of initial (c)(8) EADs if average asylum processing rises above 180 days for 90 consecutive days would achieve the same positive impact that terminating the (c)(8) EAD category altogether would achieve but through less severe means.

Should this rule prove ineffective or be enjoined, DHS will likely re-evaluate one or more of these alternative options for future asylum applications and their associated employment authorization applications given the ongoing incentive they represent for illegal entry to the United States and abuse of the asylum system to the detriment of meritorious asylum seekers.

D. Background

1. Eligibility for Asylum

Asylum is a discretionary benefit that can be granted by the Secretary or Attorney General if the alien establishes, among other things, that he or she has experienced past persecution or has a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. INA sec. 208(b)(1), 8 U.S.C. 1158(b)(1) (providing that the Attorney General and Secretary “may” grant asylum to refugees); INA sec. 101(a)(42)(A), 8 U.S.C. 1101(a)(42)(A) (defining “refugee”). The INA bars certain aliens from obtaining asylum, including aliens who are persecutors, have been convicted of a particularly serious crime (which includes aggravated felonies), have committed serious nonpolitical crimes outside of the United States, are a danger to the security of the United States, have engaged in certain terrorism-related activities or are members of terrorist

organizations, or were firmly resettled in a third country.¹⁷⁰

The INA also bars certain aliens from applying for asylum.¹⁷¹ Aliens generally must apply for asylum within 1 year from the date of their last arrival in the United States.¹⁷² An alien who files for asylum after the 1-year filing deadline is not eligible to apply for asylum unless the alien demonstrates that changed circumstances materially affected the alien's eligibility for asylum or extraordinary circumstances delayed filing during the 1-year period, and that the application was filed within a reasonable period of time given the changed or extraordinary circumstances.¹⁷³ Even if an alien meets all the criteria for asylum, including establishing past persecution or a well-founded fear of future persecution and any exceptions to late filing, the Secretary or Attorney General can still deny asylum as a matter of discretion.¹⁷⁴

Aliens who are granted asylum cannot be removed or returned to their country of nationality or last habitual residence, are employment authorized incident to their asylee status, and may be permitted to travel outside of the United States with prior consent from the Secretary.¹⁷⁵ Asylum can be terminated if the alien was not eligible for asylum status at the time of the asylum grant or is otherwise no longer eligible for asylum under the law.¹⁷⁶

Aliens may include their spouse and children who are physically present in the United States as dependents on their asylum application at the time they file or at any time until a final decision is made on the application.¹⁷⁷ The alien and their dependents are considered asylum applicants, and each applicant may individually file an application for a (c)(8) EAD.

2. Affirmative vs. Defensive Filings

To request asylum, an alien must file Form I-589, Application for Asylum and for Withholding of Removal, with either USCIS or the immigration court (EOIR). Asylum applications are characterized as “affirmative” or “defensive” based on which agency has

jurisdiction over the alien's case. Generally, if an alien is physically present in the United States, not detained, and has not been placed in removal proceedings, the alien files the asylum application with USCIS. These applications are known as “affirmative” filings. If DHS places an alien in removal proceedings, the alien files an application for asylum with an Immigration Judge (IJ).¹⁷⁸ These applications are known as “defensive” filings and include aliens the USCIS asylum officer refers to the IJ for *de novo* review of their asylum claim.¹⁷⁹

USCIS is responsible for initial adjudication of asylum applications filed by UACs. This is because an asylum application filed by a UAC must be processed according to requirements established in the TVPRA, Public Law 110-457, 122 Stat. 5044, and the settlement agreement in *J.O.P. v. U.S. Dept of Homeland Security*, 8:19-cv-01944 (D. Md.) (approved Nov. 25, 2024) (J.O.P. Settlement Agreement). The provisions of the TVPRA that apply to UACs took effect on March 23, 2009 and provide USCIS with initial jurisdiction over all asylum applications filed by UACs. Thus, even UACs who have been issued a Notice to Appear in immigration court can have their application for asylum heard by USCIS if they were UACs on the date they first filed for asylum. The TVPRA also provides an opportunity for UACs, who did not previously file for asylum with USCIS and who had a pending claim in immigration court, on appeal to the Board of Immigration Appeals, or in federal court, to have their asylum claim heard and adjudicated by a USCIS Asylum Officer in a non-adversarial setting.¹⁸⁰ Furthermore, under the terms of the J.O.P. Settlement Agreement, USCIS will not rely on any determination by DOJ that an alien is not a UAC.¹⁸¹ Rather, USCIS exercises initial jurisdiction over the adjudication of the UAC's asylum application and renders its own jurisdictional determination.¹⁸² Therefore, if a UAC's

¹⁷⁸ Where an asylum application is filed by a UAC, USCIS has initial jurisdiction over that application, even if the alien is in removal proceedings. INA sec. 208(b)(3)(C), 8 U.S.C. 1158(b)(3)(C); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457, sec. 235(d)(7), 122 Stat. 5044, 5081.

¹⁷⁹ See 8 CFR 208.14(c).

¹⁸⁰ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457 (Section 235 (d)(7)).

¹⁸¹ *J.O.P. v. U.S. Dept of Homeland Security*, 8:19-cv-01944, Part III.D. (D. Md.) (approved Nov. 25, 2024), <https://www.ice.gov/doclib/legal/notice/jopSettlementAgreement.pdf>.

¹⁸² *J.O.P. v. U.S. Dept of Homeland Security*, 8:19-cv-01944, Part III.C.1. (D. Md.) (approved

¹⁷⁰ INA sec. 208(b)(2)(A), 8 U.S.C. 1158(b)(2)(A).

¹⁷¹ INA sec. 208(a)(2), 8 U.S.C. 1158(a)(2).

¹⁷² INA sec. 208(a)(2)(B), 8 U.S.C. 1158(a)(2)(B). The 1-year filing deadline does not apply to an alien who is a UAC, as defined in 6 U.S.C. 279(g). INA sec. 208(a)(2)(E), 8 U.S.C. 1158(a)(2)(E).

¹⁷³ INA sec. 208(a)(2)(D), 8 U.S.C. 1158(a)(2)(D).

¹⁷⁴ See INA secs. 208(b)(1) and 240(c)(4)(A)(ii); 8 U.S.C. 1158(b)(1) and 1229a(c)(4)(A)(ii).

¹⁷⁵ INA sec. 208(c)(1), 8 U.S.C. 1158(c)(1).

¹⁷⁶ INA sec. 208(c)(2), 8 U.S.C. 1158(c)(2).

¹⁷⁷ INA sec. 208(b)(3). See also USCIS, “Asylum,” <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum> (last updated Jan. 24, 2025).

pending asylum application remains pending before USCIS, his or her (c)(8) EAD will not automatically terminate even if his or her asylum application was denied by an IJ, BIA, or a Federal court.

Aliens who present themselves at a U.S. port of entry (air, sea, or land) are generally deemed applicants for admission.¹⁸³ INA sec. 235(a)(1), 8 U.S.C. 1225(a)(1). If an immigration officer determines that an alien is inadmissible under section 212(a)(6)(C) or 212(a)(7) of the Act, 8 U.S.C. 1182(a)(6)(C) or 1182(a)(7), for being in possession of false documents, making false statements, or lacking the required travel documentation, the alien may be placed in expedited removal proceedings under section 235(b)(1) of the Act, 8 U.S.C. 1225(b)(1). Expedited removal may also be applied to certain other aliens who have not been admitted or paroled into the United States and who cannot show that they have been continuously physically present in the United States for the two years prior to the date of determination of inadmissibility. INA sec. 235(b)(1)(A)(iii), 8 U.S.C. 1225(b)(1)(A)(iii). Aliens in expedited removal proceedings who indicate an intention to apply for asylum, express a fear of persecution or torture, or a fear of return to their home country are referred to an asylum officer to determine whether the alien has a credible fear of persecution or torture.¹⁸⁴ INA sec. 235(b)(1), 8 U.S.C. 1225(b)(1); 8 CFR 208.30(b); 8 CFR 235.3(b)(4). If an alien is determined to have a credible fear, “the alien shall be detained for further consideration of the application for asylum.” INA sec. 235(b)(1)(B)(ii), 8 U.S.C. 1225(b)(1)(B)(ii).

Asylum applications based initially on a positive credible fear determination are under the jurisdiction of EOIR once a Notice to Appear (NTA) is filed with the court and are considered “defensively filed” applications. Similarly, if an alien has a positive credible fear determination, but is released from detention by U.S. Immigration and Customs Enforcement

(ICE), the alien is still considered to be under EOIR jurisdiction once the NTA is filed and must file the application for asylum with the court.

3. Employment Authorization for Asylum Applicants

An alien may be authorized for employment in the United States based on the alien’s immigration status or other conditions, as established by statute or by regulation. See 8 CFR 274a.12. An asylum applicant is not entitled to employment authorization by statute, but Congress granted the Secretary discretion to authorize employment, through regulations, for these aliens while the asylum application is pending adjudication. See INA sec. 208(d)(2), 8 U.S.C. 1158(d)(2). Aliens seeking employment authorization generally must apply for an EAD by filing Form I-765 with USCIS in accordance with the form instructions, along with any prescribed fee. 8 CFR 274a.13(a). The regulations at 8 CFR 208.7 and 274a.12(c)(8) govern employment authorization for asylum applicants.

a. 180-Day Asylum EAD Clock

Under the current statute and regulations, the Secretary cannot grant employment authorization to an asylum applicant until 180 days after the filing of the asylum application. INA sec. 208(d)(2), 8 U.S.C. 1158(d)(2), 8 CFR 208.7(a)(1). This 180-day period is commonly called the “180-day Asylum EAD Clock.”¹⁸⁵ The 180-day Asylum EAD Clock begins to run after USCIS or EOIR, as applicable, accepts the asylum application for processing. 8 CFR 208.7(a)(1). Existing regulations provide that USCIS or EOIR should return an incomplete application to the alien within 30 days of receipt of the application, but if USCIS or EOIR has not returned the incomplete asylum application within that time, the application is automatically deemed complete. 8 CFR 208.3(c), 1208.3(c)(3) (as effective).¹⁸⁶ Once the asylum

application is accepted, the alien must wait 150 days before they may file the application for employment authorization. 8 CFR 208.7(a)(1). USCIS has 30 days from the filing date of the EAD application to adjudicate the application. *Id.* The 180-day Asylum EAD Clock therefore includes the 150-day waiting period for filing the (c)(8) EAD application and the additional 30-day period that USCIS has to adjudicate the EAD application.

Delays requested or caused by the alien stop the 180-day Asylum EAD Clock, and it does not run again until the alien cures the delay or until the next scheduled case event, such as a rescheduled interview or a continued hearing. 8 CFR 208.7(a)(2). For example, if an alien fails to appear for a required biometrics appointment on their asylum application, the 180-day Asylum EAD Clock will stop and not recommence until the alien appears for his or her biometrics appointment. *Id.* Similarly, if an alien asks to amend or supplement his or her asylum application, fails to provide a competent interpreter at the asylum interview, or reschedules the asylum interview for a later date, all of these actions will stop the 180-day Asylum EAD Clock, and the clock will not restart until the required action is completed.¹⁸⁷ 8 CFR 208.7(a)(2). USCIS will deny an EAD application if the asylum application is still subject to an unresolved alien-caused delay that prevents the alien from accumulating 180 days at the time USCIS adjudicates the initial (c)(8) EAD application.¹⁸⁸ As a result, some asylum applicants may wait longer than 180 days before they can be granted employment authorization.

b. 30-Day Processing Timeframe

Under current regulations at 8 CFR 208.7(a)(1), USCIS must adjudicate initial employment authorization applications under the (c)(8) category within 30 days of when the alien files the Form I-765.¹⁸⁹ The 30-day

Withholding of Removal, and CAT Protection Claims by Asylum Officers, 87 FR 18078 (Mar. 29, 2022)—but that amendment does not change the paragraph’s meaning.

¹⁸⁷ See “The 180-Day Asylum EAD Clock Notice” for additional examples of actions that can affect the 180-day Asylum EAD Clock.

¹⁸⁸ See, USCIS, “The 180-Day Asylum EAD Clock Notice,” <https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf> (last updated Mar. 2025).

¹⁸⁹ The regulations at 8 CFR 208.7(a)(1) currently provide that if the asylum application is not denied, USCIS will have 30 days from the date of filing of the request for employment authorization to grant or deny the employment authorization request.

Continued

Nov. 25, 2024), <https://www.ice.gov/doclib/legal/notice/jopSettlementAgreement.pdf>.

¹⁸³ INA sec. 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C), provides separate exceptions for when a lawful permanent resident will be considered an alien for admission (e.g., abandoned residence, continuous absence of 180 days, illegal activity after departure from the United States).

¹⁸⁴ Except for certain aliens who entered on or after January 20, 2025, who are restricted from invoking provisions of the INA that permit their continued presence in the United States, including but not limited to section 208 of the INA, 8 U.S.C. 1158.

¹⁸⁵ USCIS, “The 180-Day Asylum EAD Clock Notice,” <https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf> (last updated Mar. 2025).

¹⁸⁶ Paragraph (c)(3) of 8 CFR 1208.3 was amended by the rule Procedures for Asylum and Withholding of Removal, 85 FR 81698 (Dec. 16, 2020), which was preliminarily enjoined and had its effective date stayed. See *Nat’l Immigrant Justice Ctr. v. Exec. Office for Immigration Review*, No. 21–56 (RBW) (D.D.C. Jan. 14, 2021). Thus, the currently operative version is the version in effect on January 1, 2021, before the rule took effect. EOIR subsequently amended paragraph (c)(3) in a rule that remains operative—Procedures for Credible Fear Screening and Consideration of Asylum,

processing timeframe in 8 CFR 208.7(a)(1) was established more than 25 years ago, when the former INS adjudicated EAD applications at local INS offices, but EAD applications are now adjudicated at USCIS Service Centers. As a result of numerous factors, including a massive growth in EAD application volume, the need for ASC appointment scheduling,¹⁹⁰ the identification of more national security and public safety concerns, and an increase in the level and complexity of fraud concerns, USCIS was unable to match the pace of adjudications to the volume of receipts. As result, on May 22, 2015, plaintiffs in *Rosario v. USCIS*, No. C15–0813JLR (W.D. Wash.), brought a class action in the U.S. District Court for the Western District of Washington to compel USCIS to comply with the 30-day processing timeframe of 8 CFR 208.7(a)(1).¹⁹¹ On July 26, 2018, the court enjoined USCIS from further failing to adhere to the 30-day processing timeframe for adjudicating EAD applications. As of March 2025, USCIS completed 86.4 percent of initial (c)(8) EAD applications within 30 days and completed 98.3 percent of initial (c)(8) applications within 60 days. However, compliance with the court order places significant strain on already limited agency resources, especially considering that initial (c)(8) EAD applications (except those filed under the special ABC procedures) are free of cost, and USCIS will not be able to continue to sustain this burden in the long-term without adding additional agency resources or negatively impacting processing times for other applications, petitions, and benefit requests, including other EAD categories. Full-time equivalent officer hours allocated to initial (c)(8) EAD applications have increased from approximately 50 to a high-water mark of over 800 in March of 2025 in order to keep pace with the drastic increase in initial (c)(8) EAD application receipts.

Certain events may suspend or restart the 30-day adjudication period. For instance, the time between the issuance of a request for evidence and the receipt of the response, or a delay requested or caused by the alien, is not counted as part of the 30-day period. 8 CFR 208.7(a)(2).

¹⁹⁰ At the time the INS published the current 30-day Asylum EAD clock regulation, Application Support Centers (ASCs) did not exist. All adjudications were essentially 30–45 days quicker prior to the statutory creation of the ASCs. See Section III.C., above.

¹⁹¹ The court in *Rosario* also sought to compel USCIS to comply with the 90-day rule for (c)(8) renewals based on the EAD adjudicative timeframe in 8 CFR 274a.13(d). USCIS' failure to comply with either the 30-day timeframe for initial (c)(8) EAD applications or the 90-day timeframe for (c)(8) renewals meant USCIS should have issued interim employment authorization under (then current) 8 CFR 274a.13(d) (2015).

Given that there was previously no fee for initial (c)(8) EAD applications (except those filed under the special ABC procedures), the costs of intake, adjudication, and customer service and other support functions were historically borne by other benefit requestors who pay fees.

c. Impact of Denial of the Asylum Application on Employment Authorization

Denial of the asylum application impacts the alien's ability to apply for and retain employment authorization in different ways, depending on when and where the denial occurred.

If the asylum application is denied by an asylum officer or IJ within the 150-day waiting period after applying for asylum, the alien may not apply for employment authorization. 8 CFR 208.7(a)(1). If the application for employment authorization is filed after the 150-day waiting period and the asylum application is denied prior to adjudication of the application for employment authorization, employment authorization will be denied. *Id.*

If the alien applies for and is granted an EAD based on a pending affirmative asylum application and the asylum application is denied by the asylum officer, the EAD will either terminate on its expiration date or 60 days after the denial of the asylum application, whichever is later. 8 CFR 208.7(b)(1). If the alien receives an EAD and the asylum application is later referred by USCIS to EOIR, employment authorization will remain valid through the expiration date on the EAD. 8 CFR 208.7(b)(2).

If the IJ, BIA, or Federal court denies the asylum application and the alien does not file the appropriate request for administrative or judicial review, employment authorization will expire on the date printed on the EAD. 8 CFR 208.7(b)(2). If the IJ, BIA, or Federal court denies the asylum application and the alien chooses to file the appropriate request for administrative or judicial review, employment authorization will remain valid through the EAD expiration date, and the alien will be eligible to file for a renewal EAD upon its expiration. 8 CFR 208.7(c).

IV. Related Rulemaking

Simultaneously with this rule, DHS is engaging in other rulemaking actions that are in various stages of development. DHS has considered and analyzed these other rules for peripheral, overlapping, or interrelated effects on this rule and has incorporated their effects, if any, into the supporting

documentation, policies, and regulatory text for this proposed rule.

A. Discretionary EAD NPRM

In a separate notice of proposed rulemaking (NPRM), DHS is will propose amendments to regulations governing discretionary employment authorization for certain aliens who: have final orders of removal, but are temporarily released from custody on orders of supervision (OSUP); are paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit; or have been granted deferred action. DHS proposes to limit and clarify eligibility to apply for these categories of discretionary employment authorization. DHS further proposes to specify that aliens applying for discretionary employment authorization: (1) who admit committing a violent or dangerous crime even if he or she has never been formally arrested, charged, indicted, or convicted; (2) who have been arrested for, charged with (without disposition), indicted for, or convicted of any criminal acts; or (3) for whom there is evidence of the alien's membership in a gang or terrorist organization, generally do not warrant a favorable exercise of discretion unless there are significant countervailing public interests. DHS notes that this proposed rule will be listed in the publicly available Fall 2025 Unified Agenda of Federal Regulatory and Deregulatory Actions.

DHS considered the possible combined effects of this Asylum EAD Reform NPRM and the Discretionary EAD NPRM. As some of the proposed amendments made in the Asylum EAD Reform NPRM and the Discretionary EAD NPRM generally overlap, the combined effects are generally mitigated by the inclusion of similar amendments between the two proposed rules. While the Asylum EAD Reform NPRM does intersect with the Discretionary EAD NPRM, DHS is using current regulatory text as the basis for changes, as any changes proposed by the Asylum EAD Reform NPRM at this point in the process are just that—proposed. Further, while the Discretionary EAD NPRM will include changes related to all employment authorization under 8 CFR 274a.12(c), it will not include any changes to 8 CFR 274a.12(c)(8). This will allow the Asylum EAD Reform NPRM to fully address (c)(8) issues, and the Asylum EAD Reform NPRM will not make changes to categories addressed in the Discretionary EAD NPRM. DHS acknowledges that, if the Discretionary EAD Final Rule goes into effect prior to the Asylum EAD Reform NPRM, it may

be necessary to amend the appropriate regulatory text to reflect the corresponding changes in the Discretionary EAD Final Rule.

B. Biometrics NPRM

In another separate rulemaking, DHS is proposing to amend DHS regulations governing the use and collection of biometrics by DHS. DHS will propose, among other things, updates to the regulatory definition of biometrics to ensure it captures accepted modalities and to expand the population of individuals required to submit biometrics. As relevant to this Asylum EAD Reform NPRM, which would establish a general biometrics requirement for asylum applicants seeking a (c)(8) EAD, the Biometrics NPRM will propose to require biometrics from all individuals filing for, or associated with, an immigration or naturalization benefit request, other request, or collection of information, unless DHS exempts the requirement. DHS is proposing these changes to enhance accurate identity verification and management throughout the immigration lifecycle. The proposed changes would also enhance DHS's ability to identify and deter immigration benefits fraud, and allow DHS to perform more comprehensive biometrics-based background checks in connection with immigration benefits requests. Aliens who submit biometrics would face costs associated with time and travel. These are detailed in the economic analysis, but DHS does not estimate the total monetized impact. DHS notes that this proposed rule will be listed in the publicly available Fall 2025 Unified Agenda of Federal Regulatory and Deregulatory Actions.

DHS considered the possible combined effects of Asylum EAD Reform NPRM and the Biometrics NPRM. As at least one of the amendments made in the Asylum EAD Reform NPRM and the Biometrics NPRM generally overlap, the combined effects are generally mitigated by the inclusion of a similar amendment between the two proposed rules. Specifically, DHS is proposing to require biometrics for all (c)(8) EAD applicants in both the Asylum EAD NPRM and the Biometrics NPRM.

V. Discussion of Proposed Rule

A. Pause and Re-Start of (c)(8) EAD Application Acceptance

The IIRIRA amended the Act to state that any asylum procedures established under section 208(d)(1) of the Act, 8 U.S.C. 1158(d)(1), “shall provide that . . . , in the absence of exceptional

circumstances, final administrative adjudication of [an] asylum application . . . shall be completed within 180 days after the date an application is filed.”¹⁹² In 1996, Congress decided to pursue completion of first-instance asylum application decisions within 180 days of filing. Both Congress and the administration at that time provided significant resources to accomplish that processing goal.¹⁹³ After the statutory and regulatory changes of 1994 and 1996, new asylum filings decreased from their peak of 154,464 in FY 1995 to 32,711 in FY 1999.¹⁹⁴ As a result of both the reforms and the increase in resources, the asylum system moved closer to accomplishing both protection and benefit integrity, and closer to aligning with the original intent behind the asylum process as a whole.¹⁹⁵ The intent has always been that once an asylum claim is filed, a decision is made in a timely manner so that there is no need for an employment authorization document until the alien has received a decision on the asylum application.

Yet again, DHS again finds the asylum system to be under-resourced and overwhelmed with asylum applications,

¹⁹² IIRIRA sec. 604(a), Public Law 104–208 (codified at INA sec. 208(d)(5)(A)(iii)), 8 U.S.C. 1158(d)(5)(A)(iii). IIRIRA also modified the asylum statute to provide “[n]othing in [8 U.S.C. 1158(d)] shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.” INA sec. 208(d)(7), 8 U.S.C. 1158(d)(7). Courts accordingly have acknowledged the “exceptional circumstances” carve-outs to the timing provisions of INA sec. 208(d)(5)(A), 8 U.S.C. 1158(d)(5)(A), and this no-private-right-of-action provision render those timing provisions non-mandatory. *See, e.g., Zhuo v. Mayorkas*, No. 23–cv–5416, 2024 WL 4309232 at *4 (E.D.N.Y. Sept. 26, 2024) (“The qualifying phrase ‘absent[] exceptional circumstances’ suggests that Congress intended that the timeline not apply while the USCIS is dealing with an exceptional level of aliens,” and “the bar to a private right of action set forth in § 1158(d)(7) . . . supplies additional evidence of Congress’ intent that the timeline is not mandatory.”).

¹⁹³ David A. Martin, “The Need for Balance,” Proceedings of the Annual Meeting, American Society of International Law, Vol. 98 (2004), pp. 252–55; S. Rept. 104–249 (1996) (describing increased property and personnel to address the asylum backlog).

¹⁹⁴ Part of the reason for the high numbers in FY 1995 was the *ABC Settlement*, which required certain aliens to file by deadlines in 1995 and 1996. USCIS, “*American Baptist Churches v. Thornburgh (ABC Settlement Agreement)*,” <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/american-baptist-churches-v-thornburgh-abc-settlement-agreement> (last updated Sept. 3, 2009); INS, DOJ, “1995 Statistical Yearbook of the Immigration and Naturalization Service” (Mar. 1997), p. 84; INS, DOJ, “1999 Statistical Yearbook of the Immigration and Naturalization Service” (Mar. 2002), p. 86.

¹⁹⁵ David A. Martin, “The Need for Balance,” Proceedings of the Annual Meeting, American Society of International Law, Vol. 98 (2004), pp. 252–55.

and consequently an easy target for many driven by the opportunity to receive employment authorization by filing a frivolous, fraudulent, or otherwise meritless asylum application.¹⁹⁶ In recent years, USCIS has been overwhelmed by both affirmative asylum receipts and credible fear screenings, leading to an increase in the backlog. In 2022, USCIS received 247,790 affirmative asylum receipts, and in 2023 received 464,398 affirmative asylum receipts, nearly double the 2022 receipts.¹⁹⁷ Over recent years, the credible fear caseload has also significantly increased, going from a low of 5,216 cases in 2009 to 103,295 cases in 2019.¹⁹⁸ In 2022, USCIS completed 54,092 credible fear cases.¹⁹⁹ In 2023, that number almost tripled to 150,431 credible fear receipts.²⁰⁰ In 2023, with the expiration of Title 42, USCIS allocated more than 90% of its asylum officers to process an expected surge of credible fear cases.²⁰¹ This left only about 3 percent of asylum officers to adjudicate affirmative asylum cases, thus allowing the backlog to continue to

¹⁹⁶ As described previously, after the statutory and regulatory changes of 1994 and 1996, new asylum filings decreased by approximately 80 percent from FY 1995 to FY 1999, and the approval rate for asylum filings significantly increased. Ruth Ellen Wasem, Congressional Research Service, “Asylum and ‘Credible Fear’ Issues in U.S. Immigration Policy” (June 29, 2011), <https://www.congress.gov/crs-product/R41753>; INS, DHS, “Asylum Reform: Five Years Later” (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>. In FY 2024, USCIS received more than 419,000 applications for affirmative asylum, and completed more than 126,000 affirmative asylum applications; USCIS, “All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)” (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

¹⁹⁷ USCIS OPQ Data, “By Fiscal Year, Data Type, and Deny/Referral Reasons” (May 22, 2025).

¹⁹⁸ USCIS, Credible Fear Cases Completed and Referrals for Credible Fear (Nov. 17, 2023), available at https://ohss.dhs.gov/sites/default/files/2023-12/2023_0818_ply_credible_fear_fy2022.xlsx (last accessed May 27, 2025).

¹⁹⁹ USCIS, Credible Fear Cases Completed and Referrals for Credible Fear (Nov. 17, 2023), available at https://ohss.dhs.gov/sites/default/files/2023-12/2023_0818_ply_credible_fear_fy2022.xlsx (last accessed May 27, 2025).

²⁰⁰ USCIS, Congressional Semi-Monthly Report—Jan. 1, 2022 to Jan. 15, 2023 (Jan. 30, 2023), available at: https://www.uscis.gov/sites/default/files/document/data/Congressional_Semi-Monthly_Credible_and%20Reasonable_Fear_Report%20-%20Jan%201%202022%20to%20Jan%2015%202023.xlsx (last accessed May 27, 2025); USCIS, Congressional Semi-Monthly Report—December 16, 2022–December 31, 2023 (Jan. 5, 2024), available at: https://www.uscis.gov/sites/default/files/document/data/Congressional_Semi-Monthly_CF%26RF_Report_12_16_22_to_12_31_23.xlsx (last accessed May 27, 2025).

²⁰¹ OIG, USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Cases (July 3, 2024), available at: <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

grow.²⁰² Similar to the affirmative asylum program, EOIR also more than tripled their asylum application receipts, going from 265,632 in FY 2022 to 905,632 in FY 2024.²⁰³ While the average processing time for an affirmative asylum case completed in FY 2024 was 1,287 days, it is important to note this includes the universe of affirmative asylum cases, including backlog, LIFO, and any case prioritized for adjudication, such as Afghan Operation Allies Welcome (OAW),²⁰⁴ mandamus, and expedited cases. In FY 2025 Q1, new affirmative asylum applicants could expect processing to take 765.75 months, or more than 63 years; and for new filers in FY 2025 Q2, USCIS expects processing to take approximately 562.25 months, or more than 46 years.²⁰⁵ DHS believes the current volume and processing times of asylum applications reflects similar dynamics as the pre-reform filings, and the effect of the prior reform supports the deduction that there are many frivolous, fraudulent, or otherwise meritless asylum application filings that are filed solely for the purposes of obtaining an EAD. The asylum system is again in need of a reform that decouples employment authorization from the filing of an asylum application. However, the situation has now turned catastrophic and requires novel solutions that meet the severity of the problem.

If finalized, DHS would pause the acceptance of initial (c)(8) EAD applications when the average processing time²⁰⁶ for affirmative

asylum applications over a consecutive period of 90 days adjudication exceeds 180 days.²⁰⁷ Acceptance of initial (c)(8) EAD applications would resume when the average processing time for affirmative asylum adjudications over a consecutive period of 90 days is less than or equal to 180 days. The USCIS Director's determination to pause or restart acceptance of (c)(8) EAD applications is not discretionary, and that determination would be directly tethered to the processing times of all affirmative asylum applications over the previous 90-day period. DHS acknowledges that the pausing of acceptance of initial (c)(8) EAD applications will create a potentially significant hardship for asylum applicants. Depending on asylum receipts moving forward, which will likely decrease if this rule is finalized as proposed but will also continue to be subject to change due to a variety of other factors, the initial pause may last a significant amount of time. The pause on EAD application acceptances and processing may last from 14 to 173 years, or longer. For example, without factoring in any of the other proposed changes in this rule and how they would impact adjudications, if receipts decrease by 80 percent, as they did following the 1994 regulatory reforms, it could take USCIS as long as 14 years to reach a 180-day processing time.²⁰⁸ If, instead, receipts decrease by 50 percent, it could take USCIS as long as 173 years to reach a 180-day processing time. It bears repeating that neither of those projections take into account any of the other proposed changes in this rule which, if finalized, would also shorten those processing times.²⁰⁹ USCIS recognizes that the effect of this pause would be to restrict access to pending

period. In the future, when USCIS adjudicates those older cases, their processing times would be even longer than those adjudicated in the first six months of 2026. Accordingly, if USCIS finalizes this rule as proposed, USCIS plans to calculate a modified processing time that includes the full pending affirmative asylum caseload in order to most accurately depict asylum application processing times and account for older pending cases. USCIS requests comments, however, on any other ways that USCIS could modify the "processing time" metric in this context to account for older pending cases and the amount of time they will ultimately have required for adjudication.

²⁰⁷ USCIS would, however, continue to process pending applications received prior to the pause.

²⁰⁸ "Cycle time" is how many months' worth of receipts represents the current pending volume. It is a metric that can be used for projections because it takes into account current pending volume, anticipated receipts, and expected completions.

²⁰⁹ "Processing time" is the time from receipt to completion for each individual form and can be averaged over a specific period of time in the past, but does not take into account currently pending applications and cannot be used for projections.

asylum application-based employment authorization for new applicants for an extended period, with the duration of the pause determined by the future decrease in asylum application receipts. While this is a significant change in access to pending asylum application-based employment authorization, DHS believes it is necessary to exercise its statutory discretion to implement these changes to achieve its goals of enhancing benefit integrity, protecting national security, and reducing resource strains.

As discussed in several places earlier in this rule, DHS is confronted with a similar situation to the INS in the early 1990s. The INS responded with certain regulatory reforms that succeeded in curtailing meritless claims and delivering fair and timely decisions on asylum cases.²¹⁰ In the wake of those asylum reforms, new asylum filings actually decreased from their then-peak of 149,566 in FY 1995 to just 30,261 in FY 1999, a decrease of nearly 80 percent in only five FYs.²¹¹ At the same time, the approval rate significantly increased, from 15 percent of cases adjudicated in FY 1993 to 38 percent in FY 1999.²¹² Consequently, INS's reforms met the stated goals of that rulemaking, preventing aliens from applying for asylum primarily as a means to obtain employment authorization, while simultaneously enabling the INS to more promptly grant asylum—and provide work authorization—to those who merit this relief.²¹³ Because the proposals in this rulemaking are designed to have a similar effect to those reforms implemented by the INS in 1994, DHS expects this rulemaking will eventually achieve similar results to those achieved by the INS.

As detailed above, DHS is primarily attempting to resolve the issues surrounding the asylum backlog but is having difficulty even reaching those

²¹⁰ Rules and Procedures for Adjudication of Applications for Asylum or Withholding of Deportation and for Employment Authorization, 59 FR 14779 (Mar. 30, 1994); Rules and Procedures for Adjudication of Applications for Asylum or Withholding of Deportation and for Employment Authorization, 59 FR 62284 (Dec. 5, 1994).

²¹¹ Ruth Ellen Wasem, Congressional Research Service, "Asylum and 'Credible Fear' Issues in U.S. Immigration Policy" (June 29, 2011), <https://www.congress.gov/crs-product/R41753>; INS, DOJ "Asylum Reform: Five Years Later" (Feb. 1, 2000), <https://www.uscis.gov/sites/default/files/document/news/Asylum.pdf>.

²¹² INS, DOJ "1999 Statistical Yearbook of the Immigration and Naturalization Service" (Mar. 2002), p. 100. Percent approved is "[t]he number of cases granted divided by the sum of: cases granted; denied; and referred to an Immigration Judge following an interview."

²¹³ See 59 FR 62284, 62290–62291 (Dec. 5, 1994).

²⁰² OIG, USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Cases (July 3, 2024), available at: <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

²⁰³ EOIR, *Adjudication Statistics: Total Asylum Applications* (July 31, 2025), <https://www.justice.gov/eoir/media/1344871/dl?inline>.

²⁰⁴ OAW was an interagency coordinated effort to establish pathways for parole and other forms of protection for Afghans seeking to resettle in the United States. See USCIS, "Operation Allies Welcome" (last visited June 9, 2025), <https://www.dhs.gov/archive/operation-allies-welcome>.

²⁰⁵ To calculate this, USCIS used "cycle time", which is how many months' worth of receipts represents the current pending volume. It is a metric that can be used for projections because it takes into account current pending volume, anticipated receipts, and expected completions.

²⁰⁶ USCIS has historically defined "processing time" as the time it took USCIS to complete 80% of the adjudicated cases over the last six months. USCIS, *Case Processing Times* (last visited Aug. 27, 2025), <https://egov.uscis.gov/processing-times/more-info>. However, USCIS recognizes that this definition does not provide insight into the full scope of the pending affirmative asylum application caseload due to the use of LIFO processing. For example, if USCIS only completed cases using LIFO processing over the six months from January 1, 2026, through June 30, 2026, the oldest cases would continue to remain pending for an ever-growing

cases due to many operational concerns and competing adjudications priorities. DHS can circumstantially establish that these proposed reforms would help DHS achieve its stated goals—which are the same as the INS's goals in 1994. For purposes of a hypothetical, assuming DHS publishes a final rule aligned with the proposed rule here and achieves similar results to what the INS achieved in 1994—a nearly 80 percent reduction in asylum applications in only five FYs—DHS could then reallocate asylum resources and more successfully tackle the looming backlog. DHS could also move its EAD adjudicatory resources to support timely adjudication of initial (c)(8) EAD applications as well as other EAD application categories, which in turn reduces processing times for EAD applications across the board. Once (c)(8) EAD receipts decrease, USCIS could comfortably surge resources to the Asylum Division for adjudications support functions (with appropriate cross training) or clerical and administrative functions, both of which have simply not been possible with the current state of operations necessary to maintain *Rosario* compliance.

For example, in FY2024, the last full year of data available, DHS received 422,457 asylum applications.²¹⁴ Assuming for a moment DHS can replicate INS's results with this rule, achieving an 80% reduction in asylum filings, then DHS new asylum filings would drop closer to 84,491 (20% of 422,457). At the same time, using staffing levels from FY2024, DHS approved 17,175, administratively closed 107,007, and denied or referred 5,709—for a total of 129,891 final decisions and administrative closures on pending asylum applications.²¹⁵ If all other variables remained constant and the impacts of this rulemaking yielded a similar result as the INS's 1994 rulemaking, then at FY2024 staffing levels DHS would be adjudicating 153% of the projected new asylum filing receipt volumes.

Looking at FY2025 data (through May 22, 2025) as another example, an even better result is reached. DHS received 331,883 asylum applications this year (YTD).²¹⁶ Again, assuming for a moment DHS can replicate INS's past results with this current rule, achieving an 80% reduction in asylum filings, then DHS new asylum filings would drop closer to 66,376 (20% of 331,883). At current staffing levels, in FY2025 DHS approved 8,667, administratively closed 159,530,

and denied or referred 11,872—for a total of 180,069 final decisions on pending asylum applications.²¹⁷ Looking at partial FY2025 data, if all other variables remained constant and the impacts of this rulemaking yielded a similar result as the INS's 1994 rulemaking, then at current staffing DHS would be adjudicating 240% of the projected new asylum filing receipt volumes.

DHS notes that certain variables would not remain constant with this hypothetical. Notably, as both new asylum filing receipt and asylum backlog volumes decline, initial and renewal (c)(8) EADs filings organically would decline as well. As asylum filing receipts decrease as a result of the proposed regulatory changes, asylum officer resources will be able to devote more time to the USCIS asylum application backlog. At the same time, the reduction in (c)(8) EAD filings will allow USCIS to more efficiently allocate EAD adjudications staff across other EAD filing categories in an effort to reduce overall processing times across the board. DHS also notes that the then-peak of new asylum filings in FY1995 (149,566) has been surpassed in all four of the last FYs (FY2022 247,790; FY2023 464,398; FY2024 422,457; and FY2025 331,883 (through May 22, 2025)),²¹⁸ so while the assumptions in this hypothetical are feasible, the sheer volume of new asylum filings may slow the rate at which the INS's results are reached by DHS (e.g., it may take 8 or 10 years instead of 5). However, DHS is confident that if these proposed changes are finalized, DHS will achieve a result similar to the INS after its 1994 regulatory reforms.

Based on the data supporting this rule and the justification described here, DHS proposes to codify in regulation that it will pause acceptance of initial (c)(8) EAD applications from asylum applicants when the processing times of adjudications of affirmative asylum applications exceeds 180 days for a period of 90 consecutive days, until the USCIS processing time for adjudicating affirmative asylum applications is less than or equal to 180 days for a period of 90 consecutive days.²¹⁹ After USCIS has resumed accepting initial employment authorization applications from asylum applicants, if the average processing times of adjudications of

affirmative asylum applications again exceeds 180 days for a period of 90 consecutive days, USCIS would again pause the acceptance of (c)(8) EAD applications. The determinations as to whether initial employment authorization applications for asylum applicants are accepted or not would be made by the Director of USCIS, based on the USCIS processing times only and not subject to discretion. The agency would announce on the USCIS website when it will accept and when it pauses acceptance of initial (c)(8) EAD applications. The announcement would also be accompanied by the publication of the processing times, which support the determination made by the Director of USCIS. DHS believes that a website update is the most expeditious and accessible mode of notifying the public of its operational posture. DHS also believes that a critical part of this process will be to provide the processing times, which form the basis for the determinations made by the Director of USCIS. Therefore, DHS proposes to publish the quarterly processing times. It should be highlighted that any pause of initial employment authorization applications from asylum applicants would not apply to any renewal (c)(8) EAD applications, which would continue to be accepted and adjudicated by USCIS in the event the processing time of adjudications of affirmative asylum applications exceeds 180 days for a period of 90 consecutive days. DHS decided on a 90-day evaluation period, as it correlates with the current compilation of processing times and other statistics performed on a quarterly basis by DHS experts.

In addition, as a result of this change and the 365-day waiting period described later in this document, moving forward, fewer asylum applicants will receive employment authorization while their applications are pending. Only aliens whose asylum applications are pending beyond 365 days while the average asylum application processing time remains at or below 180 days will be eligible to file for an initial (c)(8) EAD. Just as the INS did in 1994, DHS has dutifully balanced this hardship against the need for a functioning asylum system and the need to deter aliens filing frivolous, fraudulent, or otherwise meritless claims solely motivated by the opportunity to obtain an employment authorization document. DHS believes that the asylum system is currently over-burdened and overwhelmed by asylum applications, including the frivolous, fraudulent, or otherwise by

²¹⁴ USCIS OPQ DATA, “By Fiscal Year, Data Type, and Deny/Referral Reasons” (May 22, 2025).

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ USCIS calculates processing times by determining how long it took to complete 80 percent of adjudicated cases over the last six months. See more USCIS, “Case Processing Times,” <https://egov.uscis.gov/processing-times/more-info> (last visited May 26, 2025).

meritless asylum applications filed by aliens who are seeking to obtain employment authorization. DHS understands that asylum applicants may be fleeing past persecution or may have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. INA sec. 208(b)(1), 8 U.S.C. 1158(b)(1). However, there is nothing in the statute that requires an EAD for aliens applying for asylum, rather this is a purely discretionary EAD category. The intention behind the asylum system is to provide a timely response to an asylum claim. Thereafter, the aim is to provide employment authorizations to aliens ultimately eligible for asylum, not guarantee employment authorization to all aliens who seek asylum, but may ultimately not be eligible. By pausing the acceptance of initial employment authorization applications, which has now exceeded 150,000 applications per month,²²⁰ aliens will have less incentive to file frivolous, fraudulent, or otherwise meritless asylum applications for the purposes of obtaining employment authorization, and DHS expects that asylum filings will therefore decrease, as they did in the years following IIRIRA reform. With a decline in frivolous, fraudulent, or otherwise meritless asylum applications USCIS would have greater bandwidth to focus adjudicative efforts on the existing asylum backlog by reallocating more available asylum officers to backlog cases and work toward providing timely and fair decisions. The accompanying decline in (c)(8) EAD applications would also allow USCIS to reallocate EAD staffing resources to other EAD application categories and decrease EAD processing times across the board.

USCIS recognizes that the initial pause on acceptance of new initial (c)(8) EAD applications may be lengthy as USCIS works to adjudicate the substantial backlog of pending asylum cases that are already pending before USCIS. However, USCIS believes this pause will result in a decrease in new asylum receipts comparable to the 80% decrease that was seen as a result of the INS's 1994 rulemaking. USCIS notes that the absolute number of aliens granted asylum remained relatively consistent following that rulemaking, indicating that changes in access to employment authorization did not deter aliens with meritorious asylum

applications from filing. USCIS recognizes that in this proposed rule, the pause of on EAD application acceptances will likely be significantly lengthier than the 180-day waiting period implemented through the 1994 regulation and therefore there may be some aliens with potentially meritorious filings who are deterred from filing. In conjunction with the proposed regulatory changes, USCIS intends to generally maintain its LIFO processing to asylum adjudications and believes that the combination of vastly decreased receipts and the significant increase in asylum officers over recent years will allow USCIS to work through the backlog and get to a place where the agency is adjudicating new asylum applications within the 180-day time period after this rule takes effect.

USCIS notes this represents a return to the intended functioning of these sections of the INA and regulations. Employment authorization due to a pending asylum application is intended by the statute and existing regulation to be exceptional and unusual. By linking the ability to receive a new applications for (c)(8) EAD to the pending affirmative asylum caseload, USCIS intends to ensure that this section of the INA functions as it was intended to and eliminates the ability for aliens filing frivolous, fraudulent, or meritless asylum applications to create a vicious cycle by overwhelming the asylum system and then profiting from doing so at the expense of meritorious asylum applicants and the American people.

B. 365 Calendar-Day Waiting Period To Apply for (c)(8) EADs

As discussed previously, there are many factors that have contributed to the backlog of asylum cases that leads to the abuse of the asylum system for employment authorization. Among those has been the recent expansive use of deferred action, parole, and temporary protected status (TPS). In FY 2020, USCIS data show only 104 aliens with deferred action who subsequently filed a Form I-589; by FY 2025 (YTD) that number rose to 1,158—a 1,013% increase.²²¹ In FY 2020, USCIS data show only 758 aliens with parole who subsequently filed a Form I-589; by FY 2025 (YTD) that number rose to 156,242—a 20,512% increase.²²² In FY 2020, USCIS data show only 66 aliens with TPS who subsequently filed a Form I-589; by FY 2025 (YTD) that

number rose to 43,512—a 65,827% increase.²²³ These programs, quite simply, were not intended to provide permanent immigration status to aliens. The expansive use of these programs has not only further taxed the already strained asylum system, but also increased the presence of illegal aliens and other aliens with only temporary status and low likelihood of obtaining permanent status in the United States. Filing an application for asylum is one such way an alien in this position may seek to remain in the United States.

Over the span of decades, DHS has exercised discretionary authority to parole, grant deferred action, or exercise temporary parole authority expansively to create categorical parole programs.²²⁴ The INA confers upon the Secretary the narrow discretionary authority to parole applicants for admission into the United States “temporarily under such conditions as [DHS] may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”²²⁵ While those parole

²²³ Id.

²²⁴ See e.g. DHS final rule, International Entrepreneur Rule, 82 FR 5238 (Jan. 17, 2017). DHS published a proposed rule (83 FR 24415, May 29, 2018) to rescind the International Entrepreneur Parole Program created in January 2017. Implementation of a Parole Process for Cubans, 88 FR 1266 (Jan. 9, 2023); Implementation of a Change to the Parole Process for Cubans, 88 FR 26329 (Apr. 28, 2023); Implementation of a Parole Process for Haitians, 88 FR 1243 (Jan. 9, 2023); Implementation of a Change to the Parole Process for Haitians, 88 FR 26327 (Apr. 28, 2023); Implementation of a Parole Process for Nicaraguans, 88 FR 1255 (Jan. 9, 2023); Implementation of a Parole Process for Venezuelans, 87 FR 63507 (Oct. 19, 2022); Implementation of Changes to the Parole Process for Venezuelans, 88 FR 1279 (Jan. 9, 2023).

²²⁵ INA sec. 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A); see also 8 CFR 212.5(a) and (c) through (e) (discretionary authority for establishing conditions of parole and for terminating parole). Parole was codified into immigration law in the Immigration and Nationality Act of 1952. As envisioned then, the 1952 Act authorized the Attorney General to parole aliens temporarily under such conditions as he may prescribe for emergent reasons or reasons deemed strictly in the public interest. As expressed then, “the parole of aliens seeking admission is simply a device through which needless confinement is avoided while administrative proceedings are conducted.” See *Leng May Ma v. Barber*, 357 U.S. 185, 190 (1958). However, the parole authority, whether intended to be narrow or broad, has in fact been used in an increasingly broad manner since its inception, often earning the criticism of Congress, which in 1996 wrote, “[i]n recent years, however, parole has been used increasingly to admit entire categories of aliens who do not qualify for admission under any other category in immigration law, with the intent that they will remain permanently in the United States. This contravenes the intent of section 212(d)(5), but also illustrates why further, specific limitations on the Attorney General’s discretion are necessary.” See H.R. Rep. 104-469, pt. 1, at 140 (1996). Furthermore, IIRIRA struck from INA 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A), the phrase, “for emergent reasons or for reasons deemed strictly in the public interest” as grounds for granting parole into the

²²⁰ USCIS, “Form I-765 Application for Employment Authorization, All Receipts, Denials, Pending Grouped by Eligibility Category and Filing Type,” (Apr. 30, 2025), https://www.uscis.gov/sites/default/files/document/data/i765_application_for_employment_fy2025_q1.xlsx.

²²¹ See USCIS OPQ data, I-589, Application for Asylum and for Withholding of Removal, I-730 Refugee/Asylee Relative Petition for FTJ—A Deferred Action, Parole, or TPS Preceding Asylum Filings Fiscal Years 2020–2025 (As of July 31, 2025).

²²² Id.

programs were terminated, many aliens are still in the United States, often without a pathway to lawful residence in the United States. Parole grants in recent years have been extremely large, with 795,561 parole grants in FY 2022 and 1,340,002 parole grants in FY 2023.²²⁶

In addition, the use of deferred action has expanded significantly. Deferred action is a form of discretion in which DHS chooses to not seek an alien's removal from the United States, though the alien lacks lawful status or is otherwise removable from the United States. Unlike parole, deferred action was not created by statute and is not specifically defined in the INA. The decision not to take an enforcement action is within the discretion of the agency.²²⁷ Deferred action was never meant to supplant the current legal immigration process or provide long-term relief solely to allow an inadmissible, removable, or otherwise ineligible alien to remain in the United States until he or she can qualify for a legal status.²²⁸ The largest categorical deferred action program is Deferred Action for Childhood Arrivals (DACA), and as of September 2024 approximately 538,000²²⁹ aliens were living in the United States with DACA.²³⁰

United States and inserted "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." See Pub. L. 104–208, div. C, § 602(a). "The legislative history indicates that this change was animated by concern that parole under 8 U.S.C. 1182(d)(5)(A) was being used by the executive to circumvent congressionally established immigration policy." *Cruz-Miguel v. Holder*, 650 F.3d 189, 199 n.15 (2d Cir. 2011).

²²⁶ *Noem v. Svitlana Doe*, 605 U.S. ____ (2025); DHS, "Parole Requests Fiscal Year 2023, Fourth Quarter" (Apr. 3, 2024), www.dhs.gov/sites/default/files/2024-07/2024_0403_dmo_plcy_parole_requests_q4.pdf; DHS, "Parole Requests Fiscal Year 2022" (July 12, 2023), www.dhs.gov/sites/default/files/2023-08/23_0712_cbp_fy22_parole_requests.pdf; Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, 90 FR 13611 (Mar. 25, 2025).

²²⁷ See *United States v. Texas*, 599 U.S. 670 (2023).

²²⁸ See Considerations of Deferred Action for Childhood Arrivals, Frequently Asked Questions, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions#:~:text=Although%20action%20on%20your%20case,confer%20any%20lawful%20immigration%20status>. (last visited May 27, 2025).

²²⁹ See Office of Performance and Quality, USCIS, DHS, "Count of Active DACA Recipients" ELIS, CLAIMS3, queried 11/2024, PAER0015824, https://www.uscis.gov/sites/default/files/document/data/active_daca_recipients_fy2024_q4.xlsx (last visited May 1, 2025).

²³⁰ See DHS, "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" Memorandum from Janet Napolitano, Secretary, DHS, to David V. Aguilar, Acting Commissioner, (June 15, 2012), <https://www.dhs.gov/xlibrary/assets/s1-exercising->

TPS is yet another program that does not lead to long-term legal status in the United States. Under section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. 1254a, the Secretary of Homeland Security may designate a foreign state (or part thereof) for TPS after consulting with appropriate agencies of the U.S. Government and determining that there are specified conditions present in that foreign state or part of a foreign state, such as ongoing armed conflict that would pose a serious threat to the safety of returning aliens.²³¹ The Secretary may then grant TPS to eligible nationals of that foreign state or eligible aliens having no nationality who last habitually resided in that state.²³² In addition, DHS has at times re-designated countries for TPS and allowed aliens who entered the United States after the initial designation of TPS to be newly eligible for TPS.²³³ In Calendar Year 2024 there were approximately 1,396,586 TPS beneficiaries.²³⁴

The expansive use of these three programs over the years has created a very large population of illegal aliens that do not have pathways to permanent residence in the United States outside of seeking asylum. The expansive use of these programs has further incentivized aliens to file frivolous, fraudulent, or otherwise meritless asylum applications to gain employment authorization.²³⁵ While each of these programs provides access for employment authorization, it

prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf.

²³¹ INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

²³² *Id.*

²³³ See, e.g., 89 FR 26172 (Apr. 15, 2024) (extending and redesignating TPS for Ethiopia).

²³⁴ USCIS OPQ DATA, "PAER0015852_I821-CY24_Congressional Current Holders as of 2024-12-31_FIN" (January 10, 2025).

²³⁵ As detailed above, USCIS cross-referenced all asylum application denials with asylum application denials where the alien had a previously approved application for employment authorization in the (c)(8) category, and identified a pattern. In FY2015, USCIS issued 15,515 denials or referrals to asylum applicants, but only 4,578 (29.5%) had one or more previously approved (c)(8) EAD. By FY2023, USCIS issued 5,963 denials or referrals to asylum applicants, but 4,351 (72%) had one or more previously approved (c)(8) EAD. In FY2024, USCIS issued 5,709 denials or referrals to asylum applicants, but 5,087 (89%) had one or more previously approved (c)(8) EAD. In FY2025 (through May 22, 2025), USCIS issued 11,872 denials or referrals to asylum applicants, and 9,475 (79.8%) had one or more previously approved (c)(8) EAD. At the simplest level, if there were no asylum backlog and each asylum application received was adjudicated within 180 days, none of those aliens whose asylum applications were denied would have been granted an employment authorization. See generally, USCIS OPQ DATA "Form I-589, Application for Asylum and for Withholding of Removal (Principals only), Pending/Denial/Referral with a previously approved I-765(c)(8) by FY for FY2015–2025 (through May 22, 2025)".

is for a specific and time-limited period. Asylum remains an attractive option for aliens to secure employment authorization for an extended period of time, despite lacking a basis for asylum, due to the enormous backlog.

With this background, DHS is proposing in this rule to extend the time period an asylum applicant must wait before he or she is eligible to be granted employment authorization based on a pending asylum application from 180 days to 365 calendar days. See 8 CFR 208.7(a)(1). DHS also proposes to eliminate the separate waiting periods for eligibility to receive an EAD, so that aliens are eligible to apply and be granted employment authorization at the same time. Currently, an asylum applicant may file for employment authorization once their application for asylum has been pending for 150 days and may receive an EAD after their application for asylum has been pending for 180 days, excluding any alien-caused delays. 8 CFR 208.7(a)(1). Under the current model, both USCIS and the alien must track two timeframes: the 150-day waiting period, and the 180-day Asylum EAD Clock. The clock calculation is subject to starts and stops based on delays, depending on whether the delay is an agency-caused delay or an alien-caused delay. 8 CFR 208.7(a)(2). As described in section D.3.a of this preamble, this system is complicated and overly burdensome on both the alien and USCIS. Thus, DHS proposes to codify in regulation that it will merge the waiting period to apply and the waiting period to be eligible into one, straight-forward timeline: 365 calendar days.²³⁶

Under the proposed rule, USCIS will no longer have to account for alien-caused delays in calculating the 180-day Asylum EAD Clock, but will instead simply calculate 365 calendar days from the asylum application receipt date to determine when an alien can request employment authorization. The INS previously chose the 180-day waiting period to deter aliens who are meritless asylum seekers from filing frivolous, fraudulent, or meritless claims to obtain employment authorization. 59 FR 62284 (Dec. 5, 1994). As the 180-day waiting period is no longer providing a deterrence, DHS proposes to codify in regulation that it will change the time

²³⁶ As described in section II.C.2 of this preamble, the proposed 365-waiting period would apply to applications filed on or after the effective date of the final rule. The proposed rule would retain the same substantive provisions regarding the 180-day Asylum EAD clock, and applicant-caused delays, as are found in the current 8 CFR 208.7(a)(1) and (2) for applications pending as of the effective date of the final rule.

period to a 365-day waiting period. USCIS notes that the current regulations allow the applicant to submit the application at 150 days and then builds in the 30-day processing timeframe buffer to add up to 180 days; but USCIS proposes now to eliminate the processing time buffer, so that that aliens may not apply until 365 days after their asylum application is received. Coupled with the 180-day adjudication timeframe, these changes could increase the total waiting period for an EAD to 545 days. By choosing a waiting period that exceeds the target 180-day processing time for asylum applications, DHS hopes to deter frivolous, fraudulent, or meritless applications and, in turn, be able to approve meritorious asylum applications more quickly, ensuring only those with approved asylum petitions are able to work within 365 calendar days.

Elimination of the 180-day Asylum EAD Clock would resolve some of the difficulties adjudicators face in processing (c)(8) EAD applications. The current 180-day Asylum EAD Clock requires complex and time-consuming tracking of clock starts and stops for each alien's case and coordination with EOIR for defensively filed cases that are not under USCIS' jurisdiction. *See* 8 CFR 208.7(a)(2). Changing the process from a 180-day clock with starts and stops to a clear 365-calendar-day waiting period would simplify the determination of the date of the alien's employment authorization eligibility.

Moving from the 180-day Asylum EAD Clock to a straightforward 365 calendar-day waiting period would also eliminate the need to use finite government resources for the purpose of calculating clock starts and stops, and for providing customer service support for aliens who have questions about their clock status, including potential miscalculations or questions about clock stoppages. Under this proposed rule, DHS would deny EAD applications filed before the 365 calendar-day waiting period has elapsed. Once accepted, DHS would be able to adjudicate the request on the proposed substantive eligibility requirements without expending resources on clock calculations.

DHS believes increasing the waiting period before an asylum applicant may obtain employment authorization will also decrease the incentives for aliens who do not have meritorious asylum claims to exploit the system by filing frivolous, fraudulent, or meritless claims in order to obtain employment authorization. Currently, an asylum applicant may file for employment authorization once their application for

asylum has been pending for 150 days and may receive an EAD after their application for asylum has been pending for 180 days, excluding any alien-caused delays. 8 CFR 208.7(a)(1). As the USCIS affirmative asylum pending caseload is at approximately 1.45 million and the EOIR asylum application pending caseload is over 2.37 million,²³⁷ there is a significant incentive for certain aliens to exploit the immigration system and file for asylum, even if their cases will ultimately be denied on the merits, as a means to obtain employment authorization for the years' long period that their application is pending.²³⁸ In order to combat the rising backlog of affirmative asylum cases and the significant length of time aliens wait before adjudication and comply with statutory interview requirements,²³⁹ legacy INS implemented the last in, first out (LIFO) asylum adjudication scheduling priorities, which aims to deter those who might try to take advantage of the existing backlog in order to obtain employment authorization.²⁴⁰ Giving priority to recent filings typically allows USCIS to promptly place aliens into removal proceedings if USCIS does not grant the asylum application, which reduces the incentive to for aliens contemplating filing for asylum today solely to obtain employment authorization.²⁴¹ LIFO was first established during the asylum reforms of 1995 and used for 20 years until 2014. The end of LIFO in 2014 led to a significant increase in asylum application filings. Subsequently, LIFO was reimplemented in 2018, and USCIS continues to give priority to recent filings today. However, by the time USCIS returned to LIFO scheduling, the backlog had grown by more than 1,750

²³⁷ USCIS, "Number of Service-wide Forms By Quarter, Form Status, and Processing Time" (Apr. 30, 2025), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2025_q1.xlsx; EOIR, *Adjudication Statistics: Total Asylum Applications* (July 31, 2025), <https://www.justice.gov/eoir/media/1344871/dl?inline>.

²³⁸ *See, e.g.,* Muzaffar Chishti & Julia Gelatt, "Mounting Backlogs Undermine U.S. Immigration System and Impede Biden Policy Changes," Migration Policy Institute (Feb. 23, 2022); Doris Meissner, et al., "The U.S. Asylum System in Crisis: Charting a Way Forward," Migration Policy Institute (Sept. 2018), pp. 4 and 9–12, for additional discussion on the impact of backlogs and delays in immigration proceedings.

²³⁹ *See* INA § 208(d)(5)(A)(ii), ". . . in the absence of exceptional circumstances, the initial interview or hearing on the asylum application shall commence not later than 45 days after the date an application is filed[.]"

²⁴⁰ USCIS, "Affirmative Asylum Interview Scheduling," <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling> (last updated Mar. 29, 2024).

²⁴¹ *Id.*

percent from FY 2014 through FY 2017.²⁴²

In March 2024, USCIS implemented a second simultaneous scheduling track in addition to LIFO. Under the second track, USCIS assigns some of its asylum officers to complete affirmative asylum applications pending in the backlog, starting with the oldest applications and working forward. This permits some of the oldest pending applications to be completed in chronological order.²⁴³

USCIS has not been able to reduce the backlog of affirmative asylum applications through scheduling alone, and DHS continues to see large numbers of affirmative asylum application filings, the majority of which are likely to be ultimately unsuccessful, and significant numbers of related employment authorization applications. As described in Section III.C., USCIS has tripled the number of asylum officers in the last decade and implemented numerous other efforts to address the building backlog and integrity concerns. However, in recent years, insufficient staffing,²⁴⁴ insufficient physical office space,²⁴⁵ and shifting geopolitical realities, including a fundamental shift in global migration patterns,²⁴⁶ and the expansive use of parole, deferred action, and TPS, have necessitated the reassignment of asylum officers to other urgent caseloads, such as credible fear and reasonable fear screenings and other border-related workloads. The diversion of asylum officers to other mandatory tasks, along with the surge in litigation seeking to compel immediate action on individual asylum applications, reduced the number of asylum officers available for the processing of non-litigation-related affirmative asylum applications, which drastically decreased the number of affirmative asylum interviews scheduled and applications adjudicated.²⁴⁷ Because of these recent

²⁴² USCIS, "USCIS to Take Action to Address Asylum Backlog" (Jan. 31, 2018), <https://www.uscis.gov/archive/uscis-to-take-action-to-address-asylum-backlog>.

²⁴³ USCIS, "Affirmative Asylum Interview Scheduling" <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling> (last updated Mar. 29, 2024).

²⁴⁴ Office of Inspector General, DHS, "USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Claims" (July 3, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf>.

²⁴⁵ *Id.*

²⁴⁶ *Id.*; IOM, *World Migration Report 2024: Chapter 3—Migration and migrants: Regional dimensions and developments* (2024), available at <https://publications.iom.int/books/world-migration-report-2024-chapter-3> (last accessed July 15, 2025).

²⁴⁷ *See* USCIS, "Asylum Application Processing Fiscal Year 2023 Report to Congress" at 5–7, (Nov.

challenges to an already overwhelmed system and the fact that the processing order, alone, is not sufficient to address the massive number of asylum filings, additional measures must be implemented to deter meritless asylum filings. DHS believes that introducing a 365 calendar-day waiting period will result in a decreased number of asylum filings. The combined effect of the extended waiting-period for employment authorization and USCIS' prioritization of recently-filed asylum applications should drive the number of meritless asylum filings down and allow USCIS to dedicate more adjudicative resources to backlog cases.

C. Changes to Filing Requirements for Asylum Applications

DHS proposes to codify in regulation changes to the filing requirements for asylum applications to streamline the intake, processing, and adjudication of cases pending before USCIS. The proposed 8 CFR 208.3(c)(3) has been updated to conform its current process for determining when an asylum application is received and complete to the general rules governing all other immigration benefits under 8 CFR 103.2. Currently, 8 CFR 208.3(c)(3) states that an asylum application is incomplete if it does not include a response to each question on the Form I-589, is unsigned, or is unaccompanied by the required materials specified in 8 CFR 208.3(a)(1) (*i.e.*, the Form I-589, supporting evidence, and additional copies of the Form I-589 for each dependent family member). Further, the current regulation states that an incomplete application will not commence the EAD clock and that USCIS will return it to the alien within 30 days. 8 CFR 208.3(c)(3). However, if USCIS fails to return an incomplete application within 30 days, the application will automatically be deemed complete and accepted for adjudication. *Id.*

In order to facilitate the alignment of affirmative asylum applications with the general requirements for filing benefit requests with USCIS, the proposed rule specifies, in part, that an asylum application filed with USCIS must be properly filed in accordance with 8 CFR 103.2 and the form instructions and that USCIS will record the receipt date of the

application in accordance with 8 CFR 103.2(a)(7). The proposed rule also specifies that the receipt date will begin the waiting period for an EAD. Similar to the movement from the 180-day Asylum EAD Clock to the 365-calendar day wait, this change eliminates another decision point for the agency in order to preserve finite government resources. Rather than have the commencement of the waiting period be another question needing adjudication, this change would automate it.

The regulation as proposed states that an application that is not filed in accordance with 8 CFR 103.2 and the form instructions would be deemed incomplete, then subsequently rejected and returned to the applicant within 30 days. 8 CFR 103.2 and form instructions for Form I-589, Application for Asylum and for Withholding of Removal clearly explain the requirements for a complete form. 8 CFR 103.2 requires that every form submitted to DHS be in accordance with the form instructions, and the instructions for Form I-589, Application for Asylum and for Withholding of Removal require that the alien answer all questions on the form. Additionally, 8 CFR 103.2 and the form instructions require a signature on the form. 8 CFR 103.2 clarifies that this signature may be the alien, or the alien's parent or legal guardian if the alien is under 14 years of age or is unable to sign due to mental incompetence. Finally, Form I-589 form instructions require that the alien submit "reasonably available corroborative evidence" to support the claim and other required materials, including a copy of identity documents. USCIS is currently under an obligation to return incomplete asylum applications to the alien within 30 days of the receipt of the application. Since 2023, USCIS has rejected 9.44% of submitted asylum applications solely due to a form deficiency, meaning that a required field on the form was not completed.²⁴⁸ Over the same time, USCIS has rejected an additional 11% of submitted applications for having multiple defects, one of which included a missing required field.²⁴⁹ This rule's added clarity that asylum applicants must properly fill out their forms would decrease the percentage of rejected asylum applications and increase the quality of asylum applications received by the agency.

Currently, if USCIS fails to return an incomplete application within 30 days,

the application will automatically be deemed complete and accepted for adjudication. This current requirement is burdensome on USCIS because it places an adjudication obligation on USCIS where an alien files an incomplete application. The 30-day provision is also inconsistent with how all other applications and petitions for immigration benefits are treated, and it creates an arbitrary circumstance for treating a potentially incomplete asylum application as complete. In fact, Form I-589 is the only USCIS form that the agency is required to accept, even if it is incomplete, simply because more than 30 days have passed since receipt. This disparity in treatment creates an opportunity for frivolous, fraudulent, or otherwise meritless applications to exploit the asylum process from the start and add to the massive affirmative asylum backlog. Additionally, asylum officers must obtain the omitted information during asylum interviews expending scarce resources on basic information gathering simply because an alien chose not to provide such information at the time of filing. Therefore, the proposed regulations would treat asylum applications like all other applications received and adjudicated by USCIS, meaning that after the effective date of this rule incomplete asylum applications would not be deemed complete even if USCIS does not return a rejected application within 30 days of receipt. An alien should consider the filing date on their receipt notice as beginning the 365-day waiting period. If an application is subsequently rejected as incomplete and returned to the applicant, the 365-day waiting period will start over when the application is resubmitted, accepted, and receipted.

Finally, as discussed earlier, this regulation proposes to substitute the 180-day Asylum EAD Clock with a straightforward 365 calendar-day waiting period. Thus, provisions regarding alien-caused delays for the purposes of the 180-day Asylum EAD Clock would also be stricken.

D. Processing Timeframe for (c)(8) EADs

Currently, USCIS is required to adjudicate initial (c)(8) employment authorization applications within 30 days from when the applicant files the Form I-765. 8 CFR 208.7(a)(1). This processing timeframe was established more than 30 years ago (59 FR at 62299), at a time when affirmative asylum and employment authorization application receipts were significantly lower, biometrics were collected under a different process, screening and vetting between different federal agencies was

1, 2023), https://www.dhs.gov/sites/default/files/2024-01/2023_1101_uscis_asylum_application_processing_fy2023.pdf. For example, in FY 2024, USCIS completed 40 percent less affirmative asylum applications than it completed in FY 2022. USCIS, "All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)" (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

²⁴⁸ USCIS analysis of internal ODP data on the number of Forms I-589 rejected (coded solely "R-42") at intake due to incomplete applications, May 28, 2025.

²⁴⁹ *Id.*

less complex, and the pending affirmative asylum caseload was nowhere near its current number of close to 1.45 million pending asylum cases. At the time the 30-day processing timeframe was implemented, the former INS adjudicated EAD applications at local INS offices. Now, with the explosive growth of applications, EAD applications are processed by USCIS service centers. Another complicating factor in the processing of applications for employment authorization is the increased concern for fraud and national security threats that require more thorough and complex vetting.

As discussed above in Section III.D, in 2015, as a result of the massive growth in applications and increased wait times in processing, plaintiffs in *Rosario v. USCIS* brought a class action to compel USCIS to comply with the 30-day processing timeframe required under 8 CFR 208.7(a)(1).²⁵⁰ On July 26, 2018, the district court enjoined USCIS from further failing to adhere to the 30-day processing timeframe for adjudicating (c)(8) EAD applications.²⁵¹ Since the *Rosario* court order, USCIS has redistributed its adjudicative resources to comply with the 30-day processing requirement. Furthermore, USCIS is required to utilize overtime in order to even come close to compliance with the 30-day processing time, offering cross-training to officers working other benefit types, reassigning officers from other benefit types such as TPS and EAD renewals, and assigning officers to work (c)(8) initials as a part-time assignment in addition to their normal caseloads. There have been continued efforts to comply with the court order, but this time and resource burden has placed significant strain on already limited agency resources. Applications for initial (c)(8) EADs were until recently free to file, and while this was offset by increased fees for other services,²⁵² this immense (c)(8) EAD 30-day processing burden still fell directly to the agency. The full-time equivalent hours needed to maintain substantial compliance with the 30-day processing time has grown by over 16 times since the *Rosario*

settlement. By way of comparison, at the time of the *Rosario* settlement the adjudication of monthly incoming (c)(8) initial applications required the equivalent of 50 fulltime employees to maintain compliance with incoming receipts. By March 2025, the equivalent of more than 800 fulltime employee equivalents was required to maintain compliance due to the significant increase of incoming monthly receipts. This massive increase creates an obvious strain on finite operational resources and necessitates cross-training, utilizing overtime, and pulling resources from other workloads in the increasingly arduous burden to attempt to maintain substantial compliance with the 30-day processing requirement. This is equivalent to approximately 20 percent of all immigration services officers. By extending the 30-day processing timeframe to 180-days, these resources could be reallocated, potentially reducing delays in processing other benefit requests. Extension of the 30-day processing timeframe to 180-days for initial applications for employment authorization filed on or after the effective date of the final rule would increase agency flexibility in allocating resources, determining caseload priorities, and implementing new vetting processes as needed.

Due to these resource constraints and vetting needs, DHS has considered changing its processing timeframes for (c)(8)-based employment authorization applications and is now proposing to extend the processing timeframe for initial (c)(8) EAD applications from 30 to 180 days to allow for adequate review time. It should be noted that while DHS adjudicates employment authorization applications for dozens of EAD categories, the (c)(8) employment authorization category is the only category with an adjudication clock; unfortunately, the (c)(8) category is the highest volume EAD category. In fact, in FY 2025 Q1, USCIS received 387,015 applications for employment authorization based on a pending asylum application.²⁵³ The second closest category for incoming receipts in FY 2025 Q1 was (c)(11), employment authorization for public interest parolees, with 135,274 applications for employment authorization.²⁵⁴ Based on FY 2025 Q1 data, incoming receipts in

the (c)(8) EAD category were more than double that of the next largest volume EAD category. The overwhelming scale of (c)(8) EAD application receipts, coupled with a need for upgraded approaches to process integrity and vetting, warrant an extension of the (c)(8) EAD application processing timeframe. DHS believes that an increase from the 30 days to 180 days for processing will provide EAD adjudicators with adequate time to conduct background checks and thoroughly vet aliens as provided for in this proposed rulemaking. DHS also believes that increasing the processing timeframe to 180 days provides the agency with a significant buffer for potential surges in asylum receipts. Therefore, DHS proposes to codify in regulation that it will extend the processing timeframe from 30 to 180 days for initial employment authorization applications filed on or after the effective date of the final rule.

DHS understands that asylum applicants whose EAD applications were pending prior to the effective date of the final rule may have been relying on the 30-day processing timeframe. Therefore, for initial applications for employment authorization received prior to the effective date of the final rule, DHS would not change that processing timeframe. This would allow USCIS the flexibility to quickly process those applications that were pending prior to the rule's effective date, understanding that these asylum applicants who may have relied upon the 30-day processing time that existed at the time they filed their (c)(8) EAD applications. Maintaining the 30-day processing timeframe for aliens whose applications for employment authorization based on pending asylum applications were pending prior to the effective date of the final rule would also offer those aliens more predictability in the adjudication of their applications.

For initial applications for employment authorization received on or after the effective date of the final rule, DHS would extend the processing timeframe from 30 to 180 days. DHS recognizes the reliance interests of any alien who has filed an asylum application and is waiting the current 150-days to file an application for employment authorization and expecting a decision on his or her (c)(8) EAD application within 30-days and who would be impacted by the changes in this rulemaking, if finalized. Further, DHS understands that the extension of a processing timeframe may create hardship and insecurity for aliens who would prefer to have a shorter deadline

²⁵⁰ *Rosario*, 365 F. Supp. 3d, 1156. The plaintiffs in *Rosario* also sought to compel USCIS to comply with the 90-day rule for (c)(8) renewals based on the EAD adjudicative timeframe in 8 CFR 274a.13(d). USCIS' failure to comply with either the 30-day timeframe for initial (c)(8) EAD applications or the 90-day timeframe for (c)(8) renewals meant USCIS should have issued interim employment authorization under (then current) 8 CFR 274a.13(d) (2015).

²⁵¹ *Id.*

²⁵² U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 89 FR 6194, 62172–73 (Jan. 31, 2024).

²⁵³ USCIS, “Form I-765, Application for Employment Authorization Counts of Pending Applications by Days Pending and by filing type for All Eligibility Categories and (c)(8) Pending Asylum Category (Fiscal Year 2025, Quarter 1)” (Apr. 30, 2025), https://www.uscis.gov/sites/default/files/document/data/i765_p_allcat_c08_fy2025_q1.xlsx.

²⁵⁴ *Id.*

by which they can expect the adjudication of their work authorization.

However, DHS has determined that several other considerations outweigh those reliance interests. Considering the enormous size of this pending affirmative asylum caseload, the need to prevent frivolous, fraudulent, or meritless filings and protect the integrity of the immigration system, that this is the only EAD category with a processing timeframe, the substantial amount of finite USCIS resources taken up by this workstream, and the tendency of this workstream to vary in number of receipts significantly over a very short period of time, extension of the processing timeframe is the only feasible change for USCIS. This processing timeframe extension to 180 days will provide USCIS with sufficient time to schedule a biometrics collection, adequately screen and vet, refer to ICE if necessary, and process initial (c)(8) applications for employment authorization. Scheduling biometrics collection and adequate screening and vetting, in addition to referrals to ICE if derogatory information is discovered, takes more than 30 days, and the extension of the processing timeframe to 180 days will allow USCIS to more thoroughly review potential concerns and flag issues that may prohibit an alien from receiving employment authorization. This will reduce opportunities for fraud and protect vital national security and public safety interests by denying those with certain criminal or security concerns from accessing employment authorization, further strengthening the integrity of the immigration system. DHS believes the combination of multiple factors ultimately outweigh the alien's expectation to receive employment authorization within 30 days of applying, which include the need to adjudicate all EAD applications in a timelier manner, requiring reallocation of adjudicatory resources from the (c)(8) applications to other EAD categories, to thoroughly vet aliens applying for employment authorization, to refocus on the initial intention of the asylum process, timely adjudication of an alien's request for asylum, and to prioritize benefit integrity overall. Additionally, USCIS is not bound to a set timeframe for adjudication of EAD applications in other categories, and due to the extremely short turnaround to adjudicate initial (c)(8) EAD applications, the other categories of EAD applications have been deprioritized. Extending the processing timeframe for initial (c)(8) EAD

applications will allow USCIS to more equitably distribute resources to process other employment authorization applications and process all EAD applications in a more efficient and timely manner.

E. Biometrics Requirements

The proposed rule requires all applicants for a (c)(8) EAD, including applicants to renew a (c)(8) EAD, to submit biometrics. Currently, DHS requires biometrics from asylum applicants in connection with the asylum application,²⁵⁵ but has not had a routine biometrics requirement for the (c)(8) EAD application. The continued absence of a routine biometrics requirement will lead to complications and delays in adjudicating the (c)(8) EAD application given the requirement for the agency to identify aliens for aggravated felonies, along with the additional proposed eligibility requirements discussed later in this document.

To support the enhanced eligibility requirements that would be added under this rule, the proposed provision at 8 CFR 208.7(a)(1)(i) requires all applicants for a (c)(8) EAD to submit biometrics at a date and time to be scheduled by USCIS. Consistent with its current practices for applications and petitions with an associated biometrics requirement, USCIS would issue a notice informing the (c)(8) EAD applicant of the place and time of their ASC appointment.

For the (c)(8) population itself, the biometrics requirement would resolve program integrity gaps for both the affirmative and defensive-based asylum pathways. The (c)(8) employment authorization category has a specific aggravated felony conviction bar under 8 CFR 208.7(a)(1). While the Form I-589 on which the (c)(8) eligibility is reliant does have a biometrics requirement that provides an avenue for criminal history check results to be obtained and reviewed in order to apply the aggravated felony conviction bar, the asylum EAD filing and approval clock requirements introduce unintended disruptions to the availability of this information. For both affirmative and defensive applicants, unintended delays in scheduling biometrics appointments for the Form I-589 frequently result in the alien accruing 150 and 180-days before appearing at an Applicant Support Center. This results in the (c)(8) application being adjudicated without

biometric-based criminal history check results and the intended application of the aggravated felony conviction bar. In FY2024 the average amount of time between Form I-589 filing and completed biometrics collection was 96 days; in FY 2025 (YTD through July 30, 2025) the average was 126 days.²⁵⁶ Operationally this means some cases would be above those averages, other cases would be lower. In general, however, Form I-589 is auto expedited when scheduling ASC appointments; I-589s receive the first appointment available. As with any USCIS form subject to biometrics collection, aliens can self-reschedule their I-589 biometrics appointment twice on USCIS' website. USCIS accepts reschedule requests via website, contact center, or by contacting their local office; but each asylum office has their own rescheduling policy. Further, for defensive asylum applicants, the application of the aggravated felony conviction bar and availability of biometric-based criminal history check results is dependent on EOIR courts applying the clock stop codes to document the alien's attendance at biometric appointments. For certain defensive applicants, they do not attend an ASC appointment, fingerprint results are not generated, but the clock accrual requirements are met and the I-589 remains pending before EOIR. At present, without a (c)(8) biometrics requirement, these cases must be decided without the benefit of biometric-based criminal history check results and an incomplete background check assessment for the aggravated felony conviction bar.

The new routine biometrics requirement will also benefit the U.S. government by enabling DHS to know with greater certainty the identity of aliens requesting EADs in connection with an asylum application and allowing USCIS to detect any identity or fraud issues that may have occurred between the 365-days when the asylum application was filed and when the (c)(8) EAD can be filed. The biometrics requirement also will allow DHS to conduct criminal history background checks for public safety and national security. USCIS will use the alien's biometrics to securely produce the EAD and properly vet the alien's criminal history to determine if the alien warrants a favorable exercise of discretion.

²⁵⁵ USCIS, DHS, "Instructions for Application for Asylum and for Withholding of Removal (Form I-589)," OMB No. 1615-0067 (expires Sept. 30, 2027), <https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf> (last updated Jan. 20, 2025).

²⁵⁶ USCIS internal data, Immigration Records and Identity Services, Form I-589 Biometrics Appointment Metrics, July 30, 2025.

F. Eligibility Requirements

As discussed elsewhere in this proposed rule, a (c)(8) EAD is not an entitlement but is provided by the authority and within the discretion of the Secretary. INA sec. 208(d)(2), 8 U.S.C. 1158(d)(2). Since the (c)(8) EAD is explicitly tied to an application for asylum, DHS proposes to codify in regulation that it will introduce additional eligibility requirements for a (c)(8) EAD benefit that mirror many baseline eligibility requirements for asylum, including the 1-year filing deadline, criminal bars, and illegal entry such that those who are ineligible for asylum are also rendered ineligible for an EAD.

These additional eligibility requirements are a departure from the policy expressed in the 1994 asylum NPRM, which states that “[t]he INS will adjudicate these applications for employment authorization within 30 days of receipt, regardless of the merits of the underlying asylum claim.” 59 FR at 14780. In that NPRM, the INS determined that decoupling the asylum application from the application for employment authorization would discourage applicants from filing meritless asylum applications solely to obtain employment authorization. At that time, the INS believed that all applicants would have work authorization after 180 days unless their asylum claims were denied. The INS also believed that delaying pending asylum applicants’ ability to apply for employment authorization would allow the agency to gain better control over growing backlogs and processing times. Now, DHS has determined that recoupling these applications by implementing stronger eligibility requirements is necessary to achieve those same results. The departure from the 1994 NPRM is necessary and appropriate for multiple reasons: the huge pending affirmative asylum caseload of 1.45 million, the sheer scope and complexity of the frivolous, fraudulent, and meritless asylum filings has increased, and the continually growing number of (c)(8) EAD applications that currently unduly burdens USCIS operations. As discussed thoroughly in the overview of reform efforts above, DHS believes that the high number of asylum applications and corresponding (c)(8) EAD applications is made up, in part, of frivolous, fraudulent, or otherwise meritless filings. Thus, DHS believes that introducing certain eligibility requirements will help curb filings of meritless asylum applications and allow USCIS to better address current pending

applications in a timely and orderly manner, and—most significantly—will only limit access to EADs for aliens who would not ultimately be eligible for asylum.

Finally, DHS acknowledges that requiring EAD adjudicators to consider new eligibility requirements that are also analyzed in the asylum interview will likely increase the time needed to process (c)(8) employment authorization applications and could be viewed as contradictory to stated efficiency goals. However, DHS expects that implementing these new eligibility requirements will help the department achieve the desired effect of more efficiently identifying and adjudicating meritless cases and national security or public safety concerns. In the long run, achieving these goals will also help DHS increase efficiency in adjudications.

1. One-Year Filing Deadline

DHS proposes to codify in regulation that it will generally deny requests for (c)(8) EAD applications by aliens who have not demonstrated that they filed their asylum application in accordance with the 1-year filing deadline, as described in 8 CFR 208.4(a)(2).

With the passage of IIRIRA, Congress added three categorical statutory bars to applying for asylum. Public Law 104–208, div. C, sec. 604(a), 110 Stat. 3009, 3009–691; INA sec. 208(a)(2), 8 U.S.C. 1158(a)(2). Aliens who failed to apply for asylum within 1 year of arriving in the United States are subject to a bar to applying for asylum, unless they can demonstrate that there are changed circumstances materially affecting the alien’s eligibility for asylum or extraordinary circumstances directly related to the failure to meet the 1-year filing deadline. INA sec. 208(a)(2)(B), (D), 8 U.S.C. 1158(a)(2)(B), (D). This bar is commonly known as the 1-year filing deadline. Through statute, Congress specifically chose to promote efficiency by prohibiting asylum applications filed more than 1 year after entry. The 1-year time frame was contemplated by Congress as an acceptable timeframe in which aliens should be able to secure legal representation and seek asylum relief. In fact, Congress specifically rejected other time frame proposals, like that of a 30-day asylum application filing deadline, choosing instead to set a 1-year filing deadline.²⁵⁷

Despite this prohibition, both DHS and EOIR adjudicate asylum applications filed by aliens who reside

in the United States for years before applying for asylum. As of May 14, 2025, approximately 520,964 pending affirmative asylum applicants filed their Form I–589 between 1 year and over 10 years after entry. As of July 30, 2025, approximately 97,452 affirmative asylum cases filed between 1 year and over 10 years after entry were granted and 274,633 cases filed with the same timeframe were referred or denied. Many aliens filing for asylum now are aliens who were inspected and admitted or paroled but failed to depart at the end of their authorized period of stay (overstays), or who entered without inspection and admission or parole.²⁵⁸

As mentioned throughout, there is a record of close to 1.45 million pending affirmative asylum cases in USCIS’ pending affirmative asylum caseload. USCIS is under great strain to adjudicate these cases, and the average processing time for an affirmative asylum case is 1,287 days. Due to how long it can take to adjudicate an affirmative asylum application, and because of the significant disparity in the eligibility requirements between an asylum application and a (c)(8) EAD, there is little to dissuade an alien from filing an asylum application for the sole purpose of obtaining employment authorization, even when an alien is statutorily ineligible for asylum or there is minimal likelihood that asylum would be granted.

USCIS has also attempted to reduce the affirmative asylum backlog in other ways. For example, a contributing factor to the asylum backlog is an increase in the number of aliens who file skeletal or meritless asylum applications affirmatively to seek a referral to the immigration court by an asylum officer. Once placed in removal proceedings in the immigration court, the alien can apply for cancellation of removal (COR)²⁵⁹—a form of relief from removal resulting in lawful permanent residence available to those who have at least 10 years of physical presence in the United

²⁵⁸ Noah Schofield and Amanda Yap, Office of Homeland Security Statistics, “Asylees: 2023” (Oct. 2024), at 3, https://ohss.dhs.gov/sites/default/files/2024-10/2024_1002_ohss_asylees_fy2023.pdf (From 2014–2023 (“about 79 percent of affirmative asylum applicants self-reported the status in which they entered the United States before applying for asylum. Of those who provided a response, 32 percent reported having entered on B–2 visas (tourists), 25 percent reported having entered without inspection (EWI, *i.e.*, having been unauthorized), and 5.8 percent reported having entered on B–1 visas (temporary business visitors).”).

²⁵⁹ Internal USCIS Memo—Procedures for Notice of Evidence of Untimely Filing and Optional Waiver of Asylum Interview.

²⁵⁷ See H. Rept. 104–469 (1995); Philip G. Schrag, et al., “Rejecting Refugees: Homeland Security’s Administration of the One-Year Bar to Asylum,” 52 Wm. & Mary L. Rev. 651 (2010), pp. 669–672, <https://scholarship.law.wm.edu/wmlr/vol52/iss3/2/>.

States and who meet additional eligibility criteria.²⁶⁰

As mentioned throughout, there is a record of close to 1.45 million pending affirmative asylum cases, and USCIS is under great strain to adjudicate these cases, and the average processing time for an affirmative asylum case is 1,287 days. Due to how long it can take to adjudicate an affirmative asylum application, and because of the significant disparity in the eligibility requirements between an asylum application and a (c)(8) EAD, there is little to dissuade an alien from filing an asylum application for the sole purpose of obtaining employment authorization, even when an alien is statutorily ineligible for asylum or there is minimal likelihood that asylum would be granted.

With the passage of IIRIRA, Congress added three categorical statutory bars to applying for asylum. Public Law 104–208, div. C, sec. 604(a), 110 Stat. 3009, 3009–691; INA sec. 208(a)(2), 8 U.S.C. 1158(a)(2). Aliens who failed to apply for asylum within 1 year of arriving in the United States are subject to a bar to applying for asylum, unless they can demonstrate that there are changed circumstances materially affecting the alien's eligibility for asylum or extraordinary circumstances directly related to the failure to meet the 1-year filing deadline. INA sec. 208(a)(2)(B), (D), 8 U.S.C. 1158(a)(2)(B), (D). This bar is commonly known as the 1-year filing deadline. Through statute, Congress specifically chose to promote efficiency by prohibiting asylum applications filed more than 1 year after entry. The 1-year time frame was contemplated by Congress as an acceptable timeframe in which aliens should be able to secure legal representation and seek asylum relief. In fact, Congress specifically rejected other time frame proposals, like that of a 30-day asylum application filing deadline, choosing instead to set a 1-year filing deadline.²⁶¹

DHS has attempted to address asylum applications filed outside of the 1-year filing deadline by seeking to reduce asylum filings that are intended to result in removal proceedings for the purpose of seeking COR. In 2018, the Asylum Division began issuing Untimely Filing notices to asylum applicants with over 10 years of physical presence, allowing aliens to waive their asylum interview and be referred to immigration court. In

FY 2023, the Asylum Division formalized these procedures concerning late-filed cases and continues to offer aliens the opportunity to waive the asylum interview and be referred to immigration court based on the 1-year filing deadline.²⁶² In February 2025, the Asylum Division centralized at the Asylum Vetting Center the issuance of all interview waiver notices for these late-filed cases and the referral to immigration court of aliens who accepted the interview waiver. As of April 9, 2025, USCIS estimates that approximately 82,700 pending cases have been filed by aliens who were living in the United States for at least 10 years at the time of filing their asylum application. In FY 2025 Q1, USCIS offered interview waivers to 2,957 applicants; 8 percent accepted the offer. In the past 5 fiscal years, including FY 2025 Q1, approximately 18 percent of aliens who were offered the opportunity to waive their interview accepted the offer. With this low rate of interview waivers offered and accepted, there has not been significant impact on the asylum backlog or on the rate of affirmative asylum application filings.

To curb the pull-factor of employment authorization for those who have been present in the United States for more than 1 year, DHS proposes to codify in regulation an ineligibility ground for (c)(8) EAD applications based on the application of the 1-year filing deadline for asylum applications. This provision would reduce the asylum influx of applications by disincentivizing aliens to file meritless asylum applications for the sole purpose of obtaining employment authorization. As Congress determined, absent changed or extraordinary circumstances, the statutory 1-year filing period is a sufficient period of time for aliens with meritorious asylum claims to submit their application to USCIS or an IJ.²⁶³ DHS proposes to codify in regulation that it will apply the one-year filing deadline provision to any alien who filed his or her asylum application on or after the effective date of this final rule and filed the application after the 1-year filing deadline.

DHS is also proposing to allow two very limited exceptions to the 1 year-filing deadline as it relates to eligibility for a (c)(8) EAD. First, the rule proposes to except aliens from the application of the one-year bar to their (c)(8) EAD application for those who have

established an exception under section 208(a)(2)(D) of the INA, 8 U.S.C. 1158(a)(2)(D), as determined by an asylum officer or IJ. For instance, there are situations where an asylum application is referred to the IJ on its merits, but the asylum officer had determined that an exception to the 1-year filing deadline bar applied. In a situation such as this, while the asylum applicant's case is pending review before the IJ, his or her application for employment authorization would not be barred by the 1-year filing deadline because they meet the exception.

Second, the rule proposes to codify the statutory exception to the application of the 1-year bar for aliens whose applications were under USCIS' initial jurisdiction because the alien was a UAC under 6 U.S.C. 279(g)(2).²⁶⁴ This provision also follows the Settlement Agreement in *J.O.P. v. U.S. Dept of Homeland Security*, 8:19-cv-01944 (D. Md.) (approved Nov. 25, 2024) (*J.O.P. Settlement Agreement*), under which the statutory 1-year filing deadline does not apply if the alien is a class member who was previously under USCIS' initial jurisdiction as a UAC even if an IJ later found that the alien was no longer a UAC.

2. Criminal Bars

In recent years, the United States has seen a massive influx of migrants, requiring DHS to divert resources to address the high number of migrant arrivals. The sharp increase of arriving migrants also coincided with a sharp increase in U.S. Border Patrol criminal alien arrests,²⁶⁵ which rose from 4,269 in FY 2019 and 2,438 in FY 2020 to 10,763 in FY 2021.²⁶⁶ In FY 2024, U.S. Border Patrol criminal alien arrests reached a record high of 17,048, to include aliens with convictions for offenses such as driving under the influence; assault, battery, domestic violence; illegal drug possession, trafficking; and illegal entry or re-entry.²⁶⁷

Under current regulations, aliens who have been convicted of an aggravated felony are ineligible for a (c)(8) EAD.

²⁶⁴ INA sec. 208(a)(2)(E), 8 U.S.C. 1158(a)(2)(E).

²⁶⁵ "Criminal alien" is a term used by CBP to refer to individuals who have been convicted of one or more crimes, whether in the United States or abroad, prior to interdiction by the U.S. Border Patrol; it does not include convictions for conduct that is not deemed criminal by the United States. See CBP, "CBP Criminal Alien Statistics," <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics> (last updated May 12, 2025).

²⁶⁶ CBP, "CBP Criminal Alien Statistics," <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics> (last updated May 12, 2025).

²⁶⁷ *Id.*

²⁶⁰ See generally, INA sec. 240A(b), 8 U.S.C. 1229b.

²⁶¹ See H. Rept. 104–469 (1995); Philip G. Schrag, et al., "Rejecting Refugees: Homeland Security's Administration of the One-Year Bar to Asylum," 52 Wm. & Mary L. Rev. 651, 669–72 (2010), <https://scholarship.law.wm.edu/wmlr/vol52/iss3/2/>.

²⁶² Internal USCIS Memo—Procedures for Notice of Evidence of Untimely Filing and Optional Waiver of Asylum Interview.

²⁶³ See, IIRIRA, Public Law 104–208, div. C, sec. 604(a), 110 Stat. 3009, 3009–691. INA sec. 208(a)(2)(B), 8 U.S.C. 1158(a)(2)(B).

However, there are currently no other criminal bars to (c)(8) EAD eligibility. With growing numbers of migrants and the parallel increase of criminal alien arrests, DHS must prioritize the safety and security of the American people over providing a discretionary benefit to aliens in general, but in particular to aliens who are statutorily ineligible for the underlying benefit. This rule will prioritize the safety and security of the American people by disincentivizing illegal migration and criminal conduct for aliens who would like to obtain employment authorization. It logically follows that aliens who are barred from a grant of asylum due to criminal conduct should not be issued an EAD because of the asylum backlog or USCIS processing times. There are multiple reasons for this; first, the (c)(8) EAD is discretionary, and the Secretary does not want to favorably exercise discretion for such criminal aliens. Second, the criminal conduct is sufficiently serious to bar them from a grant of asylum, so it is incongruous to reward such an alien with an interim benefit like employment authorization. There is no analogous situation to this one among other USCIS benefit requests. Third, the historical practice of granting interim benefits for aliens who are not eligible for the primary or status-impacting benefit (in this case, asylum) has effectively incentivized frivolous, fraudulent, and otherwise meritless asylum filings.

Given the high volume of asylum filings, as well as the frivolous, fraudulent, and otherwise meritless filings, it follows that employment authorization associated with a pending asylum application should be curtailed, and this is the policy position of the Department. However, considering the sharp increase in encounters of aliens with criminal convictions, the current regulations definitively create an environment where criminal aliens receive the discretionary benefit of (c)(8) EAD despite the fact that they pose a risk to the national security and public safety of the United States and, for that reason, ultimately are not eligible for asylum.

When denying or referring an asylum application, USCIS does not always accurately record the specific reason for the denial or referral. For example, USCIS data may show denials based on “criminal record” but not “aggravated felony” or “particularly serious crime.”²⁶⁸ Further, even where USCIS data tracks an option for specific grounds such as “persecutor bar” or

“security risk bar” it does not seem that asylum officers consistently enter that data at adjudication. Instead, reviewing the data shows asylum officers record a determination that the alien was “not eligible” for asylum, since that is the only specific category of denials that is consistent year-over-year. In one example, there were zero denials based on the “firm resettlement bar” grounds from FY2015 to FY2019, then there was one such denial in FY2020, and then from FY2021 to FY2025 (to May 22, 2025) between 34 and 184 such denials each year. Additionally, from FY2015 to FY2025, USCIS data recorded only one single asylum application denial based on failure to appear for biometrics collection (one case from FY2015) and with asylum application volumes as high as they are, more than one alien in the last ten FYs would likely have failed to appear for a biometrics collection (e.g., lost mail, neglected to update mailing address with USCIS, etc.). For all of these reasons, USCIS believes there is a concern here with incomplete data when recording the specific grounds for denying or referring an asylum application. However, DHS previously established that in FY2015, USCIS issued 15,515 denials or referrals to asylum applicants, but only 4,578 (29.5%) had one or more previously approved (c)(8) EAD.²⁶⁹ However, by FY2023, USCIS issued 5,963 denials or referrals to asylum applicants, and 4,351 (72%) had one or more previously approved (c)(8) EAD.²⁷⁰ In FY2024, USCIS issued 5,709 denials or referrals to asylum applicants, but 5,087 (89%) had one or more previously approved (c)(8) EAD.²⁷¹ In FY2025 (through May 22, 2025), USCIS issued 11,872 denials or referrals to asylum applicants, and 9,475 (79.8%) had one or more previously approved (c)(8) EAD.²⁷² As such, the population impacted by this proposed change (aliens with one or more approved (c)(8) EADs who then has their asylum applications denied) as a percentage of overall denials is clearly increasing. While DHS data cannot conclusively establish at this time how many of those aliens were denied specifically because they posed a risk to the national security and public safety of the United States, what is of paramount importance in supporting this proposed rule, is that ultimately those aliens received a (c)(8) EAD despite being ineligible for asylum (regardless of the specific grounds).

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

²⁷² *Id.*

For all of these reasons, DHS proposes codify in regulation additional ineligibility grounds for the (c)(8) EAD including criminal bars to asylum under sections 208(b)(2)(A)(ii)–(iii). In addition to excluding from (c)(8) EAD eligibility any alien who has been convicted of an aggravated felony as described by section 101(a)(43) of the INA, DHS proposes to codify in regulation a bar for any alien who has been convicted of a particularly serious crime and any alien for whom there are serious reasons to believe that he or she committed a serious non-political crime outside of the United States. In doing so, DHS will emphasize the importance of public safety and national security of the United States, by safeguarding the American people and restoring integrity to the discretionary benefit of applications for (c)(8) EADs.

3. Illegal Entry

Encounters by CBP have reached record numbers in the last few years: CBP reported approximately 3.2 million enforcement actions at U.S. borders, airports, and seaports in FY 2023, and 2.9 million enforcement actions in FY 2024.²⁷³ On January 20, 2025, the President issued E.O. 14165, *Securing Our Borders*, stating that millions of aliens from nations and regions all around the world entered the United States illegally, posing a significant threat to the public safety and national security of the United States. The surging migrant encounters between 2022 and 2023 led to burgeoning asylum application filings.

Although aliens in removal proceedings who intend to apply for asylum must do so in immigration court as a defense to removal, many aliens filed directly with USCIS instead. In fact, from 2022 to 2023, the number of affirmative asylum filings nearly doubled from 241,280 to 456,750 applications, even though USCIS lacked jurisdiction over many of these applications.²⁷⁴ The total number of

²⁷³ CBP, “CBP Enforcement Statistics,” <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last updated May 12, 2025); see also “CBP Nationwide Encounters”, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>. These figures include title 8 apprehensions or inadmissible aliens processed under CBP’s immigration authorities, and include individuals encountered at ports of entry who sought lawful admissions but were determined to be inadmissible. These figures also include title 42 expulsions by U.S. Border Patrol (USBP) or the Office of Field Operations (OFO).

²⁷⁴ Noah Schofield and Amanda Yap, Office of Homeland Security Statistics, “Asylees: 2023” (Oct. 2024), https://ohss.dhs.gov/sites/default/files/2024-10/2024_1002_ohss_asylees_fy2023.pdf. See also USCIS, “Asylum Division Monthly Statistics Report, Fiscal Year 2023, Oct. 2022 to Sept. 2023”

²⁶⁸ USCIS OPQ DATA, “By Fiscal Year, Data Type, and Deny/Referral Reasons” (May 22, 2025),

defensively filed asylum applications also nearly doubled from 2022 to 2023, from 260,830 to 488,620 applications.²⁷⁵ Not surprisingly, just as asylum application filings have spiked, there has been a similarly sharp spike in filings for initial (c)(8) EADs. For example, USCIS received 262,869 initial (c)(8) EAD applications for the entirety of FY 2022. In FY 2023, that figure increased almost threefold to 802,753 initial (c)(8) EAD applications. The number of initial (c)(8) EAD filings continues to grow. In the month of January 2025 alone, USCIS received approximately 152,000 initial (c)(8) EAD applications.²⁷⁶ If USCIS continues to receive initial (c)(8) EAD applications at the same volume as January 2025, USCIS would record a historical high-watermark for (c)(8) EAD applications in FY 2025 with 1.82 million applications. These parallel increases in border encounters, asylum applications, and initial (c)(8) EAD applications continue to clearly illustrate the existence of the relationship between employment authorization and a pending asylum application as a significant pull factor on illegal migration to the United States. Aliens who illegally entered the United States can become eligible to attain employment authorization in the United States during the pendency of their asylum application, which, due to a historic high of 1.45 million pending affirmative asylum cases, may take years to adjudicate. This means that the current regulations allow such aliens to access an ancillary benefit for years even if they are ultimately found ineligible for asylum.

DHS proposes disincentivizing illegal immigration by exercising its discretion to codify in regulation that any alien who enters or attempts to enter the United States at a place and time other than lawfully through a U.S. port of entry ineligible to receive an initial or renewal (c)(8) EAD. There would be limited exceptions if an alien demonstrates that he or she, without delay but no later than 48 hours after the entry or attempted entry, indicated to an immigration officer an intention to apply for asylum or expressed to an immigration officer a fear of persecution or torture; or otherwise had good cause for the illegal entry or attempted entry. Examples of good cause justifications for the illegal entry or attempted entry may include, but are not limited to, requiring immediate medical attention

or fleeing imminent serious harm, but the rule would specifically state that good cause does not include entering for the evasion of U.S. immigration officers, to circumvent the orderly processing of asylum applicants at a U.S. port of entry, or for convenience. A good cause justification could also exist where an alien meets the definition of a victim of a severe form of trafficking in persons as provided in 8 CFR 214.11(a).

Likewise, aliens who are, or who were determined at any time since their most recent entry to be, UACs as defined in 6 U.S.C. 279(g)(2) would be excepted from this proposed bar.

DHS does not believe this change could be considered a “penalty” within the meaning of Article 31(1) of the 1951 Convention relating to the Status of Refugees, which is binding on the United States by incorporation in the 1967 Protocol relating to the Status of Refugees, because it is consistent with U.S. obligations under the 1967 Protocol.²⁷⁷ The 1951 Refugee Convention, developed in the wake of World War II, serves as the basis for international refugee and asylum law and defines the term “refugee.”²⁷⁸ The United States was key in its creation, and later acceded to the 1967 Refugee Protocol which removed temporal and geographic limitations set by the 1951 Refugee Convention.²⁷⁹ Article 31(1) of the 1951 Convention was written in order to ensure that refugees could effectively access international protection and to recognize that individuals fleeing persecution may engage in irregular migration. While Article 31(1) states that the alien must present themselves “without delay” and show “good cause,” these phrases are not defined in the 1951 Convention or the 1967 Protocol, and are therefore open to interpretation. This proposed change does not impact eligibility for the underlying asylum application and expressly exempts aliens who present themselves without delay, but no later

than 48 hours after illegal entry, and establish good cause for entering or attempting to enter the United States at a place and time other than lawfully through a U.S. port of entry. DHS believes a 48-hour window for aliens to present themselves to authorities after illegal entry is a reasonable amount of time to provide. DHS has also provided examples of situations that may constitute “good cause” for the purpose of this provision and has purposely kept those broad to allow for discretion in considering the alien’s circumstances that led to illegal entry.

Likewise, aliens who are now, or who were determined at any time since their most recent entry to be, UACs as defined in 6 U.S.C. 279(g)(2) would be excepted from this proposed bar.

G. Discretionary Decisions

The Secretary or the Attorney General may grant asylum to an alien who has applied for asylum if the Secretary or the Attorney General determines that the alien is a refugee.²⁸⁰ However, asylum may be denied in the exercise of discretion to an alien, even those who establish statutory eligibility for the relief.²⁸¹ In exercising its discretionary authority over asylum applications, DHS examines the totality of the circumstances and all relevant factors to determine if a favorable exercise of discretion is warranted. It is the alien’s burden to establish that a favorable exercise of discretion should be applied.²⁸²

Currently, applications for employment authorization filed by pending asylum applicants are not discretionary. 8 CFR 274a.14(a)(1). Under the proposed rule, approval of an application for employment authorization for asylum applicants would be at the discretion of USCIS. As previously discussed, this rulemaking acknowledges USCIS’ past practices based on existing regulation and has provided justifications and data throughout to support the change from mandatory to discretionary approval of applications for (c)(8) EADs. The Department’s proposed change to make the approval of (c)(8) employment authorization discretionary is intended to balance national security and benefit integrity with providing an avenue for asylum applicants to obtain

²⁷⁷ The United States is a party to the 1967 United Nations Protocol Relating to the Status of Refugees, January 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 268 (“Refugee Protocol”), which incorporates Articles 2 through 34 of the 1951 Convention Relating to the Status of Refugees, July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 150 (“Refugee Convention”). Article 31 of the Refugee Convention instructs that contracting States “shall not impose penalties, on account of their illegal entry or presence,” on certain refugees “provided the present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

²⁷⁸ Convention Relating to the Status of Refugees (adopted July 28, 1951, entered into force Apr. 22, 1954) 19 U.S.T. 6259, 189 U.N.T.S. 137 (“Refugee Convention”).

²⁷⁹ Protocol Relating to the Status of Refugees (adopted Jan. 31, 1967, entered into force Oct. 4, 1967) 19 U.S.T. 6223, 606 U.N.T.S. 267 (“Protocol”).

²⁸⁰ See INA sec. 208(b)(1), 8 U.S.C. 1158(b)(1) (providing that the Attorney General and Secretary “may” grant asylum to refugees); INA sec. 101(a)(42)(A), 8 U.S.C. 1101(a)(42)(A) (defining “refugee”).

²⁸¹ See INA secs. 208(b)(1) and 240(c)(4)(A)(ii); 8 U.S.C. 1158(b)(1) and 1229a(c)(4)(A)(ii).

²⁸² See *Matter of Shirdel*, 19 I&N Dec. 33 (BIA 1984).

(Nov. 3, 2023), https://www.uscis.gov/sites/default/files/document/data/asylumfiscalyear2023todatestats_230930.xlsx.

²⁷⁵ *Id.*

²⁷⁶ USCIS Office of Performance and Quality.

employment authorization. Similar to asylum, employment authorization for asylum applicants is not mandatory, but rather a benefit that Congress authorized and entrusted to the Secretary to administer. INA 208(d)(2), 8 U.S.C. 1158(d)(2). For (c)(8) employment authorization applications as a whole, it is within the Secretary's discretion to decide if employment authorization should be granted, and if so under what terms. DHS has broad authority to establish and amend regulations and to take other actions "necessary for carrying out" the Secretary's authority to administer and enforce the immigration laws. *See* INA sec. 103(a)(1) and (3), 8 U.S.C. 1103(a)(1) and (3) (granting the Secretary the authority to establish regulations and take other actions "necessary for carrying out" the Secretary's authority under the immigration laws); *see also* 6 U.S.C. 202 (authorities of the Secretary); *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42 (1983) (emphasizing that agencies "must be given ample latitude to adapt their rules and policies to the demands of changing circumstances" (quotation marks omitted)). The current process and minimal criteria for obtaining (c)(8) employment authorization have contributed to the growing caseload of employment authorization applications and pending asylum applications because it has incentivized aliens to file for asylum in order to obtain employment authorization. As explained throughout this rulemaking, DHS believes this reform and the others described in this rulemaking will help improve the current asylum backlog by discouraging frivolous, fraudulent, or otherwise meritless asylum filings that are filed for the sole purpose of obtaining employment authorization. This will allow USCIS to devote more of its resources to adjudicating backlog asylum cases, thus helping to clear the way for meritorious asylum applications to be received, processed, and adjudicated more quickly.

H. Recommended Approvals

DHS is removing the language referring to "recommended approvals" of asylum applications and the effect such notices have on the ability of some asylum applicants to seek employment authorization earlier than others. *See* 8 CFR 208.7(a)(1) and 274a.12(c)(8). Before August 25, 2020, USCIS issued a recommended approval of asylum if an asylum officer made a preliminary determination to grant asylum, but USCIS had not received the results from the mandatory identity and background

checks.²⁸³ This allowed aliens with recommended approvals to be eligible to obtain a (c)(8) EAD. Recipients of recommended approvals did not fully complete the asylum adjudication process. As of August 25, 2020, USCIS stopped issuing recommended approvals as preliminary decisions for affirmative asylum adjudications.²⁸⁴

DHS proposes to revise 8 CFR 208.7(a)(1) and 274a.12(c)(8)(ii) to align with USCIS' current policy and practice and in furtherance of E.O. 14159, *Protecting the American People Against Invasion*, and E.O. 14165, *Securing Our Borders*. E.O. 14159 directed the Secretary to ensure that employment authorization is provided accorded to the statute and is not provided to any unauthorized alien. E.O. 14165 directed the Secretary to deter and prevent the entry of illegal aliens into the United States. The primary purpose of these executive orders is to strengthen both the integrity of the immigration system and our national security posture. Because recommended approvals, issued before full screening and vetting has been completed, are in contradiction to the provisions of these executive orders, DHS proposes to remove these provisions from the regulations, codifying the current procedures.

I. Termination of Employment Authorization

As discussed above in Section III.C of this preamble, the OBBBA established a range of fees related to immigration applications or other actions. In addition, the OBBBA made isolated substantive changes related to EADs.²⁸⁵ As relevant here, Congress established the following parameters for when an alien's employment authorization based on a pending asylum application, whether the initial or a renewed authorization, terminates.²⁸⁶

Accordingly, DHS is updating the provisions at 8 CFR 208.7 related to the termination of pending asylum application-based EADs to match the OBBBA. *See* proposed 8 CFR 208.7(c).²⁸⁷ Based on OBBBA, pending

asylum application-based employment authorization will terminate as follows, even if the expiration date specified on the employment authorization document has not been reached: (1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an Immigration Judge; (2) on the date that is 30 days after the date on which an Immigration Judge denies an asylum application, unless the alien makes a timely appeal to the Board of Immigration Appeals; or (3) immediately following the denial or dismissal by the Board of Immigration Appeals of an appeal of a denial of an asylum application. Compared with the pre-OBBBA regulations, DHS notes that aliens will no longer have a (c)(8) EAD during the pendency of a petition for review in federal court.

As discussed throughout, benefit integrity is of utmost importance to this Administration and DHS. In the current climate of record asylum backlogs and lengthy asylum adjudication timelines, aliens are incentivized to file frivolous, fraudulent, or otherwise meritless asylum filings for the purpose of obtaining employment authorization. Allowing an alien to maintain (c)(8) employment authorization for a possibly lengthy period of time after the asylum application has been denied is further incentivizing frivolous, fraudulent, or otherwise meritless filings. By automatically terminating the (c)(8) EAD once the asylum application has been denied by USCIS or the Immigration Judge, or denied or dismissed by the Board of Immigration Appeals, DHS aims to help ensure that the benefit of a (c)(8) EAD is reserved for aliens with meritorious asylum claims, and that any extended employment authorization period does not unduly reward aliens who are ultimately found ineligible for asylum.

Asylum applications filed by a UAC must be processed according to requirements established in the TVPRA, Public Law 110–457, 122 Stat. 5044, and the *J.O.P. Settlement Agreement*. Under the terms of the *J.O.P. Settlement Agreement*, USCIS will not rely on any determination by DOJ that an alien is not a UAC.²⁸⁸ Rather, USCIS exercises initial jurisdiction over the adjudication of the UAC's asylum application and renders its own jurisdictional

²⁸³ USCIS, "Affirmative Asylum Frequently Asked Questions," <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-frequently-asked-questions> (last updated Sept. 13, 2023).

²⁸⁴ *Id.*

²⁸⁵ *See* OBBBA, Title X, secs. 100003, 100010, 100011, and 100012.

²⁸⁶ *Id.* at 100011(b).

²⁸⁷ DHS notes that although these changes are part of this proposed rule given the connection to the rest of this rule's provisions, the OBBBA, as an intervening statute, controls in the interim until these changes are perfected in a final rule. *See Nat'l Family Planning & Reproductive Health Assn. v.*

Gonzales, 468 F.3d 826, 829 (D.C. Cir. 2006) ("a valid statute always prevails over a conflicting regulation"); *see also Farrell v. United States*, 313 F.3d 1214, 1219 (9th Cir. 2002).

²⁸⁸ *J.O.P. v. U.S. Dept. of Homeland Security*, 8:19–cv–01944, Part III.D. (D. Md.) (approved Nov. 25, 2024), <https://www.ice.gov/doclib/legal/notice/jopSettlementAgreement.pdf>.

determination.²⁸⁹ Accordingly, UACs who have been denied asylum by an IJ, the BIA, or a Federal court may still have a pending asylum application before USCIS because USCIS retains initial jurisdiction over asylum applications filed by UACs.²⁹⁰ Therefore, if a UAC's asylum application remains pending before USCIS, which is the basis for the alien's (c)(8) EAD, his or her (c)(8) EAD will not automatically terminate even if his or her asylum application is denied by an IJ, BIA, or a Federal court.

J. Prioritizing the Adjudication of an Asylum Application Due to Derogatory Information in the Form I-765 Adjudication

In furtherance of the effort to deter frivolous, fraudulent, or otherwise meritless asylum filings for the sole purpose of obtaining employment authorization, DHS proposes to codify in regulation the authority to prioritize for adjudication an asylum application in which derogatory information is encountered during any (c)(8) EAD adjudications. For example, if USCIS discovers a national security risk while conducting security checks on a (c)(8) employment authorization applicant, USCIS may flag the corresponding asylum application so that an asylum adjudicator may more rapidly schedule the case for an interview and make a decision on the case. In conducting security checks on renewal (c)(8) applicants, USCIS may discover new convictions or arrests that warrant a prioritized asylum interview or adjudication. For example, an asylum applicant may have had no arrest record at the time he or she applied for asylum and received the initial EAD, but he or she may have since been convicted of an aggravated felony. In that instance, an EAD adjudicator could flag the case for the asylum office with jurisdiction over the application, so that the interview and adjudication could be prioritized. The outcome in both of these examples is to more rapidly adjudicate cases where applicants present risks and to reduce the time cases such as these linger in the backlog.

This significant change would allow the Department to quickly identify and efficiently remove ineligible aliens who pose a national security or public safety threat to the United States, while

simultaneously decreasing the pending applications in queue.

Additionally, as referenced throughout this NPRM, the caseload of pending affirmative asylum applications has become an enormous burden on DHS and has grown to more than 1.45 million as of the end of FY 2024.²⁹¹ Alongside the growing pending affirmative asylum application caseload is the accompanying number of (c)(8) EAD applications filed by affirmative and defensive asylum applicants. Initial applications for EADs based on pending asylum applications have steadily increased over the years, with USCIS receiving 62,169 (c)(8) EAD applications in FY 2014, 261,793 (c)(8) EAD applications in FY 2017, and then seeing an explosive jump to 802,753 (c)(8) EAD applications in FY 2023.²⁹² In FY 2024, USCIS received 1,200,533 initial (c)(8) EAD applications.²⁹³ In order to deter frivolous, fraudulent, or otherwise meritless asylum claims, in 2018 DHS returned to a LIFO interview scheduling approach, where DHS could refer recently filed meritless asylum applications quickly and place those aliens into removal proceedings. Similarly, this proposed provision will allow DHS to prioritize the completion of meritless asylum applications in cases where derogatory information is identified, allowing the Department to avoid adding to the exponentially increasing asylum backlog. This change could lead to slightly longer processing times for aliens without derogatory information, but the Department believes any additional time would be *de minimis* and notes that should not be the paramount concern, especially since those aliens will still remain eligible to apply for (c)(8) EADs. Rather, DHS is choosing to prioritize national security and public safety and the reduction of backlogged cases for aliens who filed frivolous, fraudulent, or otherwise meritless asylum applications, as well

as aliens who are simply ineligible for asylum.

K. Corresponding DOJ Regulations

In 2003, 8 CFR 208.3 and 208.7 were duplicated in a new 8 CFR Chapter V as part of the amendments to the regulations to reflect the creation of the Department of Homeland Security and the transfer of functions between DOJ and the new DHS. See 68 FR 9824, 9834 (Feb. 28, 2003). At the time, DOJ duplicated the entire Part 208 into the new Part 1208 for EOIR because the provisions were “so interrelated that no simple division of jurisdiction is possible” and stated that DOJ expected the Departments to engage in further rulemaking to refine the division of authorities at a later date. *Id.* 9826.

In 2020, EOIR amended the EOIR provision at 8 CFR 1208.3(c)(3) regarding the form of an asylum application, including by removing the reference to a 150-day waiting period for filing for employment authorization, and reserved the EOIR provision at 8 CFR 1208.7 regarding employment authorization documents for asylum applicants. 85 FR 81698 (Dec. 16, 2020). However, as noted in section III.D.3.a of this preamble, that rule was preliminarily enjoined. *Nat'l Immigrant Justice Ctr.*, Np. 21–56 (RBW). Accordingly, the currently effective version of 8 CFR 1208.7 is no longer officially reserved. Nonetheless, 1208.7 and the reference to a 150-day wait for filing for employment authorization at 1208.3(c)(3) do not have substantive effect because DOJ has no authority to adjudicate employment authorization applications. *Cf.* 85 FR 59692, 59696 (Sep. 23, 2020) (explaining DOJ's decision to remove the specific time period after which asylum applicants may file an application for employment authorization “to ensure that EOIR regulations do not contradict DHS regulations regarding employment authorization eligibility,” and to reserve 8 CFR 1208.7 because “EOIR does not adjudicate applications for employment authorization.”).

Accordingly, DHS recognizes that this rule would result in inconsistencies between the DHS regulations at 8 CFR 208.3 and 8 CFR 208.7 and the DOJ regulations at 8 CFR 1208.3 and 8 CFR 1208.7. Nevertheless, as of the effective date of this final rule, the revised language of 8 CFR 208.3 and 8 CFR 208.7 would govern DHS and its adjudications. DHS has been in consultation with DOJ on this rulemaking, and DOJ may issue conforming changes at a later date.

²⁸⁹ *J.O.P. v. U.S. Dept of Homeland Security*, 8:19-cv-01944, Part III.C.1. (D. Md.) (approved Nov. 25, 2024), <https://www.ice.gov/doclib/legal/notice/jopSettlementAgreement.pdf>.

²⁹⁰ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457 (Section 235(d)(7)).

²⁹¹ USCIS, “All USCIS Application Petition Form Types (Fiscal Year 2024, Quarter 4)” (Dec. 18, 2024), https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx.

²⁹² USCIS, “Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type FY 2003–2022” (Dec. 4, 2024), https://www.uscis.gov/sites/default/files/document/data/i765_rad_fy03-22_annualreport_update_20241202.xlsx; USCIS, “Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type FY 2023” (Dec. 15, 2024), https://www.uscis.gov/sites/default/files/document/data/i-765_application_for_employment_fy23.pdf.

²⁹³ USCIS, “Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type FY 2024” (Dec. 16, 2024), https://www.uscis.gov/sites/default/files/document/data/i765_application_for_employment_fy24.xlsx.

VI. Statutory and Regulatory Requirements

A. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

E.O. 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with the new regulations shall, to the extent permitted by law be offset by the elimination of existing costs associated with at least 10 prior regulations.”

The Office of Management and Budget (OMB) has designated this rule a “significant regulatory action” that is economically significant as defined under section 3(f)(1) of E.O. 12866. Accordingly, the rule has been reviewed by OMB.

Additionally, this rule is not an Executive Order 14192 (see 5(a)) regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule’s primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. See OMB Memorandum M–25–20, “Guidance Implementing Section 3 of Executive Order 14192, titled “Unleashing Prosperity Through Deregulation” (Mar. 26, 2025).

The proposed rule would impact the administrative process for issuance of EADs for aliens with a pending asylum application ((c)(8) EAD), processing timeframe for (c)(8) EAD applications, waiting period to apply for and receive a (c)(8) EAD, (c)(8) EAD validity period, and eligibility requirements for (c)(8) EADs. The rule will require changes to existing regulatory text and the creation of new regulatory text.

1. Summary of Proposed Provisions and Benefits and Costs Impacts

DHS expects that this proposed rule will generate substantial benefits. The asylum system is overwhelmed, federal adjudications resources are strained, and the affirmative asylum application backlog serves as a magnet pulling aliens into the U.S. illegally. The surge in both asylum filings and associated EADs over the past few years has created an untenable situation. This proposed rule would benefit USCIS by allowing it to operate under long-term, sustainable case processing times for initial EAD applications for asylum applicants, to allow sufficient time to address national security, public safety, or fraud concerns, and to maintain technological advances in document production and identity verification. Just as the 1994 INS rulemaking referenced below, DHS expects that this action will reduce frivolous and fraudulent asylum claims and perverse economic incentives to obtain an EAD under meritless asylum claims. 59 FR 14779 (Mar. 30, 1994); 59 FR 62284 (Dec. 5, 1994). Frivolous, fraudulent, and meritless asylum applications and related filings for employment authorization can serve as a magnet for illegal immigration and generate costs to localities, states, the national economy, and strain resources. DHS expects that these changes would reduce confusion regarding EAD requirements for aliens with pending asylum applications and the public, help ensure the regulatory text reflects current DHS policy and more faithfully implements the intent of the statute while simultaneously improving program integrity. DHS cannot currently quantify all of the potential benefits of this proposed rule.

In addition, if employers are able to hire American workers to fill the jobs the asylum applicants would hold, the change in earnings to such aliens would constitute beneficial wage and benefit transfers to American workers and would potentially pose no productivity loss or costs to employers. While it is possible that aliens without work authorization could require assistance from their social and support networks, which could include public entities, there could be a counterbalance; as this rule potentially will reduce immigration, there could be less of an economic strain on states, local government, and non-governmental organizations, in terms of any public assistance and resources that are currently provided to asylum applicants. Furthermore, DHS anticipates this proposed rule would decrease illegal migration and

fraudulent claims for asylum applications and EADs.

Additional, unquantifiable benefits resulting from this proposed rule include reduction and prevention of potential fraudulent cases, providing consistency and clarity to aliens seeking asylum, and streamlining the initial USCIS (c)(8) EAD request process for sustainable case processing times. DHS cannot estimate these potential indirect impacts (whether costs, benefits, transfers) or second order effects and beyond, as they are beyond the scope of this analysis. This rulemaking seeks to reduce frivolous, fraudulent, and meritless asylum applications and their associated applications for (c)(8) EADs while improving the administrative process for issuance of employment authorization documents for aliens with meritorious asylum application at USCIS.

Requiring aliens to submit biometrics for both initial and renewal requests for employment authorization would enable DHS to vet an alien’s biometrics against government databases to determine if he or she matched any criminal activity on file, to verify the alien’s identity, and to facilitate card production. In addition, biometrics collection enables DHS to confirm that individuals are not utilizing multiple identities or that multiple individuals are not utilizing one identity. Lastly, from biometrics collection DHS would increase program integrity by ensuring that only eligible aliens who continued to pursue asylum were applying for and obtaining work authorization. This would also generally provide a benefit for the public; in that it increases transparency pertinent to application and filing requirements. As discussed in the preamble, the asylum program has been subject to identity fraud concerns historically.

The impacts of this proposed rule include both potential distributional effects (which are transfers) and costs. The potential distributional impacts fall on the asylum applicants who may be delayed in entering the U.S. labor force or who may not obtain an EAD due to being ineligible (*e.g.*, aggravated felon, serious non-political crime, etc.) or due to a processing pause. The potential distributional impacts (transfers) would be in the form of lost opportunity to earn compensation (wages and benefits). A portion of this lost compensation might be transferred from asylum applicants to others that are currently employed in the U.S. labor force, possibly in the form of additional hours worked or overtime pay. A portion of the impacts of this rule may also be borne by companies that would have

hired the asylum applicants had they been eligible for an EAD or in the labor market earlier. However, if the affected employer were unable to find available workers, these companies could incur a cost to productivity and potential profit.

Companies may also incur opportunity costs by having to choose the next best alternative to immediately filling the job the asylum applicant would have filled. USCIS does not know what this next best alternative may be for those companies. As a result, USCIS does not know the portion of overall impacts of this rule that are transfers or costs. If companies can find replacement labor for the position the asylum applicant would have filled, this rule would have primarily distributional effects in the form of transfers from asylum applicants to others already in the labor market (or workers induced to return to the labor market). USCIS acknowledges that there may be additional opportunity costs to employers such as additional search costs. However, if companies cannot find a reasonable substitute for the labor an asylum applicant would have provided, the effect of this rule would primarily be a cost to these companies through lost productivity and profits.

USCIS uses the changes to earnings to asylum applicants as a measure of the overall impact of the rule—either as distributional impacts (transfers) or as a proxy for businesses' cost for lost productivity. It does not include additional costs to businesses for lost profits and opportunity costs or the distributional impacts for those in an applicant's support network. The lost compensation to these asylum applicants could range from \$34.6 billion to \$126.6 billion annually (undiscounted) depending on the wages the asylum applicant would have earned. The 5-year total discounted lost

compensation to asylum applicants at 3 percent could range from \$155.4 billion to \$568.6 billion and at 7 percent could range from \$135.5 billion to \$495.8 billion (FY 2025 through FY 2029).

The quantified estimates may be overstated, as they assume that without this rule (*i.e.*, under the baseline) the EAD validity period would be longer than is currently permitted.²⁹⁴ Since USCIS has reduced the maximum EAD validity for aliens with pending asylum applications to 18 months, recipients must renew more often, which could result in fewer pending asylum applicants authorized to work over the 5-year period of analysis. This reduction would result from attrition in renewal applications and more frequent vetting.

There could be tax impacts pertinent to earnings changes. Asylum applicants who could be delayed or precluded from obtaining an EAD may generate forgone federal and state taxes. However, as was noted above, the strain on resources that could be mitigated due to the effects of this rule could counterbalance some or all of the tax losses, if there are any. Additionally, if the earnings are transferred to American workers, there may be no loss of taxes.

This rule could possibly result in reduced opportunity costs to the Federal Government. Since the *Rosario* court order, 365 F. Supp. 3d 1156 (W.D. Wash. 2018), compelled USCIS to comply with the 30-day processing timeframe provision in FY 2018, USCIS has redistributed its adjudication resources to work up to compliance. By

extending the 30-day processing timeframe to 180 days, it is possible that resources could be reallocated, which could have the effect of reducing delays in processing status-granting benefit requests, and avoiding costs associated with hiring additional employees. However, there are many factors that could influence such processing. Additionally, if asylum filings decline, as this rule generates a disincentive to meritless claims with the goal of obtaining an EAD, then the public and the Federal Government could experience operational and cost efficiencies as is pertinent to adjudicating less asylum claims. DHS does not rule out that there could be resources allocated to other operational areas.

Table 4 provides a detailed summary of the regulatory changes and the expected impacts of the proposed rule's provisions. USCIS estimates the primary impact of the rule would result from a pause in accepting all initial (c)(8) EADs applications until USCIS affirmative asylum applications processing time reaches a 180-day average (estimated in Module 1, below). Additionally, USCIS provides monetized impacts for provisions that would affect EAD applicants (for initial and renewal EADs) when the pause is lifted (estimated in Module 2, below). However, USCIS does not include Module 2 in the total rule impact, because the Module 1 impacts (pause EADs) accounts for impacts to all new EAD applicants. To include Module 2 would be double counting the impacts for the same population. Where a monetized figure is presented, it is based on a 7 percent annualized average, and the annual population is the midpoint of a high-low range.

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²⁹⁴ Effective December 5, 2025, USCIS reduced the maximum EAD validity period for aliens with pending asylum applications to 18 months. See USCIS, Policy Alert, "Updating Certain Employment Authorization Document Validity Periods" (Dec. 4, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf>.

Table 4. Summary of Proposed Provisions and Estimated Impacts.

Proposed Provision (proposed CFR)	Proposed Regulatory Changes	Estimated Impact of Regulatory Change
Amend 8 CFR 208.3(c)(3), Form of application	Asylum applications filed with USCIS must be in accordance with § 103.2(a)(7) of this chapter and the form instructions. If the application does not comply with the requirements, it will be deemed incomplete and USCIS will reject and return the application; An application rejected and may be resubmitted.	Annual Population: 503,000. Impact: Unknown. Quantitative estimate: Not Estimated. Qualitative description: USCIS would gain operational efficiency and the general public would benefit because it would essentially instill one set of rules governing the submission of benefit requests, as opposed to the current state with two materially different sets of rules. This will generate more efficient and effective decisions on asylum applications as officers are currently required to obtain omitted information at interview.
Require Biometrics for Asylum EAD applications	In General. Subject to restrictions contained in sections 208(d) and 236(a) of the Act, an applicant for asylum will be eligible pursuant to §§ 274a.12(c)(8) and 274a.13(a) of this chapter to request employment authorization; The applicant must request employment authorization on the form by USCIS and according to the form instructions, and, if required by USCIS, must submit biometrics at a scheduled biometrics services appointment, in accordance with § 103.2(b)(9) of this chapter.	Population: 503,000. Impact type: costs to asylum applicants and USCIS. Quantitative estimate: Not Estimated. Qualitative description: There would be a travel and time cost to aliens to submit biometrics for affected aliens as well as costs to USCIS to collect biometrics. Benefit: Biometrics collections will enable DHS to minimize known identity fraud concerns by verifying that aliens are not utilizing multiple identities or that multiple aliens are not utilizing one identity; will enable DHS to vet an alien's biometrics to determine matches to any criminal activity on file, to verify the alien's identity, and to facilitate card production ²⁹⁵
Increasing the wait period for initial EAD filing from 180 to 365 days	Except in the case of an alien who filed an asylum application prior to January 4, 1995, requires employment authorization application to be submitted no earlier than 365 calendar days after the date on which a complete	Quantitative (Module 2 results): Population impacted: Provision would cover total population, but DHS estimates impacts will accrue to about 224,000 defensive cases. Impact type: Transfers, taxes, filing costs.

	asylum application is submitted. EAD applications filed before waiting period will be rejected. If an asylum application has been rejected and returned as incomplete the 365 day waiting period will commence upon the date of receipt of the complete asylum application.	Quantitative estimate: Earnings change: \$6.3 billion with Federal tax impact of \$0.66 billion; The earnings and taxes lost could represent a transfer if replacement labor is available for the delayed period. Qualitative description: If the average USCIS processing time for adjudicating asylum applications is less than or equal to 180 days for a period of 90 consecutive days, USCIS will accept (c)(8) EAD applications according to the proposed 365 calendar-day waiting period for pending asylum applications. For the defensive population not subject to proposed bars, there may be a minor form time burden increase of 0.34 hours. Benefit: Increasing the period for filing from 180 days to 365 days permits USCIS to focus resources on the underlying asylum applications which, if adjudicated first, obviates the need to adjudicate the pending (c)(8) EAD applications. Further, the increase may reduce or limit fraudulent, frivolous, and meritless asylum applications (e.g., knowing the alien must wait 1 year to file for an EAD, etc.).
Increasing USCIS EAD processing timeframe from 30 to 180 days	Processing Timeframe for initial applications for employment authorization received on or after the effective date of the final rule under this section, USCIS will have 180 days to adjudicate an initial application for employment authorization, except for those applications requiring additional review for background checks or vetting.	Quantitative (Module 2 results): Population impacted: Provision would cover total population, but DHS estimates impacts will accrue to about 224,000 defensive cases. Impact type: costs, transfers, taxes Quantitative estimate: Incorporated with wait time impacts in the preceding row. Qualitative description: By extending the 30-day (c)(8) EAD adjudications timeframe to 180-day, USCIS would be able to shift resources from the (c)(8) EAD workload to adjudications with backlogs. Additionally, having more than 30 days to adjudicate the (c)(8) EAD would provide USCIS additional time for screening and vetting, which would increase program integrity and help identify national security and public safety threats, which are significant benefits to the immigration system.
EAD Eligibility Bars: Proposed criteria for EAD ineligibility for asylum applicants	Changes to asylum applicants who are ineligible for employment authorization. As is detailed fully in section II. B. 2. E-F, including exceptions and circumstances, an applicant for asylum is not eligible for employment authorization if:	Quantitative (Module 2 results): Population: 96,000 Impact type: costs, transfers, taxes Quantitative estimate: Earnings change: \$15.1 billion with Federal tax impact of \$1.6 billion; The earnings and taxes lost could represent a transfer if replacement labor is available for the delayed period.

	(A) There is reason to believe that the alien may be barred from a grant of asylum due to significant criminal grounds; (B) An asylum officer or an Immigration Judge has denied the alien's application within the 365 calendar-day waiting period or before the adjudication of the initial request for employment authorization; (C) The applicant filed their asylum application on or after the effective date of the final rule and filed the application after the 1-year filing deadline; (D) The applicant is an alien who entered or attempted to enter the United States at a place and time other than lawfully through a U.S. port of entry.	Benefit: Prohibiting approval of (c)(8) EAD applications to aliens who are ineligible for asylum, including aliens convicted of aggravated felonies or particularly serious crimes, aliens who committed serious non-political crimes outside the U.S., and where the alien filed his or her asylum application after the one year filing deadline would increase program integrity by ensuring that criminal aliens are not granted immigration benefits, including work authorization. This would also reduce or limit a substantial incentive for filing fraudulent, frivolous, and meritless asylum applications (e.g., knowing an alien with any one of these types of crimes would be denied an EAD, etc.).
USCIS may use derogatory information from an EAD application to prioritize asylum application, denying asylum sooner	Derogatory information. If USCIS discovers derogatory information during the adjudication of an application for employment authorization for an alien with a pending asylum application, USCIS may prioritize the alien's affirmative asylum application for adjudication.	Population: Unknown. Impact type: costs, transfers Qualitative Description: Costs and Transfers: If individuals are denied an EAD, it would likely reduce their earnings and tax payments, which could be transfers to other American workers. Benefits: Would benefit USCIS processing because currently USCIS processes asylum applications in a "last in, first out" order. This will increase efficiency (e.g., denying asylum applications sooner, reducing asylum backlog, etc.) and is a logical and rational way to handle cases (e.g., adjudicating all pending benefit requests based on the same derogatory information). This proposed prioritization would likely result in applicants that would have been denied asylum to be brought in for processing faster.
USCIS may pause the issuance of EADS	(2)(i) Pausing and Restarting Acceptance of Initial Applications for Employment Authorization. Beginning on the effective date of the final rule and anytime thereafter, if the average USCIS processing time for adjudicating affirmative asylum applications is greater than 180 days for all applications for asylum currently pending before USCIS for a period of 90 consecutive days, USCIS will not accept initial applications for	Population: 503,000. Impact type: earnings change, taxes, cost-savings. Quantitative estimate: Earnings change of \$70.4 billion and Federal government taxes of \$7.4 million; aliens would experience a cost-savings from not filing.²⁹⁶ Qualitative: Pausing acceptance of (c)(8) EAD applications when the average USCIS processing time for adjudicating asylum applications is greater than 180 days for a

	employment authorization. If the average USCIS processing time for adjudicating affirmative applications is less than or equal to 180 days for a period of 90 consecutive days, USCIS will again accept initial applications for employment authorization. The preamble provides information concerning the basis for decision of pause and announcement of pause and publication of processing times.	period of 90 consecutive days, permits USCIS to focus resources on the underlying asylum applications which, if adjudicated first, obviates the need to adjudicate the pending (c)(8) EAD applications. Further, tethering (c)(8) EAD application acceptance to asylum processing times may reduce or limit a substantial pull factor for filing fraudulent, frivolous, and meritless asylum applications (e.g., knowing the alien must wait 1 year to file for an EAD, etc.). Finally, the tethering will eliminate the potential that USCIS will again find itself in the situation it is currently in where large asylum backlogs attract frivolous, fraudulent, or otherwise meritless asylum filings seeking ancillary benefits. The implementation of this tether will permanently eliminate the possibility that asylum backlogs may serve as a magnet attracting illegal immigration.
Additional requirements.	Renewal. Employment authorization shall be renewable, in increments to be determined by USCIS, for the continuous period of time necessary for the asylum officer or Immigration Judge to decide the asylum application and, if necessary, for completion of any administrative or judicial review. The alien must request renewal of employment authorization on the form and in the manner prescribed by USCIS and according to the form instructions, with the appropriate fee, and, if required by USCIS, must submit biometrics at a scheduled biometrics services appointment in accordance with § 103.2(b)(9) of this chapter. USCIS requires that an alien establish that he or she has continued to pursue an asylum application before an Immigration Judge or sought administrative or judicial review. For purposes of employment authorization, pursuit of an asylum application is established by presenting one of the following, depending on the stage of the alien's immigration proceedings: (1) If the alien's case is pending in proceedings before the Immigration Judge, and the alien wishes to continue to pursue his or her asylum application,	Quantitative: Impact type: transfers, taxes Population: Full population unknown. Quantitative: DHS estimates impacts for about 160 affirmative asylum denials with EADs; \$0.01 billion in earnings and \$0.001 in Federal taxes. . Qualitative: Modifying the requirements for renewal (c)(8) EAD applications, including adding the requirement to submit biometrics, but also requiring that the alien establish he or she continued to pursue asylum, would increase program integrity by ensuring that only eligible aliens who continued to pursue asylum were applying for and obtaining work authorization. This would also generally provide a benefit for the public by increasing transparency on application and filing requirements. USCIS believes this update would also reduce or limit a substantial incentive for filing fraudulent, frivolous, and otherwise meritless asylum applications (e.g., knowing an alien must affirmatively establish that he or she continued to pursue asylum and could not simply repeatedly file a renewal (c)(8) I-765s solely to obtain employment authorization).

	a copy of any asylum denial, referral notice, or of the charging document placing the alien in such proceedings; (2) If the Immigration Judge has denied asylum, a copy of the document issued by the Board of Immigration Appeals to show that a timely appeal has been filed from a denial of the asylum application by the Immigration Judge; or (3) If the Board of Immigration Appeals has denied or dismissed the alien's appeal of a denial of asylum, or sustained an appeal by DHS of a grant of asylum, a copy of the petition for judicial review or for habeas corpus pursuant to section 242 of the Act, date stamped by the appropriate court. (c) <i>Termination.</i> In addition to the termination and revocation provisions under 8 CFR 274a.14, employment authorization granted under this section shall terminate as follows, even if the expiration date specified on the employment authorization document has not been reached: (1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an Immigration Judge; (2) on the date that is 30 days after the date on which an Immigration Judge denies an asylum application, unless the alien makes a timely appeal to the Board of Immigration Appeals; or (3) immediately following the denial or dismissal by the Board of Immigration Appeals of an appeal of a denial of an asylum application. (c)(8) An alien who has a pending application for asylum or withholding of deportation or removal pursuant to part 208 of this chapter. Employment authorization may be granted according to the provisions of §208.7 of this chapter in increments to be determined by USCIS and will expire on a specified date.	With respect to the termination provisions, with few exceptions, immediately and automatically terminating (c)(8) EADs upon denial of the asylum application by either USCIS or an Immigration Judge, rather than 60 days after denial or after EAD expiration, whichever is later, would benefit USCIS operationally since the change removes the separate requirement for terminating the EAD upon denial of the asylum application. This is a significant benefit for USCIS given asylum applications have a low associated filing fee. As such, it would help USCIS to reduce the number of notices that must be issued when adjudicating applications with low associated filing fees. DHS notes there would be different impacts to earnings for asylum seekers who receive denials via USCIS or an Immigration Judge in terms of timing of losing work authorization.

	(1) The approval of applications filed under § 274a.12(c) is within the discretion of USCIS. Where economic necessity has been identified as a factor, the alien must provide information regarding his or her assets, income, and expenses. (2) An application for an initial employment authorization or for a renewal of employment authorization filed in relation to a pending claim for asylum or withholding of removal must be filed and adjudicated in accordance with § 208.7.	Qualitative: By making this a discretionary adjudication, USCIS would generally not approve EADs for aliens with criminal arrests and convictions, which in turn: promotes the integrity of the immigration system, makes U.S. workplaces safer, and removes a pull factor for aliens to remain in the United States (e.g., whether the alien warrants a favorable exercise of discretion).

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Consistent with OMB Circular A-4, Table 5 presents the prepared A-4 accounting statement showing the costs

and transfers associated with this proposed regulation. We calculate the midpoint between the minimum estimate and maximum estimate as the

primary estimate of this proposed rulemaking.

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²⁹⁵ See Office of the Inspector General, DHS, OIG-16-130 "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" (Sept. 8, 2016), <https://www.oig.dhs.gov/reports/2016-09/>

potentially-ineligible-individuals-have-been-granted-uscitizenship-because.

²⁹⁶ DHS caveats that the quantified estimates are currently overstated due to the change in the maximum EAD validity period for aliens with

pending asylum applications to 18 months. USCIS will consider the recent change and incorporate updates where appropriate in the final rule to reflect this change.

Table 5. OMB A-4 Accounting Statement (\$ billions, 2023) Period of analysis: FY 2025 through FY 2029				
Category	Primary Estimate	Minimum Estimate	Maximum Estimate	Source Citation (regulatory impact analysis (RIA), preamble, etc.)
BENEFITS				
Monetized Benefits	Not estimated			RIA
Annualized quantified, but un-monetized, benefits	N/A	N/A	N/A	RIA
Unquantified Benefits	This proposed rulemaking stands to generate substantial benefits, as it will increase the integrity of the immigration system; specific potential benefits are summarized to include: - Streamlining the USCIS (c)(8) EAD request process for sustainable case processing times while allowing ample time to conduct thorough review. - A reduction and prevention of potential fraudulent cases. - Provision of consistency and clarity to aliens and the public. - Improve criminal history record information (CHRI) for aliens; implement and maintain technological advances in document production and biometric identity verification for asylum applicants seeking (c)(8) EADs. - Disincentivizing frivolous, fraudulent, or otherwise meritless asylum applications; with the goal of filing an asylum claim solely to achieve work authorization. - USCIS backlog reduction and mitigating the			RIA, Preamble

	unsustainable current situation and trend for USCIS with respect to (c)(8) EAD processing (driven by a surge in filings over the past few years), which could help USCIS obtain shorter processing times.				
	• Possibility of efficiency gains and cost-savings through fewer adjudications of asylum and (c)(8) EAD petitions and the potential shift of resources to other areas of service that may need resources.				
COSTS					
Annualized monetized costs (discount rate in parenthesis)	(7%)	\$35.2	\$0	\$120.9	RIA
	(3%)	\$36.2	\$0	\$124.1	
Annualized monetized cost savings (discount rate in parenthesis)	(7%)	-\$0.07	-\$0.12	-\$0.03	RIA
	(3%)	-\$0.07	-\$0.12	-\$0.03	
Qualitative (unquantified) costs	• Costs for requiring biometrics include time burden, travel expenses for aliens, and costs for USCIS. • Costs for training USCIS staff on new provisions and eligibility criteria and additional review time per application due to additional criteria. • Employer and alien costs for renewing EADs applicants that may lose their work authorization under the proposed eligibility criteria. • Employer costs to replace current employees who may no longer be eligible for employment authorization when renewing their EAD.				RIA
TRANSFERS					
Annualized monetized transfers: compensation	(7%)	\$35.2	\$0	\$120.9	RIA
	(3%)	\$36.2	\$0	\$124.1	
From whom to whom?	From alien workers, who would not receive employment authorization, to American workers.				RIA
Annualized monetized transfers: taxes	(7%)	\$3.7	\$0	\$12.8	RIA
	(3%)	\$3.8	\$0	\$13.1	

From whom to whom?	Earnings changes may cause a reduction in employment taxes from employers and the alien employees to the Federal Government; however, the jobs acquired by American workers in place of the aliens could offset some or all of this reduction.	RIA
<i>Category</i>	<i>Effects</i>	
Effects on State, local, and/or tribal governments	The proposed rule may mitigate illegal immigration costs on strained resources, which could fiscally benefit state and local governments.	RIA
Effects on small businesses	None expected	RFA
Effects on wages	None expected	RIA
Effects on growth	None expected	RIA

BILLING CODE 9111-97-C**2. Background and Purpose**

The proposed rule would impact the process for issuance of EADs for aliens with a pending asylum application (c)(8) EAD, processing timeframe for (c)(8) EAD applications, waiting period to apply for and receive a (c)(8) EAD, (c)(8) EAD validity period, and eligibility requirements for (c)(8) EADs. The rule will require changes to existing regulatory text and the creation of new regulatory text.

The purpose of this proposed rulemaking is for DHS to be able to balance its overall adjudication burdens with available resources by ensuring that initial (c)(8) EAD filings are not creating incentives for aliens to file frivolous, fraudulent, or otherwise meritless asylum applications. Thus, this rule proposes to introduce a number of additional provisions to help with the issues of benefit and program integrity, national security, public safety, and resource strain at USCIS. DHS expects the proposed changes

would reduce confusion regarding EAD requirements for aliens with pending asylum claims and the public and help ensure the regulatory text reflects current DHS policy and more faithfully implements the intent of the statute while simultaneously improving program integrity.

3. Baseline and Population

The proposed rule will impact the process for issuance of employment authorization documents for aliens with a pending asylum application (c)(8) EAD, aliens with denied asylum claims who have a valid EAD at the effective date of the final rule, processing timeframe for (c)(8) EAD applications, waiting period to apply for and receive a (c)(8) EAD, (c)(8) EAD validity period, and eligibility requirements for (c)(8) EADs. The rule will require changes to existing regulatory text and the creation of new regulatory text.

The baseline in this NPRM represents a world absent this proposed regulation, which is a continuation of current policy and trends. The impacts

estimated in this RIA are relative to this baseline.

The population affected by this proposed rulemaking is the asylum requesting population whose asylum applications are pending. While their asylum applications are pending, this population can request employment authorization, colloquially known as a (c)(8) EAD. For this NPRM, to project a potential future (c)(8) EAD population we need to account for any historical patterns. Table 6 presents the historical perspective of the initial (c)(8) EAD population. On average we can see that this population grew at about a 39.26 percent rate over the nine-year span of period FY 2016 through FY 2024. One note is the growth rates of FY 2022 through FY 2024 were higher than that of period FY 2016 through FY 2024. Excluding the high-growth years, over the five-year period FY 2017 through FY 2021, the growth rate was 7.30 percent. For this NPRM, we take this rate as the average longer term growth rate of this population.

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Table 6. Historical USCIS Initial (c)(8) EAD Requests (FY 2017 through FY 2024).

FY	(c)(8) EAD Receipts	% Change
2016	169,967	-
2017	261,793	54.03
2018	262,995	0.46
2019	216,287	-17.76
2020	234,079	8.23
2021	214,565	-8.34
2022	262,869	22.51
2023	802,753	205.38
2024	1,200,533	49.55
Total	3,455,874	-
Average	243,789	39.26
FY 2017 through FY 2021 Total	1,189,719	-
FY 2017 through FY 2021 Average	237,944	7.30
Sources: USCIS, Office of Performance and Quality, C3 Consolidated/ELIS, queried Nov. 2022, Nov. 2023, and Nov. 2024. Notes: Numbers rounded.		

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DHS cannot predict whether the FY 2022 through FY 2024 growth rates represent a structural change as immigration policies and other conditions domestically and internationally could change and potentially affect asylum applicants. Given this uncertainty, in projecting a potential future (c)(8) EAD population we account for two possibilities. We first project a scenario (“low scenario” in Table 7) where we assume the levels of the high-growth years driven by unique factors, policies, or some influence of both that would not continue apace into the future. We also

rely on a “high scenario” where the high-growth years might constitute a sustainable change in trend. As such, for the low scenario we take the FY 2021 (c)(8) EAD data point, which is 214,565, then apply the assumed longer term growth rate of 7.3 percent to arrive at our first projected year, FY 2025 of Table 7. Then we take the projected FY 2025 and repeat for the remaining projected years. For the high scenario, we take the average of the high-growth years, average of FY 2022 through FY 2024 in Table 6,²⁹⁷ which is 755,385, then apply the assumed longer term growth rate of 7.3 percent to arrive at our first projected year, FY 2025. Then

we take the projected FY 2025 and repeat for the remaining projected years. Lastly, we take the average of the low and high scenarios (the “midpoint scenario” in Table 7) to arrive at a midpoint scenario population.

Table 7 presents the projected baseline population for FY 2025 through FY 2029. We set our projection period to 5 years as we cannot predict with certainty longer term trends given that immigration policies and other conditions domestically and internationally could rapidly change affecting aliens with pending asylum applications.

²⁹⁷ DHS cannot accurately identify nor predict which conditions specifically caused the population levels in recent years. Given this uncertainty (*i.e.*, not knowing which levels would persist), we take the average of the outlier years as our starting point in the projected high population

scenario. Causal inference on the ‘push’ factors of world migration patterns is beyond the scope of this rulemaking.

Table 7. Projected USCIS Initial (c)(8) EAD Receipts (FY 2025 through FY 2029).

FY	Low Scenario	Midpoint Scenario	High Scenario
2025	230,228	520,378	810,528
2026	247,035	558,366	869,697
2027	265,068	599,126	933,185
2028	284,418	642,863	1,001,307
2029	305,181	689,792	1,074,402
5-yr. Total	1,331,931	3,010,525	4,689,119
5-yr. Average	266,386	602,105	937,824
Source: USCIS analysis; Totals may not sum due to rounding.			

The sub-population components pertinent to specific aspects of this rulemaking will be presented in Section VI.A.6.

4. Wages and Opportunity Costs of Time

To monetize the impacts of this proposed rule, we need information on potential wages that the baseline population could earn or information on their opportunity cost of time. To estimate potential earnings impacts, USCIS makes uses of U.S. Bureau of Labor Statistics (BLS) data as follows. We will use the mean hourly wage for all occupations of \$31.48 as an upper bound and the 10th percentile wage of \$13.97 as a lower bound.²⁹⁸ For a more encompassing measure of compensation, we will use a benefits multiplier of 1.45 applied to the respective mean and 10th percentile wages, resulting in average hourly total compensation rates of \$45.65 and \$20.26, respectively.²⁹⁹

As it relates to potential impacts to labor earnings, DHS also estimates a potential tax effect. It is challenging to quantify income tax impacts of employment in the labor market

scenario because individual tax situations vary widely, but DHS estimates the potential contributory effects on employment taxes, namely Medicare and Social Security, which have a combined tax rate of 7.65 percent (6.2 percent and 1.45 percent, respectively).³⁰⁰ With both the employee and employer paying their respective portion of Medicare and Social Security taxes, the total estimated accretion in tax transfer payments from employees and employers to Medicare and Social Security is 15.3 percent. DHS estimates the tax impacts on the unburdened earnings basis. This is calculated by multiplying the earnings impact by the employment tax rate of 15.3 percent, and dividing the resulting product by the benefits burden multiple of 1.45. DHS is unable to quantify other tax transfer payments, such as those applicable to Federal income taxes and State and local taxes.

5. Forms, Time Burdens, and Fees

Until recently, there were no fees associated with requesting asylum or an initial (c)(8) EAD, and no biometrics collection requirement associated with (c)(8) EAD applications. USCIS recently

implemented statutorily-mandated filing fees, including a \$100 non-waivable filing fee for the asylum application and \$100 annual fee for every year the applicant's asylum application is pending, as well as a \$550 non-waivable filing fee for the initial (c)(8) employment authorization application.³⁰¹ The proposed rule establishes a biometrics collection applicable to (c)(8) EAD requests, but it is not imposing a service fee via this rulemaking. DHS explained other impacts linked to biometrics collection in the final section of this analysis. This rulemaking proposes changes to the forms I-589 and I-765, forms relevant to the baseline population. The current form burdens are 11 hours for Form I-589 and 4.38 hours for Form I-765.³⁰² DHS estimates that the future filing time for Form I-765 will be 4.72 hours. In the impact estimates, DHS will rely on this projected burden, noting that it represents the maximum impact. The

³⁰¹ See On Oct. 30, 2025, USCIS paused the implementation of the annual asylum fee, as required by an order issued in *Asylum Seeker Advocacy Project v. United States Citizenship and Immigration Services*, et al., SAG-25-03299 (D. Md.). That order does not affect this rule. See *Asylum Seekers Advocacy Project v. United States Citizenship and Immigration Svcs.*, No. 25-03299 (D.Md. Oct. 30, 2025). Per statute, 50 percent of the asylum application fee is credited to DHS. None of the annual fee revenue is credited to USCIS and 25-percent of the (c)(8) employment authorization application fees are credited to USCIS.

³⁰² USCIS, DHS, "Instructions for Application for Asylum and for Withholding of Removal (Form I-589)," OMB No. 1615-0067 (expires Sept. 30, 2027), <https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf> (last updated Jan. 20, 2025); USCIS, DHS, "Instructions for Application for Employment Authorization (Form I-765)," OMB No. 1615-0040 (expires Sept. 30, 2027), <https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf> (last updated Jan. 20, 2025).

²⁹⁸ BLS, Occupational Employment Statistics, "May 2023 National Occupational Employment and Wage Estimates," All Occupations (00-0000), https://www.bls.gov/oes/2023/may/oes_nat.htm#00-0000 (last updated Apr. 3, 2024). The 10th, 25th, 75th, and 90th percentile wages are available in the downloadable XLS file link.

²⁹⁹ Calculation: 1.45 (rounded) = Hourly Total compensation (\$46.84) ÷ Hourly Wages and Salaries (\$32.25). Calculation: \$31.48 × 1.45 = \$45.65 (rounded). \$13.97 × 1.45 = \$20.26 (rounded). BLS, Economic News Release, "Employer Costs for Employee Compensation—September 2024" (Dec. 17, 2024), Table 2. Employer Costs for Employee Compensation for civilian workers by occupation and industry group, https://www.bls.gov/news.release/archives/ecec_12172024.pdf.

³⁰⁰ The various employment taxes are discussed in more detail at <https://www.irs.gov/businesses/small-businesses-self-employed/understanding-employment-taxes>. See IRS, "Publication 15, Circular E, Employer's Tax Guide," <https://www.irs.gov/pub/irs-pdf/p15.pdf> for specific information on employment tax rates. See Quentin Fottrell, MarketWatch, "More Than 44% of Americans Pay No Federal Income Tax" (Aug. 28, 2019), <https://www.marketwatch.com/story/81-million-americans-wont-pay-any-federal-income-taxes-this-year-heres-why-2018-04-16>. Relevant calculation: (6.2 percent Social Security + 1.45 percent Medicare) × 2 employee and employer losses = 15.3 percent total estimated public tax impact.

reason is that some aliens file electronically, and the burden for electronic filings will be less, changing from 4.12 hours to 4.35 hours.³⁰³

In the impact estimates, DHS accounts for costs and cost-savings applicable to changes involving filing for- and not filing for, an EAD, but does not include the recent statutorily-mandated filing fees in these estimates.

6. Monetized Impacts (Costs, Benefits, and Transfers)

a. Variables and Descriptions

In this section DHS develops, estimates, quantifies, and monetizes potential economic impacts that could accrue to the proposed rule, although not all impacts can be fully quantified. The primary effect will be changes to labor compensation earnings that asylum applicants who have obtained (c)(8) EADs could incur. The changes to earnings would likely comprise delayed or forgone earnings to EAD holders; however, some portion, or the totality of the aggregate earnings change could also constitute transfers to American workers without productivity loss to employers. DHS acknowledges that there would be impacts applicable to (c)(8) renewal filings, but to scope the analysis, we focus on the primary impact of an initial approved (c)(8) EAD. At the time of this analysis, June 2025, an initial (c)(8) EAD is authorized for five years, which is the main basis for the analysis period.³⁰⁴ In addition to earnings impacts there could be tax impacts as well as costs and cost-savings to asylum applicants not filing for EADs in the future and changes to the form burden. These effects are also quantified, to the extent possible.

The monetized estimated impacts are developed in two modules. Module 1 covers the impacts applicable to a pause in the issuance of initial (c)(8) EADs until USCIS affirmative asylum applications processing time reaches a 180-day average. Module 2 covers the provisions related to EAD eligibility, ending some EADs early, and well as the proposed changes to the (c)(8) filing

time and process time protocol. The changes to EAD eligibility requirements for initial (c)(8) EAD applicants would become applicable only when the pause, covered by Module 1, is lifted. The impacts are parsed this way to avoid double counting, as an issuance pause would comprise the largest impact and encompass any effects that could be incurred under an issuance protocol (Module 2). There are numerous metrics and inputs utilized in the analysis, and for the purpose of brevity, we will utilize letter abbreviations for many, which will be introduced when applicable.

To support the economic impact estimates for this proposed rule, DHS analyzed data provided by the USCIS Office of Performance and Quality. The data set links information on asylum filings with concomitant (c)(8) EAD filings, comprising 2.26 million records for the full period FY 2022 through FY 2024.³⁰⁵ It fully embodies USCIS affirmative asylum data, and while it includes EAD data linked to defensive asylum, data regarding defensive asylum outcomes are not fully available, as DHS cannot concatenate such data between USCIS and EOIR, at this time.

The population (POP) at its broad level is the total population of initial (c)(8) EAD approvals, as denials would not be impacted. A first phase of the analysis parses out and reports the specific populations that the rule could impact, as is shown in Table 8. Under both Module 1 and 2 the broad population could be impacted, but there is an important distinction in the manner in which the impacts are estimated. If there is a pause in the issuance of initial (c)(8) EADs (*i.e.*, Module 1), the entire population, initial EAD filings for both pending affirmative and defensive asylum would be impacted, as no pertinent individuals would obtain an EAD. In contrast, when the pause is lifted (*i.e.*, Module 2), DHS assumes that initial (c)(8) EADs would be issued primarily for pending defensive asylum applicants. This is because the pause is lifted only when the processing time for affirmative asylum processing is less than 180 days, and thus prior to the end of the proposed 365-day waiting period for an initial (c)(8) EAD. An asylum approval would grant work authorization, and a denial would make the individual ineligible for work authorization.

As is explained in the preamble, given the scope of the pending affirmative

asylum caseload, USCIS is prepared to pause (c)(8) initial EADs when the rule becomes effective. As discussed earlier in the preamble, the reduction in (c)(8) initial EAD filings could be a factor in reducing process times for asylum, which could position USCIS in the future to meet the regulatory criteria of 180-day asylum average process time and lift the pause to begin again issuing (c)(8) initial EADs. While DHS cannot speculate on when this would occur, based on estimates discussed previously, DHS assumes it would likely be outside the five-year span under which the impacts applicable to the pause are estimated. Therefore, for purposes of explaining a regulatory baseline, DHS could assume that once Module 2 commences, in the absence of the proposed changes to the clock and the eligibility bars, asylum and (c)(8) EAD volumes would revert back to levels before the rule (and pause) took place.

What the above discussion suggests is that if DHS is meeting the 180-day asylum processing time, (c)(8) initial EAD volumes applicable to affirmative asylum could converge to zero. The impact to affirmative asylum is twofold; first, individuals with approved affirmative claims could benefit because they could become work authorized earlier—their asylum claim would be approved before their “past” claim or EAD, whichever of the latter two was approved first. Second, individuals would realize a cost-savings from not filing for an EAD. While DHS expects these impacts to occur, the Department does not make estimates of the impacts to the affirmative population for two reasons; first, as was stated above, for a baseline we could assume asylum filings and concomitant (c)(8) EADs would revert to pre-rule levels, but this is not realistic. Due to lingering effects of the (initial) pause the initial (c)(8) volumes relevant to Module 2 would likely be quite different than recent historical volumes. Second, DHS cannot predict when an asylum claim could be approved (within the 180-day window). In summary, DHS acknowledges that this proposed rule will have a significant impact on both the asylum and associated EAD populations but, for the reasons described above, DHS is unable to quantify the indirect impacts of potential earlier earnings and filing cost-savings.

In Module 2, DHS operates under the assumption that USCIS affirmative asylum applicants would generally not file for an EAD, as their asylum case would potentially be decided in advance of their application for an EAD. This is even more likely given the EAD

³⁰³ These burdens were updated for this rulemaking action and were provided by the USCIS Paperwork Reduction Act (PRA) Branch (Apr. 16, 2025).

³⁰⁴ As was noted in the above summary section above, DHS recognizes that the current maximum EAD validity period for aliens with pending asylum applications is 18 months, effective December 5, 2025, differs from the 5-year benchmark utilized herein, and that the resulting quantified impacts applicable to this change would also be impacted. DHS caveats that the quantified estimates are currently overstated due to the change in the maximum EAD validity period for aliens with pending asylum applications to 18 months. USCIS will consider the recent change and incorporate updates where appropriate in the final rule to reflect this change.

³⁰⁵ Data were provided by OPQ on Feb. 18, 2025, with additional supplements on Feb. 25, 2025, and Mar. 12, 2025 (data were obtained from and processed via USCIS Global, ELIS, SAS, Databricks, and Tableau).

filing clock change from 150 to 360 days. Therefore, DHS assumes the affirmative population would not be affected by the Module 2 provision. For Module 2, DHS estimates impacts to the defensive population, also described as the EOIR population. Defensive cases would not be subject to the proposed 180-day asylum process time requirement. Hence the eligibility bars and clock changes would potentially be impactful to defensive cases. The reason is that the data analysis reports the median time for a USCIS referral to EOIR (date of receipt of the asylum application to the referral decision date) is 231 days. Adding the referral time

frame to the lengthy current process time for asylum cases at EOIR, DHS expects that most would benefit from filing for an EAD as it would be approved before the asylum decision date, even with the EAD clock changes.

To conduct the analysis, DHS drew a random sample of 5,000 records from initial EAD applications, including affirmative and defensive asylum cases. This size is much larger than is required to generate 95 percent confidence in the results, but DHS oversampled considerably because there are multiple sub-populations impacted, and DHS sought assurance of adequate inter-group representation. The population

breakout is reported in Table 8 and is based on the projected annualized average filing volumes or the analysis period of FY 2025 to FY 2029. It is noted that the encompassing population comprises receipt volumes (Section VI.A.3) multiplied by an approval rate of 83.5 percent (applicable to both affirmative and defensive filings), which is the weighted average (c)(8) EAD approval rate for the period FY 2019 through FY 2024 (in estimating specific impacts DHS utilizes a range, derived from historical data for the approval rate, APV).

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Table 8. Populations Potentially Impacted by the Rule (initial (c)(8) EAD approvals).

Table 8. Populations Potentially Impacted by the Rule (initial (c)(8) EAD approvals).				
Provision	Percentage of Total Filing Initial EAD Population	Number (population) impacted (5-year annual average)		
		low	mid	high
Module 1: Issuance pause				
Filing Population	100.0	266,386	602,105	937,824
Filing population x approval rate=initial EAD population (baseline)	83.5	222,432	502,758	783,083
Module 2: Issuing (c)(8) EADs under asylum completion compliance				
A. Population of EOIR initial EADs ³⁰⁶	100.0	141,689	320,257	498,824
1. EOIR sub-population subject to the one-year filing (OYB) deadline bar	15.9	22,529	50,921	79,313
2. EOIR sub-population subject to Entry Without Inspection (EWI) ineligibility	19.5	27,488	62,450	97,271
3. EOIR sub-population subject to discretionary and criminal bars	unknown	----		
4. EOIR eligibility bar subtotal population (after removing overlap from provisions)	30.0	42,507	96,077	149,647
5. EOIR remaining population (Row A minus Row A4): that would file for an EAD and be subject the filing time and process time changes	70.0	99,182	224,180	349,177
B. End EADs early for denied asylum (figure applies to USCIS affirmative cases)	0.02	159		
Source: USCIS analysis (Apr. 2, 2025).				

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The reported shares derived from the sample are extrapolated to the population to obtain estimates of the number of aliens potentially impacted. For Module 2, the basis for Row A is the total EOIR population, which, based on our analysis, is 63.7 percent of the estimated approved (c)(8) EAD population.³⁰⁷ DHS examined the three proposed bars to eligibility: one-year filing deadline, entry without inspection, and criminal bars. For the one-year filing deadline, DHS calculated the day-duration between the entry date and the receipt of the Form I-589 to obtain an estimate of the population potentially subject to the 1-year filing deadline bar (OYB). DHS also filtered cases recording entry without inspection (EWI) to estimate the potential population that could be subject to the EWI bar. As can be derived from Table 8, 35.4 percent could be subject to either bar, but we removed the overlap correction factor (OCF) of 5.4 percent, the latter of which is the percentage to which both bars could apply, to arrive at the total share shown (A4). The total number of future EAD filers reported in Row A5, is the EOIR cases population (Row A) minus the OYB and EWI bar population excluding overlap (Row A4). For the other bars, DHS cannot make an estimate of the number or share of cases. Information on criminal activity can be recorded in adjudicative records and officer notes and, while DHS does have some data and information asylum cases that were denied on such grounds, DHS does not have data linking those cases to EAD data in a manner suitable for analysis. The percentages in A1, A2, and A4 thus apply to the EOIR population. For reference, the shares applicable to the total (c)(8) EAD population for the eligibility bars (A4) and those that would file in the future (A5) are 19.1 and 44.6 percent, in order.³⁰⁸

DHS also examined the impacts of the proposed changes to termination of employment authorization. The figure of 159 (Row B, Table 8) is the estimated number of annual USCIS asylum denials (DEN) in which the individual received

an EAD. This proposed rule would end the EAD (before its expiration date) when USCIS denied the affirmative asylum claim. DHS cannot determine how many would be valid when the rule becomes effective and hence this small volume will be a proxy for the number impacted at effective date.³⁰⁹

Because there are multiple metrics involved in the two modules, and because some incur ranges, DHS will utilize a modelling and simulation approach based on a large number of randomized seed trials. This approach provides a robust and efficient estimation mechanism; even though the impacts across module and type are reported separately per regulatory guidance, their setup can be nested into a single-dimension simulation that ensures the impact estimates are based on the same randomized trial values for common variables (for example, population and (c)(8) approval rate). When a data range is involved, a triangle data structure is utilized when a minimum, average, and maximum value is applicable. If there is not an average or “likeliest” value, a uniform range is bounded with a maximum and minimum value, which essentially means that the probability of any value chosen in a trial run is the same for all values within the range.

DHS believes it is appropriate to incorporate realistic aspects of the labor market into the DHS estimates. For example, we can assume that all individuals with EADs would be in the labor force but cannot reasonably assume that all are employed at the effective date of the rule, and thus it would be appropriate to take the unemployment rate into account. To integrate labor market effects, DHS calculates an intensity scalar (SCL), a measure of the hours of wages earned per day, per member of the workforce, using the following equation:

$$(1) SCL = BEN * (1 - u) * \frac{wh_w}{d_w}$$

Where BEN is the benefits burden, u is the unemployment rate, and

$$\frac{wh_w}{d_w}$$

is the work hours per week divided by the days per week (7). The BEN is defined by BLS and is equal to 1.45,³¹⁰

³⁰⁹ DHS is aware that some aliens obtain an EAD as a valued identification document. Hence, some individuals may continue to file for a (c)(8) under affirmative asylum even though it would not generate a specific pecuniary benefit. Additionally, the population subject to the bars could decrease if the bars provide an incentive for compliance.

³¹⁰ The benefits burden, introduced in Section 4 of this analysis, is broken into five major categories

the unemployment rate u , is 0.041, and wh_w is 34.2.³¹¹ This yields a value of 6.79 hours of wages earned per day per member of the workforce.³¹²

Working with a single value to incorporate realistic labor factors is beneficial because it is not necessary to adjust the variables—such as the benefits burden to wages and the approval rate to the population—sequentially or even directly; all the inputs interact multiplicatively and can therefore be nested as a single dimensional system. Having described the data and the population, we proceed to the Module 1 estimation.

b. Module 1: EAD Application Acceptance Pause

If there is a pause in the acceptance of applications for (c)(8) EADs, the primary impact to aliens would be forgone labor earnings,³¹³ with the change to earnings denoted ENG throughout this analysis. We attribute the earnings change to a 5-year horizon, to capture the EAD validity period at the time the analysis was conducted. It includes an adjustment that accounts for possible substitution into another EAD category (SUB). DHS analysis reveals that for the data coverage period, 16.3 percent of (c)(8) EAD holders also received an EAD in another category of eligibility. There could be variance to this share in the future, however. On one hand, a pause in (c)(8) EAD applications would likely drive some aliens to seek EADs in other classes of eligibility, thus raising the share (and thereby reducing the share that would experience earnings change). However, a countervailing motion could occur if actions are undertaken that reduce eligibility in other classes that incurred dual EADs, in which the share could drop. Therefore, we will bound the SUB share at the current share (as the maximum, 16.3 percent) but allow as few as 5 percent to substitute, under the assumption that aliens who received an

and eighteen specific benefits, as costs to employers. These categories and additional details are found in the “Technical Note” at BLS, Economic News Release, “Employer Costs for Employee Compensation—September 2024” (Dec. 17, 2024), Table 2. Employer Costs for Employee Compensation for civilian workers by occupation and industry group, https://www.bls.gov/news.release/archives/ceec_12172024.pdf.

³¹¹ BLS, “Current Employment Statistics (National), Establishment Data, Table B-2a. Average weekly hours and overtime of all employees on private nonfarm payrolls by industry sector, seasonally adjusted,” https://www.bls.gov/ces/data/employment-and-earnings/2025/table2a_202502.htm (last visited May 26, 2025).

³¹² $6.79 = 1.45 \times (1 - 0.041) \times (34.2/7)$.

³¹³ By “forgone,” DHS implies that aliens would not be able to earn any labor compensation as it relates to a USCIS approved EAD.

³⁰⁶ DHS emphasizes that the percentage applicable to EOIR is obtained from the sample utilized for the analysis, and applies to EADs; therefore, it may be different than the percentage of asylum cases referred to EOIR by DHS in a particular time frame.

³⁰⁷ For example, the mid column, $0.637 = 320,257/502,758$.

³⁰⁸ These percentages are the respective shares of the entire approved EAD population. Calculation for the bars: $42,507/222,432 = .191$ (rounded). Calculation for future filers: $99,182/222,432 = .446$ (rounded).

EAD in another eligibility category would not sustain an earnings impact.

The earnings metric is based on the hourly wage (HWG, which ranges from \$13.97 to \$31.48, unburdened) and the time is based on a year (YER = 365 days). Denoting the daily worktime intensity scalar, developed above, as “SCL” the estimating equation for the total impact is the sum of three terms. The first, is the earnings change, followed by changes in taxes (TAX),

$$(2) \text{ENG} = \{ \text{POP} \times \text{APV} \times \text{HWG} \times (1 - \text{SUB}) \times \text{SCL} \times \text{YER} \};$$
$$(3) \text{TAX} = \{ \text{ENG} \left(\frac{\text{TXR}}{\text{BEN}} \right) \}.$$

As is shown, TAX is calculated as earnings multiplied by the tax rate (TXR=15.3 percent, which is the sum of the Medicare and Social Security tax, developed in Section 4) and divided by the benefits burden (“BEN”) as DHS quantifies tax impacts on unloaded wages. The third term is the form

burden cost-savings (CSV), and is expressed as,

$$(4) \text{CSV} = \{ \text{POP} \times \text{APV} \times \text{HWG} \times (1 - \text{SUB}) \times \text{FMB} \times \text{BEN} \},$$

which includes the form time-burden (“FMB”=4.72 hours) and BEN. Cost-savings accrue from avoided opportunity costs of time for filing the I-765.

DHS abridged the estimating setup into a truncated equation and nested in the simulation program.³¹⁴

Table 9. Module 1 Impact Estimation.			
Annual Results (\$millions)	Earnings (ENG) \$11,535.2- \$42,210.6	Taxes (TAX) \$1,217.2- \$4,453.9	Cost Savings (CSV) \$31.9
Simulation	Trial method: Monte Carlo ³¹⁵ ; Runs=100,000; Confidence +95%		
Variance contribution ³¹⁶	Hourly wage: 49.2%, Population: 49.1%, Approval rate: 0.6%.		
USCIS Analysis: SAS JMP 14, Excel, Oracle Crystal Ball (May 23, 2025) The results provide the annual figures, in millions, for a 95% certainty range, thus capturing a high and low bound.			

Table 10 reports the values for the 5-year period FY 2025 through FY 2029. Because the simulation output provides the impact for the average annual EAD population, DHS calculated a five-year total impact from this output. Since the EAD length is currently 5 years, the earnings and taxes impacts grow

consecutively each year as there are overlapping populations starting in the second year.³¹⁷ However, for costs savings that would result from one-time form submission per initial EAD applicant who can no longer file, DHS used the average annual EAD

population (Table 8) for each analysis year.

The net impact is earnings minus cost-savings. The results are presented first in undiscounted terms and then at discount rates of 3 and 7 percent, in order.

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³¹⁴ DHS utilizes the Oracle Crystal Ball © modelling and simulation system (OCB). DHS provided the complete estimation system, covering assumptions, inputs, settings, and results unedited in a Crystal Ball Report in the Technical Appendix in the rulemaking docket. The hourly wage is a uniform distribution bounded by the wage levels developed in Section IV.A.4. The approval rate is a triangle distribution set at 0.748, 0.835, and 0.855, as warranted by the analysis. The estimating setup can be abridged into a truncated equation and nested in the simulation program.

³¹⁵ In the Monte Carlo simulations, DHS nests a common term applicable to earnings, taxes, and

savings, which is the product of the population, approval rate, hourly wage, and unity minus the substitution factor.

³¹⁶ The variance contribution captures the contribution of variance for each input to the range of forecasted values. The high and low figure represents the certainty level, which is the range of values between the data-structure-specific 2.5th and 97.5th percentiles.

³¹⁷ To determine the earnings and taxes impacts allocated to the FYs 2025, 2026, 2027, 2028, and 2029, DHS uses the average annual filing volume from Table 8 and annual impacts from Table 10.

The impacts from not receiving the EAD accrue to each of the 5 years for which the EAD would have resulted in earnings. Accordingly, in 2025 DHS estimates 602,105 EAD filers, with mean estimated earnings of \$24,585 million. In 2026 that doubles to 1,204,210 EAD filers with \$49,170 million in affected earnings. Continuing that pattern, in 2029 DHS estimates an average of 3,010,525 EAD filers would be affected and a corresponding \$122,926 million in earnings. DHS selected the allocation horizon given the 5-year EAD validity in effect at the time of this analysis.

Table 10. Module 1 Monetized Impacts ((c)(8) EAD Issuance Pause) (\$ millions).				
FY	Earnings	Taxes	Cost savings	Net impact = (Earnings - Cost Savings)
i. Undiscounted; low-end.				
2025	\$11,535.2	\$1,217.2	\$31.9	\$11,503.3
2026	\$23,070.3	\$2,434.3	\$31.9	\$23,038.4
2027	\$34,605.5	\$3,651.5	\$31.9	\$34,573.6
2028	\$46,140.6	\$4,868.6	\$31.9	\$46,108.7
2029	\$57,675.8	\$6,085.8	\$31.9	\$57,643.9
5-yr. total	\$173,027.3	\$18,257.4	\$159.5	\$172,867.8
5-yr. average	\$34,605.5	\$3,651.5	\$31.9	\$34,573.6
I. Undiscounted; mean.				
2025	\$24,585.2	\$2,594.2	\$67.9	\$24,517.3
2026	\$49,170.3	\$5,188.3	\$67.9	\$49,102.4
2027	\$73,755.5	\$7,782.5	\$67.9	\$73,687.6
2028	\$98,340.6	\$10,376.6	\$67.9	\$98,272.7
2029	\$122,925.8	\$12,970.8	\$67.9	\$122,857.9
5-yr. total	\$368,777.4	\$38,912.4	\$339.5	\$368,437.9
5-yr. average	\$73,755.5	\$7,782.5	\$67.9	\$73,687.6
II. Undiscounted; high-end.				
2025	\$42,210.6	\$4,453.9	\$116.6	\$42,094.0
2026	\$84,421.2	\$8,907.9	\$116.6	\$84,304.6
2027	\$126,631.9	\$13,361.8	\$116.6	\$126,515.3
2028	\$168,842.5	\$17,815.8	\$116.6	\$168,725.9
2029	\$211,053.1	\$22,269.7	\$116.6	\$210,936.5
5-yr. total	\$633,159.3	\$66,809.2	\$583.0	\$632,576.3
5-yr. average	\$126,631.9	\$13,361.8	\$116.6	\$126,515.3
III. 3% discount rate; low-end.				
2025	\$11,199.2	\$1,181.7	\$31.0	\$11,168.2
2026	\$21,746.0	\$2,294.6	\$30.1	\$21,715.9
2027	\$31,668.9	\$3,341.6	\$29.2	\$31,639.7

2028	\$40,995.3	\$4,325.7	\$28.3	\$40,967.0
2029	\$49,751.6	\$5,249.7	\$27.5	\$49,724.1
5-yr. total	\$155,361.0	\$16,393.3	\$146.1	\$155,215.0
5-yr. annualized	\$33,923.8	\$3,579.5	\$31.9	\$33,891.9
IV. 3% discount rate; mean				
2025	\$23,869.1	\$2,518.6	\$65.9	\$23,803.2
2026	\$46,347.7	\$4,890.5	\$64.0	\$46,283.7
2027	\$67,496.7	\$7,122.1	\$62.1	\$67,434.6
2028	\$87,374.4	\$9,219.5	\$60.3	\$87,314.1
2029	\$106,036.9	\$11,188.7	\$58.6	\$105,978.3
5-yr. total	\$331,124.8	\$34,939.4	\$311.0	\$330,813.9
5-yr. annualized	\$72,302.6	\$7,629.2	\$67.9	\$72,234.7
V. 3% discount rate; high-end.				
2025	\$40,981.2	\$4,324.2	\$113.2	\$40,868.0
2026	\$79,575.1	\$8,396.5	\$109.9	\$79,465.2
2027	\$115,886.1	\$12,228.0	\$106.7	\$115,779.4
2028	\$150,014.3	\$15,829.1	\$103.6	\$149,910.7
2029	\$182,056.2	\$19,210.1	\$100.6	\$181,955.7
5-yr. total	\$568,513.0	\$59,987.9	\$534.0	\$567,979.0
5-yr. annualized	\$124,137.4	\$13,098.6	\$116.6	\$124,020.8
VI. 7% discount rate, low-end.				
2025	\$10,780.5	\$1,137.5	\$29.8	\$10,750.7
2026	\$20,150.5	\$2,126.2	\$27.9	\$20,122.6
2027	\$28,248.4	\$2,980.7	\$26.0	\$28,222.3
2028	\$35,200.5	\$3,714.3	\$24.3	\$35,176.1
2029	\$41,122.0	\$4,339.1	\$22.7	\$41,099.3
5-yr. total	\$135,501.9	\$14,297.8	\$130.8	\$135,371.1
5-yr. annualized	\$33,047.6	\$3,487.1	\$31.9	\$33,015.7
VII. 7% discount rate; mean.				
2025	\$22,976.8	\$2,424.4	\$63.5	\$22,913.3
2026	\$42,947.3	\$4,531.7	\$59.3	\$42,888.0
2027	\$60,206.4	\$6,352.8	\$55.4	\$60,151.0

2028	\$75,023.6	\$7,916.3	\$51.8	\$74,971.8
2029	\$87,644.4	\$9,248.0	\$48.4	\$87,596.0
5-yr. total	\$288,798.5	\$30,473.2	\$278.4	\$288,520.1
5-yr. annualized	\$70,435.3	\$7,432.1	\$67.9	\$70,367.4
VIII. 7% discount rate, high-end.				
2025	\$39,449.2	\$4,162.6	\$109.0	\$39,340.2
2026	\$73,736.8	\$7,780.5	\$101.8	\$73,634.9
2027	\$103,369.3	\$10,907.2	\$95.2	\$103,274.1
2028	\$128,809.1	\$13,591.6	\$89.0	\$128,720.2
2029	\$150,477.9	\$15,878.0	\$83.1	\$150,394.8
5-yr. total	\$495,842.3	\$52,319.9	\$478.1	\$495,364.2
5-yr. annualized	\$120,931.3	\$12,760.3	\$116.6	\$120,814.7
USCIS Analysis (May 23, 2025).				

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As is reported in Table 10, net impacts from Module 1 could range from \$172,867.8 million to \$632,576.3.6 million (undiscounted), with a mean estimate of \$368,437.9 million over 5 years, with annualized averages that could range from \$34,573.6 million to \$126,515.3 million, with a mean of \$73,687.6 million. At a 3 percent discount rate, net impacts could range from \$155,215.0 million to \$567,979.0 million, with a mean estimate of \$330,813.9 million over 5 years, with annualized figures that could range from \$33,891.9 million to \$124,020.8 million, with a mean of \$72,234.7 million. At a 7 percent discount rate, net impacts could range from \$135,371.1 million to \$495,364.2 million, with a mean estimate of \$288,520.1 million, with annualized figures that could range from \$33,015.7 million to \$120,814.7 million, with a mean of \$70,367.4 million.

Having developed and reported the quantified and monetized potential impacts of a (c)(8) EAD issuance pause, we turn to Module 2 impacts.

c. Module 2: EAD Issuance Provisions

Under a scenario in which USCIS is processing affirmative asylum applications within 180 days, and therefore USCIS could issue (c)(8) EADs under the provisions of this rule, there could be impacts from other provisions of the proposed rule to both affirmative

asylum aliens and also EOIR defensive aliens. Modules 1 and 2 are parsed separately to avoid double counting, as Module 1 quantified impacts comprise the largest (total) impacts of the rule. As was discussed above in reference to the population, all initial approved (c)(8) EADs would be subject to the bars and filing clock changes but in practice, such bars will generally apply only to defensive asylum applicants. This is because when there is not a pause in the issuance of initial (c)(8) EADs, USCIS would generally be adjudicating affirmative applications for asylum before such applicants are eligible to receive employment authorization on the basis of a pending asylum application. The quantified estimates in this section are not in addition to those under a full pause; they should be considered as separate to not overcount.

EAD Denials

The proposed rule would result in some EADs ending early due to new requirements, which would result in earlier denial of work authorization. For the ending of EADs earlier than that stipulated in their validity date, as was explained in the discussion applicable to the population, DHS does not know how many cases will apply at a specific point in time but will utilize the annual number (DEN=159) as a proxy (which can be considered the number, based on the data available, that would be valid

at any time within a year).³¹⁸ This figure only applies to concomitant affirmative asylum denials, and the true figure, inclusive if defensive cases, would be larger. To obtain the pertinent earnings metric, DHS calculated the amount of time remaining (TMR) left in validity at the date of the asylum claim denial, which is a median 434 days. As was noted in the above section applicable to Module 1, the recent USCIS policy change limiting maximum validity for (c)(8) EADs to 18 months will likely have an impact here as well. Specifically, the median remaining time left would potentially be much lower than 434 days, meaning that the quantified estimates reported below for this impact (earnings and taxes) are overstated currently. The following summary equations represent the Annual Results as shown in Table 11 for earnings and taxes based on ending EADs early due to new requirements, (5) $ENG2 = \{DEN \times TMR \times HWG \times SCL\}$;

$$(6) TAX2 = \{ENG2 \left(\frac{TXR}{BEN} \right)\}.$$

Eligibility Bars and EAD Clock

For the EOIR defensive asylum cases, there will be two population groups impacted. First, the filing bars will apply, and the changes to the EAD clock

³¹⁸ DHS notes that the number of cases (159) does not reflect the entire population and only USCIS affirmative cases.

will be binding. As was introduced in the presentation of the population, DHS expects EAD filings to continue, as the EAD would generally be approved prior to the adjudication of the asylum claim, at least under the current conditions of large backlogs. First, we present the estimation structure for the impacts that would accrue to the ending of some EADs early and the filing bars. As is applicable to the latter, earnings impacts are estimated as,

(7) $ENG3 = POP \times APV \times (OYB + EWI - OCF) \times HWG \times SCL \times YER.$

In this equation, the population is the defensive asylum/EOIR population (see Table 8), the term $(OYB + EWI - OCF)$ is the percentage (share) subject to the bars, and taxes are calculated the same

way as in Equation 2. Individuals that could be impacted by the eligibility bars might file for an EAD, but if they do, they will be denied. Some aliens are likely to realize they are ineligible and will therefore not file. USCIS believes it is reasonable to operate under the assumption that potential filers with legal representation would likely be advised not to file. USCIS evaluated the (c)(8) data and determined on average about half of the population uses a representative for their (c)(8) EAD request. Therefore, about half the population could incur filing cost-savings and about half would incur sunk costs associated with filing for an EAD that would be denied. In the net, the impact would be close to zero as costs would offset savings.³¹⁹

Eligibility Bars

DHS assumes that aliens subject to the eligibility bars cannot substitute into another EAD class. To estimate the eligibility bar total impact, we can draw out a common term for Module 2 (CT2),

(8) $CT2 = \{POP \times APV \times (OYB + EWI - OCF) \times HWG\}$

The following summary equations represent the Annual Results as shown in Table 11 for earnings and taxes for the eligibility bars applicable to EOIR cases,

(9) $ENG3 = \{CT2 \times SCL \times YER\}$

(10) $TAX3 = \{ENG3 \left(\frac{TXR}{BEN}\right)\}.$

Table 11. Module 2 Impact Estimation.			
Ending EADs early for denied asylum (USCIS decisions)			
Annual Results (\$millions)	Earnings (ENG2): \$6.8-\$14.5	Taxes (TAX2): \$0.7-\$1.5	Filing impacts: none
Eligibility bars applicable to EOIR cases.			
Annual Results (\$millions)	Earnings (ENG3): \$2,474.2-\$8,988.1	Taxes (TAX3): \$261.1- \$948.4	Filing impacts: Net approx. \$0
Simulation	Trial method: Monte Carlo; Runs=100,000; Confidence +95%		
Variance contribution (Bars)	Hourly wage: 50.0%, Baseline population: 49.2%.		
USCIS Analysis: SAS JMP 14, Excel, Oracle Crystal Ball (May 23, 2025). The results provide the annual figures, in millions, for a 95% certainty range, thus capturing a high and low bound.			

EAD Clock: Changes to Filing and Processing Time

The changes applicable to the (c)(8) EAD filing and processing time jointly affect the earnings clock. Under the proposed rule, the EAD filing time would increase from 180 days to 365 days, where an applicant would need to wait longer to file under the proposed rule (“EAD clock”). Further, the proposed rule would provide USCIS additional time to adjudicate and process from the baseline 30 days to 180 days. The metric to affected earnings will be the difference in the EAD “wait time,” which constitutes the duration between the asylum receipt claim and the approval of the (c)(8) EAD. The wait time is the sum of two components, the EAD filing time (FTC, FTF) and the

process time, in which “C” denotes current, or past, and “F” is the future, or conditions under the rule. To estimate FTF we employ a simple behavioral approach; FTF will be set at 365 applicable to past values less than this value; if someone filed at 200 days in the past they would file at the new minimum (365). For those who filed past 365 days in the past, they would be assigned their actual past value; if someone waited 400 days to file, they would file at that same time in the future. This behavioral system imparts that those filing under 365 days would file unconditionally at the new minimum, whereas others would not be impacted by the filing clock change.

DHS seeks sufficient time to conduct diligent and thorough review, to include

screening and vetting for national security and public safety concerns, of (c)(8) EAD applications. While DHS cannot predict exactly what (c)(8) EAD process times will look like in the future, at the time of this analysis we believe that most EADs can be adjudicated within about 120 days and that 90 days is a reasonable cluster point. However, DHS will allow a window of up to 180 days, though an individual case could take longer for any number of reasons. DHS emphasizes that process times of 90 days that we rely on as a cluster point (and 120 days as an upper end range for most (c)(8) EADs applications) is not a prediction, as the process time could vary for reasons linked to case-by-case analysis of individual cases or changes in

³¹⁹Data sources to USCIS, OPQ, queried Sep. 5, 2025. The 50–50 percent split is an approximation,

as the figure varies year to year; additionally, some

records contain missing or inconsistent information.

operations, resources, policies, and immigration. Rather these values are inputs required to make our estimation procedures tractable and are based on what DHS thinks is currently reasonable.

As it applies to the future process time it is necessary to employ a data transformation mapping each past value to a future one. In this sense, because the future will be charted from past data, there is a behavioral element to the process time also. But, because a transformation is involved, the setup is quasi-behavioral. The data must be mapped to a new process time structure that satisfies multiple policy and operational goals. First, the minimum process time informed from the data analysis (1 day) is not tenable, and it is requisite that this minimum will rise to allow DHS diligence in the adjudicative process. DHS analysis reveals that the data structure for the (c)(8) EAD current process time is positively skewed, with a mean that is larger than the median. Since the potential cluster will be around 90 days, which is near the upper window of 120 days, the data structure will need to be recentered near the upper segment and negatively skewed and bounded to 120. It is noted that the actual upper bound may be more than 120 days, but it is a necessary feature of the model that we employ, which we will address downstream. Additionally, DHS seeks consistency in adjudications and therefore a lower variance is a goal.

This part of the methodology development is technical in nature, and while some details are provided here, the technical appendix accompanying this rulemaking walks through the steps of the estimation procedures in detail. Specifically, DHS began by attempting to scale the process times to satisfy the upper bound, using simple and common transformation procedures utilized in multidisciplinary work. While these methods are not directly set up to bound data to an upper level, DHS was able to adjust the algorithms to satisfy the upper bound, but the results were not tenable for other reasons. Because of the inadequacies applicable the two common procedures, DHS next employed the *logistic* functional form, which is the benchmark to model

growth patterns across a number of natural and medical sciences. It has also been a key development practice in the propagation and training of deep learning networks. As it relates to deep learning networks, the logistic form is utilized as a data transformation tool, and offers a setup that directly bounds an upper limit. However, trial runs based on its general and scalable form did not produce tenable results. In summary, the transformed process times gravitated to a specific value, which is a result of a technically involved issue known as a vanishing gradient.

Because of the untenable results noted above, out of necessity DHS turned to a newer type of function that incorporates a logistic *form* into a more flexible but also complex configuration. This form is a hyperbolic sine (ASINH) in the exponential term of the logistic equation. The tuners are obtained by trial and error, not by a rule-base method. For the future process times, the calibration of tuner settings employed in H1 has accomplished the stated objectives; the minimum EAD process time increased to 24 days; the data cluster in the upper tail (median=90) which is greater than the mean, indicating the distribution has been recentered and skewed leftward, and the variance (as measured by the standard deviation) has declined from 41.5 to 28.3, which is reduction of almost a third (31.8 percent).

For every case, DHS calculated the past wait time (WTP) for an EAD from the data set and a future wait (WTF) from the model developed above and then calculated the wait time difference (WTD). DHS mapped the current process time for their (c)(8) EAD to a new one. The resultant analysis suggests that almost all (98.1 percent) would experience a longer wait time under the proposed provisions of the rule, with a median of 216 days, and a small share (1.9 percent) could experience shortened wait time and gain earnings time, as $WTP > WTF$ (the range for the shorter wait times is 1 day to 98 days, with a median of 34 days). To extend these results to the population, DHS set

up the earnings delay as positive figures and the gains as negatives, to express net effects and incorporated the WTD according to its distribution and parameters.

Before turning to the simulation and results, we highlight an additional feature of the utilized data structure. It was necessary to stipulate an upper bound, which is 120 days in the current calibration (*i.e.*, when DHS believes most EADs can be adjudicated). But this window is not absolute, as DHS will allow a process time of up to 180 days with any case taking necessarily longer due to security or vetting concerns. The WTD distribution is not finite in its upper tail as we allow for longer wait times (driven by longer process times)—*i.e.* they are not ruled out in the seed trials. Hence, although DHS did not explicitly input longer process times in the estimation mechanism, we can enshrine this possibility without compromising any functionality of the system. In fact, DHS verifies and reports recursively that this effect has been rendered, as a small number of trials resulted in a WTD that exceeded the actual values in the sample (and 180 days)

For aliens that file for an EAD, which to reiterate, is the defensive population not subject to the proposed bars, the impact pertinent to filing for the EAD is the proposed change in the form burden (ΔFMB), which is 0.34 hours. Hence there will be a relatively small increased filing time burden to each individual that files, which DHS denotes as CST. Drawing on a common term for or the clock changes (“CT3”),

$$(11) CT3 = POP \times APV (1 - OYB - EWI + OCF) \times HWG).$$

The following summary equations represent the Annual Results as shown in Table 12 for earnings, taxes and filing costs for the EAD clock impacts under Module 2,

$$(12) ENG4 = \{CT3 \times SCL \times WTD\};$$

$$(13) TAX4 = \{ENG4 \left(\frac{TXR}{BEN} \right)\};$$

$$(14) CST = \{CT3 \times \Delta FMB \times BEN\}.$$

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Table 12. Model for Estimation of EAD clock Impacts under Module 2.				
Input			Structure	Settings
Filing time			Behavioral	$FTF = \begin{cases} 365, & FTC \leq 365 \\ FTC, & FTP > 365 \end{cases}$
Process time			Hyperbolas tic Type 1	$\begin{aligned} Rho: & 6.0 \\ Delta: & 0.04 \\ Psi: & 0.4 \end{aligned}$
Earnings Metric			$\begin{aligned} WTD = \\ WTP - \\ WTF \end{aligned}$	$\begin{aligned} \text{Min. Extreme} \\ \text{Likeliest: } 218.8 \\ \text{Scale: } 58.6 \\ \text{Min: } -100 \end{aligned}$
Annual Results (\$millions)	Earnings (ENG4) \$359.1- \$13,377.7	Taxes (TAX4) \$63.7-\$1,346.2	Filing Costs (CST) \$1.1-\$4.2	
Simulation			Trial method: Latin Hypercube; Runs=100,000; Confidence +95%	
Variance contribution			WTD: 56.9%, Population: 21.7%, Hourly wage: 21.2%.	
USCIS Analysis (May 23, 2025). The results provide the annual figures, in millions, for a 95% certainty range, thus capturing a high and low bound.				

The estimated earnings and costs impact estimates pertinent to Module 2 are reported in Table 13, The impacts applicable to the change in the form burden are a small cost associated with

those who file that would obtain an EAD (the clock changes). As with Module 1, DHS distributed the average annual population and impacts through each year in the analysis. Similarly, the

quantified impacts are overstated currently due to the recent USCIS policy change limiting (c)(8) EAD validity to 18 months.

Table 13. Module 2 Earning and Net Filing Impact Estimates (\$ million).					
FY	End EADs early	Eligibility bars (due to OYB & EWI)	EAD clock (filing time increases from 180 to 365 days and process time rises)	Filing cost	Total impact
i. Undiscounted; low-end.					
2025	\$6.8	\$2,474.2	\$359.1	\$1.1	\$2,841.2
2026	\$6.8	\$4,948.4	\$359.1	\$1.1	\$5,315.4
2027	\$6.8	\$7,422.6	\$359.1	\$1.1	\$7,789.6
2028	\$6.8	\$9,896.9	\$359.1	\$1.1	\$10,263.9
2029	\$6.8	\$12,371.1	\$359.1	\$1.1	\$12,738.1
5-yr. total	\$34.0	\$37,113.2	\$1,795.5	\$5.5	\$38,948.2
5-yr. annualized	\$6.8	\$7,422.6	\$359.1	\$1.1	\$7,789.6
ii. Undiscounted; mean.					
2025	\$10.7	\$5,258.9	\$6,269.1	\$2.4	\$11,541.1
2026	\$10.7	\$10,517.7	\$6,269.1	\$2.4	\$16,800.0
2027	\$10.7	\$15,776.6	\$6,269.1	\$2.4	\$22,058.8
2028	\$10.7	\$21,035.5	\$6,269.1	\$2.4	\$27,317.7
2029	\$10.7	\$26,294.3	\$6,269.1	\$2.4	\$32,576.6
5-yr. total	\$53.5	\$78,883.0	\$31,345.7	\$12.0	\$110,294.1
5-yr. annualized	\$10.7	\$15,776.6	\$6,269.1	\$2.4	\$22,058.8
iii. Undiscounted; high-end.					
2025	\$14.5	\$8,988.1	\$13,377.7	\$4.2	\$22,384.5
2026	\$14.5	\$17,976.1	\$13,377.7	\$4.2	\$31,372.6
2027	\$14.5	\$26,964.2	\$13,377.7	\$4.2	\$40,360.6
2028	\$14.5	\$35,952.2	\$13,377.7	\$4.2	\$49,348.7
2029	\$14.5	\$44,940.3	\$13,377.7	\$4.2	\$58,336.7
5-yr. total	\$72.5	\$134,820.9	\$66,888.7	\$21.0	\$201,803.1
5-yr. annualized	\$14.5	\$26,964.2	\$13,377.7	\$4.2	\$40,360.6
iv. 3% discount rate; low-end.					

2025	\$6.6	\$2,402.1	\$348.6	\$1.1	\$2,758.5
2026	\$6.4	\$4,664.4	\$338.5	\$1.0	\$5,010.3
2027	\$6.2	\$6,792.8	\$328.6	\$1.0	\$7,128.6
2028	\$6.0	\$8,793.2	\$319.1	\$1.0	\$9,119.3
2029	\$5.9	\$10,671.4	\$309.8	\$0.9	\$10,988.0
5-yr. total	\$31.1	\$33,323.9	\$1,644.6	\$5.0	\$35,004.7
5-yr. annualized	\$6.8	\$7,276.4	\$359.1	\$1.1	\$7,643.4
v. 3% discount rate; mean.					
2025	\$10.4	\$5,105.7	\$6,086.5	\$2.3	\$11,204.9
2026	\$10.1	\$9,914.0	\$5,909.3	\$2.3	\$15,835.6
2027	\$9.8	\$14,437.8	\$5,737.1	\$2.2	\$20,186.9
2028	\$9.5	\$18,689.7	\$5,570.0	\$2.1	\$24,271.4
2029	\$9.2	\$22,681.7	\$5,407.8	\$2.1	\$28,100.8
5-yr. total	\$49.0	\$70,828.9	\$28,710.8	\$11.0	\$99,599.7
5-yr. annualized	\$10.7	\$15,465.8	\$6,269.1	\$2.4	\$21,748.1
vi. 3% discount rate; high-end.					
2025	\$14.1	\$8,726.3	\$12,988.1	\$4.1	\$21,732.5
2026	\$13.7	\$16,944.2	\$12,609.8	\$4.0	\$29,571.6
2027	\$13.3	\$24,676.0	\$12,242.5	\$3.8	\$36,935.7
2028	\$12.9	\$31,943.1	\$11,885.9	\$3.7	\$43,845.7
2029	\$12.5	\$38,765.9	\$11,539.7	\$3.6	\$50,321.8
5-yr. total	\$66.4	\$121,055.5	\$61,266.1	\$19.2	\$182,407.3
5-yr. annualized	\$14.5	\$26,433.0	\$13,377.7	\$4.2	\$39,829.5
vii. 7% discount rate; low-end.					
2025	\$6.4	\$2,312.3	\$335.6	\$1.0	\$2,655.3
2026	\$5.9	\$4,322.1	\$313.7	\$1.0	\$4,642.7
2027	\$5.6	\$6,059.1	\$293.1	\$0.9	\$6,358.7
2028	\$5.2	\$7,550.3	\$274.0	\$0.8	\$7,830.2
2029	\$4.8	\$8,820.4	\$256.0	\$0.8	\$9,082.1
5-yr. total	\$27.9	\$29,064.3	\$1,472.4	\$4.5	\$30,569.0

5-yr. annualized	\$6.8	\$7,088.5	\$359.1	\$1.1	\$7,455.5
viii. 7% discount rate; mean.					
2025	\$10.0	\$4,914.8	\$5,859.0	\$2.2	\$10,786.1
2026	\$9.3	\$9,186.6	\$5,475.7	\$2.1	\$14,673.7
2027	\$8.7	\$12,878.4	\$5,117.5	\$2.0	\$18,006.6
2028	\$8.2	\$16,047.8	\$4,782.7	\$1.8	\$20,840.5
2029	\$7.6	\$18,747.5	\$4,469.8	\$1.7	\$23,226.6
5-yr. total	\$43.9	\$61,775.1	\$25,704.7	\$9.8	\$87,533.5
5-yr. annualized	\$10.7	\$15,066.4	\$6,269.1	\$2.4	\$21,348.6
ix. 7% discount rate; high-end.					
2025	\$13.6	\$8,400.1	\$12,502.6	\$3.9	\$20,920.1
2026	\$12.7	\$15,701.0	\$11,684.6	\$3.7	\$27,402.0
2027	\$11.8	\$22,010.8	\$10,920.2	\$3.4	\$32,946.3
2028	\$11.1	\$27,427.8	\$10,205.8	\$3.2	\$37,647.9
2029	\$10.3	\$32,041.8	\$9,538.1	\$3.0	\$41,593.3
5-yr. total	\$59.5	\$105,581.5	\$54,851.3	\$17.2	\$160,509.5
5-yr. annualized	\$14.5	\$25,750.3	\$13,377.7	\$4.2	\$39,146.8
USCIS Analysis (Apr. 21, 2025).					

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As is reported in Table 13, net impacts from Module 2, in undiscounted terms, could range from \$38,948.2 million to \$201,803.1 million, with a mean estimate of \$110,294.1 million over 5 years, with annualized averages that could range from \$7,789.6 million to \$40,360.6 million, with a mean of \$22,058.8 million. At a 3

percent discount rate, net impacts could range from \$35,004.7 million to \$182,407.3 million, with a mean estimate of \$99,599.7 million over 5 years, with annualized averages that could range from \$7,643.4 million to \$39,829.5 million, with a mean of \$21,748.1 million. At a 7 percent discount rate, net impacts could range from \$30,569.0 million to \$160,509.5

million, with a mean estimate of \$87,533.5 with annualized averages that could range from \$7,455.5 million to \$39,146.8 million, with a mean of \$21,348.6 million.

In addition to the earnings and costs presented in Table 13, Table 14 reports the Module 2 tax impacts.

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Table 14. Estimated Module 2 Tax impacts (\$ millions).				
FY	End EADs early	Eligibility Bars	EAD clock	Total
i. Undiscounted; low-end.				
2025	\$0.7	\$261.1	\$63.7	\$325.5
2026	\$0.7	\$522.1	\$63.7	\$586.5
2027	\$0.7	\$783.2	\$63.7	\$847.6
2028	\$0.7	\$1,044.3	\$63.7	\$1,108.7
2029	\$0.7	\$1,305.4	\$63.7	\$1,369.8
5-yr. total	\$3.5	\$3,916.1	\$318.5	\$4,238.1
5-yr. annualized	\$0.7	\$783.2	\$63.7	\$847.6
ii. Undiscounted; mean.				
2025	\$1.1	\$554.9	\$656.2	\$1,212.2
2026	\$1.1	\$1,109.8	\$656.2	\$1,767.1
2027	\$1.1	\$1,664.7	\$656.2	\$2,322.0
2028	\$1.1	\$2,219.6	\$656.2	\$2,876.9
2029	\$1.1	\$2,774.5	\$656.2	\$3,431.8
5-yr. total	\$5.5	\$8,323.5	\$3,281.2	\$11,610.2
5-yr. annualized	\$1.1	\$1,664.7	\$656.2	\$2,322.0
iii. Undiscounted; high-end.				
2025	\$1.5	\$948.4	\$1,346.2	\$2,296.1
2026	\$1.5	\$1,896.8	\$1,346.2	\$3,244.5
2027	\$1.5	\$2,845.2	\$1,346.2	\$4,192.9
2028	\$1.5	\$3,793.6	\$1,346.2	\$5,141.3
2029	\$1.5	\$4,742.0	\$1,346.2	\$6,089.7
5-yr. total	\$7.5	\$14,225.9	\$6,731.0	\$20,964.4
5-yr. annualized	\$1.5	\$2,845.2	\$1,346.2	\$4,192.9
iv. 3% discount rate; low-end.				
2025	\$0.7	\$253.5	\$61.8	\$316.0
2026	\$0.7	\$492.2	\$60.0	\$552.9
2027	\$0.6	\$716.8	\$58.3	\$775.7
2028	\$0.6	\$927.8	\$56.6	\$985.1
2029	\$0.6	\$1,126.0	\$54.9	\$1,181.6
5-yr. total	\$3.2	\$3,516.2	\$291.7	\$3,811.2

5-yr. annualized	\$0.7	\$767.8	\$63.7	\$832.2
v. 3% discount rate; mean.				
2025	\$1.1	\$538.7	\$637.1	\$1,176.9
2026	\$1.0	\$1,046.1	\$618.6	\$1,665.7
2027	\$1.0	\$1,523.4	\$600.6	\$2,125.0
2028	\$1.0	\$1,972.1	\$583.1	\$2,556.1
2029	\$0.9	\$2,393.3	\$566.1	\$2,960.3
5-yr. total	\$5.0	\$7,473.7	\$3,005.4	\$10,484.1
5-yr. annualized	\$1.1	\$1,631.9	\$656.2	\$2,289.3
vi. 3% discount rate; high-end.				
2025	\$1.5	\$920.8	\$1,307.0	\$2,229.2
2026	\$1.4	\$1,787.9	\$1,268.9	\$3,058.2
2027	\$1.4	\$2,603.7	\$1,232.0	\$3,837.1
2028	\$1.3	\$3,370.5	\$1,196.1	\$4,568.0
2029	\$1.3	\$4,090.5	\$1,161.2	\$5,253.0
5-yr. total	\$6.9	\$12,773.4	\$6,165.2	\$18,945.5
5-yr. annualized	\$1.5	\$2,789.1	\$1,346.2	\$4,136.8
vii. 7% discount rate; low-end.				
2025	\$0.7	\$244.0	\$59.5	\$304.2
2026	\$0.6	\$456.1	\$55.6	\$512.3
2027	\$0.6	\$639.3	\$52.0	\$691.9
2028	\$0.5	\$796.7	\$48.6	\$845.8
2029	\$0.5	\$930.7	\$45.4	\$976.6
5-yr. total	\$2.9	\$3,066.8	\$261.2	\$3,330.8
5-yr. annualized	\$0.7	\$748.0	\$63.7	\$812.4
viii. 7% discount rate; mean.				
2025	\$1.0	\$518.6	\$613.3	\$1,132.9
2026	\$1.0	\$969.3	\$573.2	\$1,543.5
2027	\$0.9	\$1,358.9	\$535.7	\$1,895.5
2028	\$0.8	\$1,693.3	\$500.6	\$2,194.8
2029	\$0.8	\$1,978.2	\$467.9	\$2,446.9
5-yr. total	\$4.5	\$6,518.3	\$2,690.7	\$9,213.6
5-yr. annualized	\$1.1	\$1,589.8	\$656.2	\$2,247.1
ix. 7% discount rate; high-end.				

2025	\$1.4	\$886.4	\$1,258.1	\$2,145.9
2026	\$1.3	\$1,656.7	\$1,175.8	\$2,833.9
2027	\$1.2	\$2,322.5	\$1,098.9	\$3,422.6
2028	\$1.1	\$2,894.1	\$1,027.0	\$3,922.3
2029	\$1.1	\$3,381.0	\$959.8	\$4,341.8
5-yr. total	\$6.2	\$11,140.7	\$5,519.6	\$16,666.5
5-yr. annualized	\$1.5	\$2,717.1	\$1,346.2	\$4,064.8
USCIS Analysis (Apr. 7, 2025).				

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As is reported in Table 14, for Module 2 the average annualized equivalence tax impacts could range from \$832.2 million to \$4,136.8 million, with a mean estimate of \$2,289.3 million at a 3-percent discount rate. At a 7 percent discount rate, tax impacts could range from \$812.4 million to \$4,064.8 million, with a mean estimate of \$2,247.1 million.

7. Distributional Effects of the Monetized Impacts

The impacts of this proposed rule can include both potential distributional effects (which are transfers), costs, and cost savings. The potential distributional impacts fall on the aliens who may be delayed in entering the U.S. labor force or may be prevented from entering altogether. The potential distributional impacts (transfers) would be in the form of forgone opportunity to earn compensation (wages and benefits). A portion of this lost compensation might be transferred from aliens to others that are currently employed in the U.S. labor force, possibly in the form of additional hours worked or overtime pay. A portion of the impacts of this rule may also be borne by companies that would have hired the aliens had they been in the labor market earlier. However, if the employer were unable to find available workers these companies could incur a cost, as they may be losing the productivity and potential profits the alien may have provided had the alien been in the labor force sooner.

Companies may also incur opportunity costs by having to choose the next best alternative to immediately filling the job the alien would have filled. USCIS does not know what this next best alternative may be for those companies. As a result, USCIS does not know the portion of overall impacts of

this rule that are transfers or costs, therefore DHS estimates a range of effects of the proposed rule between transfers and costs. DHS describes the two extreme scenarios, which provide the bounds for the range of effects. USCIS uses the changes to earnings to aliens as a measure of the overall impact of the rule—either as distributional impacts (transfers) or as a proxy for businesses' cost, for lost productivity (costs).

In Scenario 1, if all employers can immediately find replacement labor for the position the alien would have filled, this rule would have primarily distributional effects in the form of transfers from aliens to others already in the labor market (or workers induced to return to the labor market). This scenario also requires the further assumption that these native workers would not have been employed in any other job, but for these newly available jobs, and that there are no general equilibrium effects to other jobs from removing a large number of EAD job seekers from the economy. Accordingly, this rule would result in \$70.44 billion (primary estimate annualized, 7 percent) being transferred from aliens, who would not have work authorization, to workers currently in the labor force (whom are not presently employed full time) or induced back into the labor force. In Scenario 1, this rule would result in \$0 cost to employers for prevented productivity losses. USCIS acknowledges that there may be additional opportunity costs to employers such as additional search costs.

In Scenario 2, if all employers cannot immediately find a reasonable substitute for the labor an alien would have provided, the effect of this rule would primarily be a cost to these employers through lost productivity and profits. Accordingly, \$70.44 billion is the

estimated monetized costs from this rule for productivity losses in Scenario 2. Because under this scenario businesses would not have been able to find replacement labor, the rule may also result additional business costs in lost profits. Further, the rule may prevent tax transfer payments from businesses and employees to federal and state governments. In instances where a company cannot easily hire replacement labor for the position the alien would have filled, USCIS acknowledges that such delays may result in tax losses to governments. USCIS has not estimated all potential tax effects but notes that lost productivity (wages as a proxy) of \$70.44 billion would have resulted in employment tax losses to the Federal Government (*i.e.*, Medicare and Social Security) of \$7.43 billion. However, it is important to emphasize that if there are reduced strains on public resources from reduced immigration, there could be a balancing in the form of fiscal benefits to offset the tax reductions.

These estimates do not include additional costs to businesses for lost profits and opportunity costs or the distributional impacts for those in an alien's support network. In either scenario, DHS assumes employers would not face turnover costs for aliens unable to get an initial EAD.³²⁰ Hiring costs remain unchanged, as employers would incur the same costs for a different worker. However, DHS

³²⁰ Employment separations can generate labor turnover costs to employers. There are direct costs to employers that include exit interviews, severance pay, and costs of temporarily covering duties and functions with other employees, which may require overtime or temporary staffing. There can also be costs involving loss of productivity and possibly profitability due to operational and production disruptions, which can include errors from other employees that may temporarily fill the position. There can also be indirect costs, which encompass loss of institutional knowledge, networking, and impacts to work-culture, morale, and interpersonal relationships.

recognizes that employers could incur additional search time costs due to decrease in available new hires.

In either scenario, aliens would no longer submit applications and would realize associated cost savings from time burdens and not paying filing fees. DHS includes these cost savings of \$0.07 billion in both scenarios.

Table 15 below summarizes these two scenarios for the Module 1 primary estimate of this rule at a 7-percent discount rate.³²¹ Because DHS does not know the overall proportion of businesses that would have been able to easily find replacement labor in the absence of this rule, for the primary estimate, DHS assumes that replacement

labor would have been immediately found for half of all affected EAD applicants and not found for the other half (*i.e.*, an average of the two extreme scenarios described above). As of April 2025, unemployment and job openings data indicate there are as many jobs available as people looking for jobs.³²² This statistic supports that there is uncertainty in predicting whether employers will be able to immediately find replacement labor. In addition, effects of this rulemaking would depend in part on the interaction of a number of complex variables that constantly are in flux, including national, state, and local labor market conditions, economic

and business factors, the type of occupations and skills involved, and the availability of similarly skilled workers. DHS welcomes public comment on the validity of the assumption that half the affected jobs, that would have gone to workers with initial EADs, immediately are filled by other authorized workers. DHS acknowledges there is extensive literature on the impacts of immigration on labor markets.³²³ DHS welcomes public comment, including evidentiary findings, that would inform the primary estimate regarding the distribution between transfers in Scenario 1 and productivity costs in Scenario 2.

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Table 15. Primary Estimate – Monetized Annualized Impacts Discounted at 7% (billions).				
Category	Description	Scenario 1: Immediate replacement of labor found for all affected EADs (A)	Scenario 2: No replacement labor found for affected EADs over the period of analysis (B)	Primary Estimate: Replacement found for half of affected EADs (C = (A + B)/2)
Transfers				
Earnings	Compensation transfers from EAD applicants to other workers	\$70.44	\$0.00	\$35.22
Employment Taxes	Reduction in employment taxes paid to the Federal Government	\$0.00	\$7.43	\$3.72
Costs and Cost Savings				
Cost Savings	EAD application savings	-\$0.07	-\$0.07	-\$0.07
Productivity Cost	Lost productivity to employers (lost compensation used as a proxy)	\$0.00	\$70.44	\$35.22

³²¹ DHS assessed that the primary impact and most likely circumstance would be a pause of EAD applications, and therefore uses Module 1 as the primary impact of the rule. DHS does not include Module 2 impacts in the primary estimate, as the pause would affect the same populations in both

Module 1 and 2, and including both would be double counting impacts on the same population.

³²² Bureau of Labor Statistics data show that, as of April 2025, there were 1.0 unemployed persons per job opening. See U.S. Department of Labor, U.S. Bureau of Labor Statistics, “Number of unemployed persons per job opening, seasonally adjusted,”

<https://www.bls.gov/charts/job-openings-and-labor-turnover/unemp-per-job-opening.htm> (last visited June 16, 2025).

³²³ Edo, Anthony. “The impact of immigration on the labor market.” *Journal of Economic Surveys* 33.3 (2019): 922–948.

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Further, DHS recognizes that non-work time performed in the absence of employment authorization has a positive value, which is not accounted for in the above monetized estimates.³²⁴ For example, if someone performs childcare, housework, home improvement, or other productive or non-work activities that do not require employment authorization, that time still has value. In assessing the burden of regulations to unemployed populations, DHS routinely assumes the time of unemployed individuals has some value.³²⁵ The monetized estimates of the lost compensation this rule creates are measured relative to a baseline in which individuals would have had employment authorization and the associated income as a result of the problem this rule seeks to address. The monetary value of the compensation this rule removes are costs to the individual, but DHS has considered whether net societal costs may be lower than the sum of the lost compensation to the individuals and whether a more accurate estimate of the net impact to society from losing employment authorization as a result of this rule might take into account the value of individuals' non-work time, even though this population would lose their authorization to sell their time as labor. Due to the variety of values placed on non-work time, and the additional fact that this non-work time is involuntary, it is difficult to estimate the appropriate adjustment that DHS should make to lost compensation in order to account for the social value of non-work time. Accordingly, DHS recognizes that the net societal costs of this rule may be somewhat lower than those reported below, but they are a reasonable estimate of the impacts to avoiding the costs of lapsed employment authorization.

The total quantified impacts of the proposed rule are within the estimates for Module 1. Module 1 captures the effects of the USCIS pause on accepting affirmative and defensive (c)(8) initial EAD applications while affirmative asylum applications process time average over 180 days. In summary, DHS's primary estimate of the total cost of the proposed rule assumes that half of employers are able to easily find replacement labor for the jobs the aliens would have filled. The total annualized cost in lost productivity would be \$35.2

billion, and \$35.2 billion in transfer impacts from shifting earnings from aliens, who would not get work authorized under the rule, to other workers, both discounted at 7 percent. Under this scenario, the annualized transfer impacts from reductions in tax revenue from aliens and employers to the government would total \$3.7 billion, discounted at 7 percent. The total cost savings impacts, which would occur whether or not employers are able to find replacement labor would be \$0.07 billion annualized, discounted at 7 percent.

8. Impacts on Labor Market

USCIS notes that this rule does not introduce any newly eligible workers into the labor force. This proposed rule temporarily prevents new asylum applicants from applying for an EAD and joining the labor force during the proposed pause, delays some applicants entry into the labor force by amending the processing of employment authorizations timing for pending asylum applicants, and bars other applicants from employment authorization while their EAD is pending by proposing to establish new eligibility criteria. The ability of pending asylum applicants to be eligible for requesting employment authorization in certain circumstances is in existing regulations.

USCIS projects an average (c)(8) initial filing EAD population ranging between a low of 266,386 and high of 937,824 people, with the midpoint at 602,105. The U.S. labor force consists of a total of about 170,000,000 as of February 2025.³²⁶ Therefore, the average population (midpoint level) affected by this rule represents about 0.35 percent of the U.S. labor force.

9. Other Impacts Not Estimated

DHS notes that for the small population of 159 annual USCIS affirmative cases in which an alien who was denied asylum obtained an EAD (and for the population pertinent to defensive asylum, for which DHS cannot currently determine a volume), ending these EADs is not expected to generate labor turnover cost to their current employers. The impacted aliens would lose employment authorization regardless of this DHS action; they would potentially lose authorization earlier under this proposed rule, but employers would incur a turnover cost in either case and it is therefore not an impact applicable to this proposed rule.

DHS has explained that this rule proposes a general biometrics requirement for asylum applicants seeking a (c)(8) EAD. Aliens who fail to appear for a scheduled biometrics appointment would not be eligible for a (c)(8) EAD. Any alien who submits biometrics at an ASC incurs cost of time to travel to an ASC. DHS estimates that it takes 1 hour and 10 minutes to submit fingerprints, be photographed, and provide a signature. Aliens will need to travel to an ASC for their appointment. DHS estimates that the average round-trip distance to an ASC is 50 miles, and that the average travel time for the trip is 2.5 hours.³²⁷ The cost of travel also includes a mileage charge based on the estimated 50-mile round trip at the 2025 General Services Administration rate of \$0.70 per mile.³²⁸ DHS is not accounting for the opportunity costs and travel costs associated with submitting biometrics, for aliens in this phase of the rule because USCIS accounts for them in a separate rulemaking which also proposes to require biometrics for all (c)(8) EAD applicants.³²⁹ DHS notes that total biometrics-related costs are not estimated for individual classes of EADs, though they are estimated for asylum filings.

The quantified portion of this impact analysis focused on initial EAD applications, but regulatory provisions will impact (c)(8) renewals. DHS emphasizes that the renewal filing will be adjudicated on its own merit and will not be retrospective to the initial EAD. Specifically, renewal filers will be subject to the proposed biometrics requirement, one-year filing deadline and criminal bar eligibility requirements, and the proposed changes to EAD terminations.

Under the possibility that some renewal filings will not be approved, individuals could lose employment authorization, for which earnings changes could be costs for lost productivity or transfers to other workers, as has been discussed. DHS does not attempt to estimate impacts

³²⁷ In past rulemakings, DHS estimated that the average round-trip distance to an ASC is 50 miles and that the average time for that trip will be 2.5 hours. See, for example, DHS Final Rule, Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives, 78 FR 572 (Jan. 3, 2013).

³²⁸ GSA, "Privately owned vehicle (POV) mileage reimbursement rates," <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates/privately-owned-vehicle-pov-mileage-reimbursement-rates> (last updated Dec. 30, 2024).

³²⁹ See section V.A. Collection and Use of Biometrics by U.S. Citizenship and Immigration Services NPRM, FR 49062 (Nov. 3, 2025) for more information about the separate rulemaking and USCIS' consideration of the rules' combined effects there.

³²⁴ Boardman et al., Cost-Benefit Analysis Concepts and Practice (2018), p. 152.

³²⁵ For regulatory analysis purposes, DHS generally assumes the value of time for unemployed individuals is at least the value of the Federal minimum wage.

³²⁶ BLS, "Economic News Release, Table A-1. Employment status of the civilian population by sex and age," <https://www.bls.gov/news.release/empst.t01.htm> (last updated Apr. 4, 2025).

pertinent to renewals because DHS has no way of determining how many renewal filings could be impacted. Over the period FY 2020 through FY 2024 there were about 2.24 million approved initial (c)(8) EADs. In the same timeframe there were about 1.45 million approved renewals, suggesting a renewal rate of about 65 percent.³³⁰

If a renewal filing is denied and aliens lose work authorization due to the proposed changes, employers could face an involuntary separation. Employment separations can generate labor turnover costs to employers. There are direct costs to employers that include exit interviews, severance pay, and costs of temporarily covering duties and functions with other employees, which may require overtime or temporary staffing. There can also be costs involving loss of productivity and possibly profitability due to operational and production disruptions, which can include errors from other employees that may temporally fill the position. There can also be indirect costs, which encompass loss of institutional knowledge, networking, and impacts to work-culture, morale, and interpersonal relationships.³³¹

In addition to possible labor turnover costs to employers, aliens who face denied renewals would likely incur costs related to job search. DHS cannot quantify these possible effects.

Finally, as is described more fully in the preamble, USCIS currently faces a situation with some similarity to that requiring the 1994 actions. That action resulted in a substantial drop in asylum claims without a concomitant decline in approvals. These actions had an unmistakable impact on asylum program integrity. With overall asylum filings decreasing and the approval rate increasing, the clear implication was that ineligible aliens (regardless of the basis for ineligibility or whether the filing was frivolous, fraudulent, or otherwise meritless) stopped filing and the result de-clogged the asylum system. DHS is seeking a similar result with this proposed regulatory action.

A decrease in asylum filings and (c)(8) EAD filings could potentially generate operational efficiencies and improvements that stand to benefit DHS and the public. DHS does not, in

proposed rulemakings, make predictions or specific possible actions applicable to resource allocation, but it is possible that a decline in filings noted above could lead USCIS to devote resources to other areas adjudication and service that might require resources. For example, most USCIS Asylum Officers occupy the GS-13 paygrade. The CY 2025 hourly wage for a mid-level (GS-13 step 5) federal worker is \$48.9. Loaded for benefits, but not including a locality adjustment, this rate is \$70.9. Currently, the average review time for a Form I-589 is about 7.5 hours, at which the USCIS “direct” cost is \$531.8 per case.³³² This cost does not include indirect resourcing, such as preparing for interviews, and does not capture costs to EOIR for referred cases. Therefore, this basic cost, which is probably a very small fraction of the true total costs, could be saved per case, or transferred to another area of service, generating a potential benefit to the public.

As is explained in the preamble, DHS believes this proposed rule will disincentivize aliens from filing for asylum solely to obtain an EAD, and therefore, asylum filings could decline, even though the proposed rule does not directly regulate the Form I-589. DHS has no way of predicting how Form I-589 volumes could change as a result of the proposed rule.

There could also be benefits in terms of reduced fiscal strains and resource expenses if there is a decline in asylum filings. DHS recognizes that asylum applicants who work are paying taxes, but they are also eligible for some public benefits. DHS notes that some FY 2025 benefits for asylum seekers were removed by legislative action,³³³ but some are currently available, notably public K-12 education.³³⁴

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental

jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The proposed rule does not directly regulate small entities and is not expected to have a direct effect on small entities. It does not mandate any actions or requirements for small entities when asylum applicants seek employment authorization from USCIS. Rather, this proposed rule regulates individuals, and individuals are not defined as “small entities” by the Regulatory Flexibility Act. While some employers could experience costs or transfer effects, these impacts are not a result of compliance with the requirements of this rule and thus would be indirect. Based on the evidence presented in this analysis and throughout this preamble, DHS certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. DHS nonetheless welcomes comments regarding potential impacts on small entities, which DHS may consider as appropriate in a final rule.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.³³⁵ Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which USCIS published a proposed rule, which includes any Federal mandate that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. *See* 2 U.S.C. 1532(a). The inflation adjusted value of \$100 million in 1995 is approximately \$206 million in 2024 based on the Consumer Price Index for All Urban Consumer (CPI-U).³³⁶

³³⁵ The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1) and 658(5) and (6).

³³⁶ *See* BLS, “Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month,” <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202412.pdf> (last visited May 26, 2025). Calculation of inflation: (1) Calculate the average monthly CPI-U for the reference year (1995) and the current year (2024);

Continued

³³⁰ Source: “Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type,” accessed at the USCIS public facing data portal, at: <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data> (July 2, 2025).

³³¹ *See* “Estimating the Costs of Employee Turnover,” Indeed, Last updated December 5, 2024, at: <https://www.indeed.com/hire/c/info/estimating-cost-of-higher-turnover>.

³³² 332 USCIS analysis, May 27, 2025.

³³³ *See* H.R.1—One Big Beautiful Bill Act (OBBA), Public Law 119–21, Title VII, Subchapter B, Sec. 71201, 138 Stat. 78 (limiting Medicare coverage to U.S. citizens and nationals, lawful permanent residents, Cuban and Haitian entrants, and individuals lawfully residing in the United States in accordance with a Compact of Free Association referred to in 8 U.S.C. 1612(b)(2)(G)).

³³⁴ Some of these benefits and changes made by recent legislation are found in: “Are Immigrants Eligible for Government Assistance?”, by USAFacts, at: <https://usafacts.org/articles/immigrant-program-eligibility/> (Aug. 15, 2025).

Although this proposed rule does exceed the \$100 million expenditure threshold in an annual year when adjusted for inflation (\$206 million in 2024 dollars), this rulemaking does not contain such a mandate. Some private sector entities may incur a cost, as they could incur changes to productivity and potential profits that the alien could have provided. Additionally, some renewal filings that are denied could cause involuntary separations in which employers could face a labor turnover cost. Entities may also incur opportunity costs by having to choose the next best alternative to immediately filling the job the alien would have filled. In such instances, DHS does not know if or to what extent this would impact the private sector but assesses that such impacts would result indirectly from delays in or loss of employment authorization and would not be a consequence of an enforceable duty. As a result, such costs would not be attributable to a mandate under UMRA.³³⁷ Similarly, any costs or transfer effects on state and local governments would not result from a mandate under UMRA.³³⁸ Therefore, the requirements of title II of UMRA do not apply, thus DHS has not prepared a statement under UMRA.

D. Executive Order 13132 (Federalism)

This proposed rule would 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 proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

(2) Subtract reference year CPI-U from current year CPI-U; (3) Divide the difference of the reference year CPI-U and current year CPI-U by the reference year CPI-U; and (4) Multiply by 100= $[(\text{Average monthly CPI-U for 2024}-\text{Average monthly CPI-U for 1995})/(\text{Average monthly CPI-U for 1995})]\times 100=[(313.689-152.383)/152.383](161.306+152.383)=1.059\times 100=105.86$ percent=106 percent (rounded). Calculation of inflation-adjusted value: \$100 million in 1995 dollars $\times 2.06$ = \$206 million in 2024 dollars.

³³⁷ See 2 U.S.C. 658(6) and (7) (defining a federal private sector mandate as, *inter alia*, a regulation that imposes an enforceable duty upon the private sector except for a duty arising from participation in a voluntary Federal program); 2 U.S.C. 1502(1).

³³⁸ See 2 U.S.C. 658(5) and (6) (defining a federal intergovernmental mandate as, *inter alia*, a regulation that imposes an enforceable duty upon State, local, or tribal governments, except for a duty arising from participation in a voluntary Federal program); 2 U.S.C. 1502(1).

E. Executive Order 12988 (Civil Justice Reform)

This proposed rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This proposed rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this proposed rule meets the applicable standards provided in section 3 of E.O. 12988.

F. Family Assessment

DHS has reviewed this proposed rule in line with the requirements of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105-277, 112 Stat. 2681, 2681-528 (1998). DHS has systematically reviewed the criteria specified in section 654(c)(1) by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If USCIS determines a regulation may negatively affect family well-being, then USCIS must provide an adequate rationale for its implementation.

With respect to the criteria specified in section 654(c)(1), DHS has determined that the rule may delay the ability for certain initial aliens to work and limit or prohibit some from working based on criminal and immigration history, which may decrease disposable income of those aliens with families. A portion of this lost compensation might be transferred from aliens with pending asylum applications to others that are currently in the U.S. labor force, or, eligible to work lawfully, possibly in the form of additional work hours or the direct and indirect added costs associated with overtime pay. DHS does not know how many aliens contribute to family disposable income. The total change to compensation to the pool of potential aliens with pending asylum applications could range from \$34.6 billion to \$126.6 billion annually (undiscounted), depending on the wages

the alien would have earned. For the reasons stated elsewhere in this preamble, however, DHS has determined that the benefits of the action justify the potential financial impact on the family.

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

This proposed rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. National Environmental Policy Act

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, applies and, if so, what degree of analysis is required. DHS Directive 023-01 Rev. 01 "Implementing the National Environmental Policy Act" (Dir. 023-01 Rev. 01) and Instruction Manual 023-01-001-01 Rev. 01 (Instruction Manual)³³⁹ establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions ("categorical exclusions") that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.³⁴⁰ The Instruction Manual, Appendix A lists the DHS categorical exclusions.³⁴¹

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.³⁴²

³³⁹ The Instruction Manual contains DHS's procedures for implementing NEPA and was issued November 6, 2014, <https://www.dhs.gov/ocrso/eed/epb/nepa>.

³⁴⁰ See 42 U.S.C. 4336(a)(2), 4336e(1).

³⁴¹ See Instruction Manual, Appendix A, Table 1.

³⁴² Instruction Manual section V.B(2)(a) through (c).

This proposed rule is limited to amending the regulatory criteria for employment authorization for aliens with pending asylum applications. The proposed rule is strictly administrative and procedural and amends regulations governing the eligibility for and the administration of employment authorization for aliens with pending asylum applications. DHS has reviewed this proposed rule and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this proposed rule.

Accordingly, DHS finds that the promulgation of this proposed rule's amendments to current regulations clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect.

I. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 109 Stat. 163, all Departments are required to submit to OMB, for review and approval, any reporting or recordkeeping requirements inherent in a rule. USCIS is revising two information collections in association with this rulemaking action:

Form I–589

USCIS invites the general public and other Federal agencies to comment on the impact to the proposed collection of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615–0067 in the body of the letter and the agency name. To avoid duplicate submissions, please use only *one* of the methods under the **ADDRESSES** and Public Participation sections of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

- (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 the agency's estimate of the burden of the

collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of Information Collection

- (1) *Type of information collection:* Revision of a Currently Approved Collection.

- (2) *Title of the form/collection:* Application for Asylum and for Withholding of Removal.

- (3) *Agency form number, if any, and the applicable component of DHS sponsoring the collection:* Form I–589; USCIS.

- (4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–589 is necessary to determine whether an alien applying for asylum and/or withholding of removal in the United States is classified as refugee and is eligible to remain in the United States.

- (5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–589 is approximately 152,542 and the estimated hour burden per response is 12 hours per response; the estimated total number of respondents for the information collection I–589 (online filing) is approximately 50,837 and the estimated hour burden per response is 11 hours per response, and the estimated number of respondents providing biometrics is 192,278 and the estimated hour burden per response is 1.17 hours.

- (6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,620,526 hours.

- (7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$83,792,148.

Form I–765

USCIS invites the general public and other Federal agencies to comment on the impact to the proposed collection of information. In accordance with the

PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615–0040 in the body of the letter and the agency name. To avoid duplicate submissions, please use only *one* of the methods under the **ADDRESSES** and Public Participation sections of this rule to submit comments. Comments on this information collection should address one or more of the following four points:

- (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 the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of Information Collection

- (1) *Type of information collection:* Revision of a Currently Approved Collection.

- (2) *Title of the form/collection:* Application for Employment Authorization.

- (3) *Agency form number, if any, and the applicable component of DHS sponsoring the collection:* I–765; USCIS.

- (4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–765 collects information needed to determine if an alien is eligible for an initial EAD, a replacement EAD, or a subsequent EAD upon the expiration of a previous EAD under the same eligibility category. Aliens in many immigration statuses are required to possess an EAD as evidence of employment authorization. To be authorized for employment, an alien must be lawfully admitted for permanent residence or authorized to be so employed by the INA or under regulations issued by DHS. Pursuant to statutory or regulatory authorization,

certain classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. USCIS may determine the validity period assigned to any document issued evidencing an alien's authorization to work in the United States. These classes of aliens authorized to accept employment are listed in 8 CFR 274a.12. USCIS also collects biometric information from certain aliens applying for employment authorization to verify the alien's identity, check or update their background information, and produce the EAD card. An applicant for employment authorization can apply for a Social Security number and Social Security card using Form I-765.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-765 (paper) is 1,682,157 and the estimated hour burden per response is 4.72 hours; the estimated total number of respondents for the information collection I-765 (electronic) is 455,653 and the estimated hour burden per response is 4.35 hours; the estimated total number of respondents for the information collection Form I-765WS is 302,000 and the estimated hour burden per response is 0.50 hours; the estimated total number of respondents for the information collection Biometric Processing is 302,355 and the estimated hour burden per response is 1.17 hours; the estimated total number of respondents for the information collection Passport-Style Photographs is 2,286,000 and the estimated hour burden per response is 0.50 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 12,054,985 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$400,895,820.

J. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This proposed rule is exempt from E.O. 14192, Unleashing Prosperity Through Deregulation. DHS has determined that this proposed rule is being issued with respect to national security, homeland security, and immigration-related functions of the

United States as described in section 5(a) of E.O. 14192.

K. Executive Order 12630

(Governmental Actions and Interference With Constitutionally Protected Property Rights)

This rule would not cause the taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

List of Subjects

8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, DHS proposes to codify in regulation amendments to parts 208 and 274a of chapter I of title 8 of the Code of Federal Regulations as follows:

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL

- 1. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1158, 1226, 1252, 1282; Title VII of Public Law 110–229; 8 CFR part 2; Pub. L. 115–218.

- 2. Amend § 208.3 by revising paragraph (c)(3) to read as follows:

§ 208.3 Form of application.

* * * * *

(c) * * *

(3) An asylum application filed with USCIS must be properly filed in accordance with § 103.2(a) of this chapter and the form instructions. USCIS will record the receipt date of a complete asylum application in accordance with § 103.2(a)(7) of this chapter. The receipt of an asylum application will begin the 365 calendar-day waiting period after which the applicant may file an application for employment authorization in accordance with § 208.7. If an asylum application does not comply with the requirements of § 103.2(a) of this chapter or the form instructions, the asylum application will be deemed incomplete. USCIS will reject and return an application that is incomplete.

* * * * *

§ 208.4 [Amended]

- 3. Amend § 208.4 by:

- a. In the introductory text, removing “paragraph (b) of this section” and adding in its place “§ 208.3.”

- b. In paragraph (b)(1), removing “Any delay in adjudication or in proceedings caused by a request to amend or supplement the application will be treated as a delay caused by the applicant for purposes of § 208.7 and 8 CFR 274a.12(c)(8).”

- 4. Revise § 208.7 to read as follows:

§ 208.7 Employment authorization.

(a) *Application and decision.*—(1)(i) *In general.* Subject to restrictions contained in sections 208(d) and 236(a) of the Act, and except as otherwise provided in paragraph (iv) of this section, an applicant for asylum will be eligible pursuant to §§ 274a.12(c)(8) and 274a.13(a) of this chapter to request employment authorization. The applicant must request employment authorization on the form designated by USCIS, with the appropriate fee, and according to the form instructions, and must submit biometrics at a scheduled biometrics services appointment, in accordance with § 103.2(b)(9) of this chapter.

(ii) *Period for filing.*

(A) Initial applications for employment authorization received on or after EFFECTIVE DATE OF THE FINAL RULE under this section, may be submitted no earlier than 365 calendar days after the date on which a complete asylum application submitted in accordance with §§ 208.3 and 208.4 or §§ 1208.3 and 1208.4 has been received. If an application for employment authorization based on a pending asylum application is filed before the expiration of the 365 calendar-day waiting period, the employment authorization application will be denied. If an asylum application has been rejected and returned as incomplete in accordance with § 208.3(c)(3), the 365 calendar-day waiting period will commence upon the date of receipt of the complete asylum application as recorded pursuant to §§ 208.3(c)(3) and 103.2(a)(7) of this chapter.

(B) Initial applications for employment authorization received before EFFECTIVE DATE OF THE FINAL RULE may not be granted prior to the expiration of the 180-day period following the filing of the asylum application filed on or after April 1, 1997. Any delay requested or caused by the applicant shall not be counted as part of these time periods, including delays caused by failure without good cause to follow the requirements for fingerprint processing. Such time periods shall also be extended by the

equivalent of the time between issuance of a request for evidence pursuant to § 103.2(b)(8) of this chapter and the receipt of the applicant's response to such request.

(iii) *Processing timeframe.* For initial applications for employment authorization received on or after EFFECTIVE DATE OF THE FINAL RULE under this section, USCIS will have 180 days to adjudicate an initial application for employment authorization, except for those applications requiring additional review for background checks or vetting. For initial applications for employment authorization received before EFFECTIVE DATE OF THE FINAL RULE, USCIS will have 30 days to adjudicate an initial application for employment authorization, except for those applications requiring additional review for background checks or vetting.

(iv) *Asylum applicants who are ineligible for employment authorization.* An applicant for asylum is not eligible for employment authorization if:

(A) There is reason to believe that the applicant may be barred from a grant of asylum due to the applicability of one of the criminal bars to asylum under sections 208(b)(2)(A)(ii)–(iii).

(B) An asylum officer or an Immigration Judge has denied the applicant's asylum application within the 365 calendar-day waiting period or before the adjudication of the initial request for employment authorization;

(C) The applicant filed his or her asylum application on or after EFFECTIVE DATE OF THE FINAL RULE and filed the application after the 1-year filing deadline as described in § 208.4(a)(2) of this chapter, unless:

(1) An asylum officer or Immigration Judge determines that the applicant meets an exception for late filing as provided in section 208(a)(2)(D) of the Act and §§ 208.4 and 1208.4 of this chapter, or

(2) The applicant was under USCIS' initial jurisdiction as an unaccompanied alien child as defined in 6 U.S.C. 279(g)(2); or

(D) The applicant is an alien who entered or attempted to enter the United States at a place and time other than lawfully through a U.S. port of entry on or after EFFECTIVE DATE OF THE FINAL RULE unless the alien demonstrates that he or she:

(1) without delay, but no later than 48 hours after the entry or attempted entry, indicated to an immigration officer an intention to apply for asylum or expressed to an immigration officer a fear of persecution or torture;

(2) Has good cause for the illegal entry or attempted entry, provided such good

cause does not include the evasion of U.S. immigration officers, convenience, or the purpose of circumvention of the orderly processing of asylum applicants at a U.S. port of entry; or

(3) Is, or at any time since their most recent entry was determined to be, an unaccompanied alien child as defined in 6 U.S.C. 279(g)(2).

(v) *Derogatory information.* If USCIS discovers derogatory information during the adjudication of an application for employment authorization for an alien with a pending asylum application, USCIS may prioritize the alien's asylum application for adjudication.

(2)(i) *Pausing and Restarting Acceptance of Initial Applications for Employment Authorization.* If the average USCIS processing time for adjudicating affirmative asylum applications is greater than 180 days for all applications for asylum currently pending before USCIS for the preceding 90 consecutive days, USCIS will not accept initial applications for employment authorization under §§ 274a.12(c)(8) and 274a.13(a) of this chapter. USCIS will process pending applications for employment authorization under §§ 274a.12(c)(8) and 274a.13(a) of this chapter received prior to the pause. If the average quarterly USCIS processing time for adjudicating affirmative applications is less than or equal to 180 days for a period of 90 consecutive days, USCIS will again accept initial applications for employment authorization under §§ 274a.12(c)(8) and 274a.13(a) of this chapter.

(ii) *Basis for decision of pause.* The Director of USCIS will announce the need to pause or accept initial applications for employment authorization under §§ 274a.12(c)(8) and 274a.13(a) of this chapter based only on the average USCIS processing time for adjudicating affirmative asylum applications as described above. This decision is not subject to discretion.

(iii) *Announcement of pause and publication of processing times.* USCIS will publish on its website the quarterly processing times for affirmative asylum applications. USCIS will announce on its website whether USCIS will accept and whether USCIS has paused the acceptance of initial applications for employment authorization under §§ 274a.12(c)(8) and 274a.13(a) of this chapter and will provide the quarterly processing times supporting the decision made by the Director of USCIS to accept or pause acceptance of initial applications for employment authorizations under §§ 274a.12(c)(8) and 274a.13(a) of this chapter.

(3) The provisions of paragraphs (a)(1) and (2) of this section apply to applications for asylum filed on or after January 4, 1995.

(4) Employment authorization pursuant to § 274a.12(c)(8) of this chapter may not be granted to an alien who fails to appear for a scheduled interview before an asylum officer or a hearing before an Immigration Judge, or a biometrics appointment, unless the applicant demonstrates that the failure to appear was the result of exceptional circumstances.

(b) *Renewal.* Employment authorization will be renewable, in increments to be determined by USCIS, for the continuous period of time necessary for the asylum officer or Immigration Judge to decide the asylum application and, if necessary and the request for review was timely, for completion of any administrative or judicial review. The alien must request renewal of employment authorization on the form and in the manner prescribed by USCIS and according to the form instructions, with the appropriate fee, and must submit biometrics at a scheduled biometrics services appointment, in accordance with § 103.2(b)(9) of this chapter. For purposes of employment authorization, USCIS requires that an alien establish that he or she has continued to pursue an asylum application before an Immigration Judge or sought administrative or judicial review by presenting one of the following, depending on the stage of the alien's immigration proceedings:

(1) If the alien's case is pending in proceedings before the Immigration Judge, and the alien wishes to continue to pursue his or her asylum application, a copy of any asylum denial by USCIS, the USCIS referral notice, or the charging document placing the alien in such proceedings;

(2) If the Immigration Judge has denied asylum, a copy of the document issued by the Board of Immigration Appeals to show that a timely appeal has been filed; or

(3) If the Board of Immigration Appeals has dismissed the alien's appeal, or sustained an appeal by DHS, a copy of the petition for judicial review or for habeas corpus pursuant to section 242 of the Act, date stamped by the appropriate court.

(c) *Termination.* In addition to the termination and revocation provisions under § 274a.14 of this chapter, employment authorization granted under this section will terminate as follows, even if the expiration date specified on the employment

authorization document has not been reached:

(1) immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an Immigration Judge;

(2) on the date that is 30 days after the date on which an Immigration Judge denies an asylum application, unless the alien makes a timely appeal to the Board of Immigration Appeals; or

(3) immediately following denial or dismissal by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 6. Amend § 274a.12 by revising paragraph (c)(8) to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(8) An alien who has filed a complete application for asylum or withholding of deportation or removal pursuant to part 208 of this chapter, where that application remains pending, is eligible to apply for employment authorization under § 208.7 of this chapter.

Employment authorization may be granted according to the provisions of § 208.7 of this chapter in increments to be determined by USCIS and will expire on a specified date subject to the provisions regarding termination in 8 CFR 208.7(c) and 274a.14.

* * * * *

■ 7. Amend § 274a.13 by revising paragraphs (a)(1) and (2) to read as follows:

§ 274a.13 Application for employment authorization.

(a) * * *

(1) The approval of applications filed under § 274a.12(c) is within the discretion of USCIS. Where economic necessity has been identified as a factor, the alien must provide information regarding his or her assets, income, and expenses.

(2) An application for an initial employment authorization or for a renewal of employment authorization filed in relation to a pending claim for asylum or withholding of removal must be filed and adjudicated in accordance with § 208.7 of this chapter.

* * * * *

Kristi Noem,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–03595 Filed 2–20–26; 8:45 am]

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Part IV

The President

Executive Order 14387—Promoting the National Defense by Ensuring an Adequate Supply of Elemental Phosphorus and Glyphosate-Based Herbicides

Presidential Documents

Title 3—

Executive Order 14387 of February 18, 2026

The President

Promoting the National Defense by Ensuring an Adequate Supply of Elemental Phosphorus and Glyphosate-Based Herbicides

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*) (the “Act”), and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Policy and Findings.* Elemental phosphorus is pervasive in defense supply chains and is therefore crucial to military readiness and national defense. It is a key input in smoke, illumination, and incendiary devices and is a critical component for manufacturing the semiconductors that are central to numerous defense technologies, such as radar, solar cells, sensors, and optoelectronics. It is also increasingly important in modern lithium-ion battery chemistries used in a multitude of weapon-system supply chains. For these and other reasons, on November 7, 2025, the Department of the Interior, acting pursuant to the Energy Act of 2020, designated phosphate as a critical mineral.

Elemental phosphorus is also a critical precursor element for the production of glyphosate-based herbicides, which play a critical role in maintaining America’s agricultural advantage by enabling farmers to efficiently and cost-effectively produce food and livestock feed. As the most widely used crop protection tools in United States agriculture, glyphosate-based herbicides are a cornerstone of this Nation’s agricultural productivity and rural economy, allowing United States farmers and ranchers to maintain high yields and low production costs while ensuring that healthy, affordable food options remain within reach for all American families.

There is no direct one-for-one chemical alternative to glyphosate-based herbicides. Lack of access to glyphosate-based herbicides would critically jeopardize agricultural productivity, adding pressure to the domestic food system, and may result in a transition of cropland to other uses due to low productivity. Given the profit margins growers currently face, any major restrictions in access to glyphosate-based herbicides would result in economic losses for growers and make it untenable for them to meet growing food and feed demands.

Ensuring an adequate supply of elemental phosphorus and glyphosate-based herbicides is thus crucial to the national security and defense, including food-supply security, which is essential to protecting the health and safety of Americans. Nonetheless, the United States’ ability to domestically produce those critical inputs is extremely limited. Indeed, there is only a single domestic producer of elemental phosphorus and glyphosate-based herbicides, and this producer does not meet our annual needs for those inputs. For that reason, more than 6,000,000 kilograms of elemental phosphorus are imported from other countries annually. Future reduction or the cessation of domestic production of elemental phosphorus and glyphosate-based herbicides would gravely threaten American national security by disrupting, and requiring the further offshoring of, this Nation’s defense supply chain including by having a debilitating impact on domestic agricultural capabilities.

I accordingly find that, consistent with the Department of the Interior’s designation, elemental phosphorus is a scarce material that is critical to

national defense and security. Our Nation's inadequate elemental phosphorus production, which must sustain both defense manufacturing and our significant agricultural needs, and the threat of increased domestic scarcity leave us vulnerable to hostile foreign actors and pose an imminent threat to military readiness.

Consistent with these findings, I find that ensuring robust domestic elemental phosphorus mining and United States-based production of glyphosate-based herbicides is central to American economic and national security. Without immediate Federal action, the United States remains inadequately equipped and vulnerable. Accordingly, I hereby find, pursuant to section 101 of the Act, that domestic elemental phosphorus and glyphosate-based herbicides meet the criteria specified in section 101(b) of the Act (50 U.S.C. 4511(b)).

Sec. 2. *Ensuring an Adequate Supply of Elemental Phosphorus and Glyphosate-Based Herbicides.* (a) Notwithstanding Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness), the authority of the President conferred by section 101 of the Act to require performance of contracts or orders (other than contracts of employment) to promote the national defense over performance of any other contracts or orders, to allocate materials, services, and facilities as deemed necessary or appropriate to promote the national defense, and to implement the Act in subchapter III of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, 4559, 4560), is delegated to the Secretary of Agriculture (Secretary) with respect to ensuring a continued and adequate supply of elemental phosphorus and glyphosate-based herbicides.

(b) The Secretary shall use the authority under section 101 of the Act (50 U.S.C. 4511), in consultation with the Secretary of War, to determine the proper nationwide priorities and allocation of all the materials, services, and facilities necessary to ensure a continued and adequate supply of elemental phosphorus and glyphosate-based herbicides.

(c) The Secretary shall issue such orders and adopt and revise appropriate rules and regulations as may be necessary to implement this order.

(d) In exercising the authority delegated in this section, the Secretary shall take into account the President's judgment that domestic production of elemental phosphorus and glyphosate-based herbicides is critical to the national defense. Accordingly, the Secretary shall ensure that any order, rule, or regulation issued under this section does not place the corporate viability of any domestic producer of elemental phosphorus or glyphosate-based herbicides at risk.

Sec. 3. *Immunity.* This order confers all immunity provided for in section 707 of the Act (50 U.S.C. 4557). Additionally, domestic producers of elemental phosphorus and glyphosate-based herbicides are required to comply with this order, in accordance with the provisions of 7 CFR part 789.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

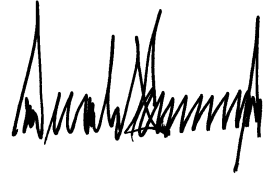
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Agriculture.

A handwritten signature in black ink, appearing to be 'Donald Trump', located in the upper right quadrant of the page.

THE WHITE HOUSE,
February 18, 2026.

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