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DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3560

[Docket #: RHS–25–MFH–0167]

RIN 0575–AD52

Rescinding 30-Day Notification Requirements Related to Eviction Based on Nonpayment of Rent in Multi-Family Housing Direct Properties

AGENCY: Rural Housing Service, Rural Development, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS or the Agency), an agency of the Rural Development (RD) mission area within the U.S. Department of Agriculture (USDA), is issuing this final rule to rescind the regulatory requirement of the minimum 30-day notice for nonpayment of rent before the start of eviction proceedings in Rural Housing Service (RHS) Section 515 and 514 Multi-Family Housing (MFH) properties, and the requirement for borrowers to provide Federal emergency funding information during a Presidentially declared national emergency. The final rule, ''30-Day Notification of Nonpayment of Rent in Multi-Family Housing Direct Loan Programs'' (30-Day Notice Final Rule), effective on April 24, 2024, introduced additional regulatory oversight for RHS MFH properties that proved unnecessary because compliance with the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) 30 day notice is generally captured by MFH project management requirements. Additionally, the requirement for the borrower to disseminate information on Federal funding available during a Presidentially declared national emergency will be rescinded, as RHS will distribute the associated information during such circumstances.

DATES: *Effective Date:* February 25, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Resnik, Multi-Family Housing Asset Management Division, Rural Housing Service, at *michael.resnik@usda.gov,* 1400 Independence Avenue SW, Mail Stop 0782, Washington, DC 20250–0782, or call (202) 720–1615.

Other Information: Additional information about Rural Development and its programs is available on the internet at *https://www.rd.usda.gov/.*

SUPPLEMENTARY INFORMATION:

I. Background

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) requires landlords of certain rental ''covered dwellings'' to provide tenants with at least 30 days' notice before they must vacate the property due to the nonpayment of rent. ''Covered dwellings'' are defined as rental units that have a ''Federally backed multifamily mortgage loan.'' See 15 U.S.C. 9058. Although properties receiving assistance under Section 514, 515, or 516 are considered ''covered dwellings,'' regulatory action and enforcement by individual agencies was not required for implementation separate from the CARES Act. The CARES Act 30-day notice requirement for nonpayment of rent is still in effect for MFH properties regardless of whether the CARES Act wording is specifically included in the MFH's regulation.

RHS is also confident the longstanding guidelines and regulations in Section 515 and Section 514 MFH tenant recertification process, which predate the 30-Day Notice Final Rule and the CARES Act, protect its tenants from being evicted less than 30 days from receiving notice of non-payment. These programs have effective tools to prevent eviction based solely on the nonpayment of rent. Tenants with changes in employment or other financial situations may file an interim income certification with the borrower for an income change of $50 or more. This allows the borrower to receive additional rental subsidy on behalf of the tenant, when funding is available. While waiting for funding, RHS finds that borrowers generally work with tenants on developing a repayment plan when there is not an additional lease violation. This is reflected in the fact that during 2024, total eviction levels among MFH housing units averaged about 0.54 percent, with only 0.04 percent of all evictions being due to only the nonpayment of rent.

In addition, the lease requirements for MFH properties must also comply with State and local laws on eviction notice due to nonpayment of rent. As 7 CFR 3560.5 sets forth, borrowers are required to comply with state law so long as the state law requirement does not conflict with 7 CFR part 3560. The 30-Day Notice Final Rule often caused confusion between RHS regulation requirements and State rental lease laws. Finally, the requirement for the borrower to disseminate information on Federal funding available during a Presidentially declared national emergency proved unduly burdensome. Due to the existing tenant notification requirements on RHS MFH properties, RHS determined that requiring the borrower to distribute funding information was unnecessary. RHS will inform tenants when Federal funding is available during a Presidentially declared national emergency, where notifications are required.

II. Summary of Changes

Through this final rule, RHS is rescinding certain provisions from its regulations found at part 3560 of title 7 of the Code of Federal Regulations (CFR) (''Direct Multi-Family Housing Loans and Grants''). Specifically, RHS is amending § 3560.156 by revising paragraph (c)(18)(xvi), ''Lease Requirements,'' to remove the required minimum notice of 30 days. This rule will also remove § 3560.159 paragraph (a)(3) under ''Termination of Occupancy,'' to remove the 30-day minimum notice and additional information including information as required by the Secretary during a presidentially declared national emergency. Finally, the rule will remove § 3560.160 paragraph (c)(4) under ''Tenant Grievances,'' that also details the requirement to disseminate information as required by the Secretary during a presidentially declared national emergency.

III. Executive Orders/Acts

Executive Order 12372—Intergovernmental Consultation

These loans are subject to the provisions of Executive Order 12372,

which require intergovernmental consultation with State and local officials. RHS conducts intergovernmental consultations for each loan in accordance with 2 CFR part 415, subpart C.

Executive Order 12866 Regulatory Planning and Review

Not Significant: This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988—Civil Justice Reform

This final rule has been reviewed under Executive Order 12988. In accordance with this final rule: (1) unless otherwise specifically provided, all State and local laws that conflict with this final rule will be preempted; (2) no retroactive effect will be given to this final rule except as specifically prescribed in the final rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this final rule.

Executive Order 13132—Federalism

The policies contained in this final rule do not have any substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this final rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This final 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. Consultation is also required for any regulation that preempts Tribal law or that imposes substantial direct compliance costs on Indian Tribal governments and that is not required by statute.

The Agency has determined that this final rule does not, to our knowledge, have Tribal implications that require formal Tribal consultation under Executive Order 13175. If a Tribe requests consultation, RHS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Assistance Listing Number (Formally Known as the Catalog of Federal Domestic Assistance)

10.415 Rural Rental Housing Loans.

Civil Rights Impact Analysis

Rural Development has reviewed this final rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the final rule might have on program participants on the basis of age, race, color, national origin, sex, disability, marital or familial status. Based on the review and analysis of the final rule and all available data, issuance of this final rule is not likely to negatively impact low and moderate-income populations, minority populations, women, Indian Tribes or persons disability, by virtue of their age, race, color, national origin, sex, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this final rule as not a major rule, as defined by 5 U.S.C. 804(2).

E-Government Act Compliance

Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and 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.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347, as amended, this final rule has been reviewed in accordance with 7 CFR part 1b. The Agency has determined that (i) this action meets the criteria established in 7 CFR 1b.4(c)(31) and (ii) no extraordinary circumstances exist. These findings require no documentation. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Paperwork Reduction Act

This final rule contains no reporting or recordkeeping provisions requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Regulatory Flexibility Act

The final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature on this document that this final rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program, nor does it require any more action on the part of a small business than required of a large entity.

Severability

It is USDA's intention that the provisions of this final rule shall operate independently of each other. In the event that this final rule or any portion of this final rule is ultimately declared invalid or stayed as to a particular provision, it is USDA's intent that the final rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. USDA concludes it would separately adopt all of the provisions contained in this final rule.

USDA Non-Discrimination Statement

In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Program information may be made available in languages other than English.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

a. *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; or

b. *Fax:* (202) 690–7442; or

c. *Email: program.intake@usda.gov.*

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List of Subjects in 7 CFR Part 3560

Accounting, Administrative practice and procedure, Aged, Conflict of interest, Government property management, Grant programs—housing and community development, Insurance, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate-income housing, Migrant labor, Mortgages, Nonprofit organizations, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Rural Housing Service amends 7 CFR part 3560 as follows:

PART 3560—DIRECT MULTI-FAMILY HOUSING LOANS AND GRANTS

■ 1. The authority citation for part 3560 continues to read as follows:

Authority: 42 U.S.C. 1480.

Subpart D—Multi-Family Housing Occupancy

■ 2. Amend § 3560.156 by revising paragraph (c)(18)(xvi) to read as follows:

§ 3560.156 Lease requirements.

* * * * *

(c) * * *

(18) * * *

(xvi) The procedures that must be followed by the borrower and the tenant in giving notices required under terms of the lease, including lease violation notices;

* * * * *

§ 3560.159 [Amended]

■ 3. Amend § 3560.159 by removing paragraph (a)(3).

§ 3560.160 [Amended]

■ 4. Amend § 3560.160 by removing paragraph (c)(4).

George Kelly,

Administrator, Rural Housing Service, USDA Rural Development.

[FR Doc. 2026–03716 Filed 2–24–26; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0744; Project Identifier MCAI–2026–00001–Q; Amendment 39–23258; AD 2026–03–09]

RIN 2120–AA64

Airworthiness Directives; Aerospace & Defense Oxygen Systems SaS (Part of Safran Aerosystems) (Formerly Known as Air Liquide) Portable Breathing Equipment (PBE)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Aerospace & Defense Oxygen Systems SaS portable breathing equipment (PBE). This AD was prompted by reports of occurrences of PBE not delivering oxygen once donned. This AD requires replacing affected PBE and prohibits the installation of affected PBE. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 12, 2026.

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

The FAA must receive comments on this AD by April 13, 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–2026–0744; 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; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- For Safran Aerosystems material identified in this AD, contact Safran Aerosystems, Customer Support & Services, Technical Publication Department, 61 Rue Pierre Curie, CS20001, 78373 Plaisir Cedex, France; phone: + 33 (0)1 61 34 23 23; email: *tech-support.sao@safrangroup.com;* website: *www.safran-aerosystems.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–0744.

FOR FURTHER INFORMATION CONTACT: Harjot Rana, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7344; email: *9-AVS-AIR-BACO-COS@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 the **ADDRESSES** section. Include ''Docket No. FAA–2026–0744; Project Identifier MCAI–2026–00001–Q'' 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 Harjot Rana, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7344; email: *9-AVS-AIR-BACO-COS@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0297, dated December 23, 2025 (EASA AD 2025–0297) (also referred to as the MCAI), to correct an unsafe condition for certain Aerospace & Defense Oxygen Systems SaS PBE. The MCAI states there have been occurrences of PBE not delivering oxygen once donned. Following investigation, a manufacturing issue has been identified, affecting certain PBE. The unsafe condition, if not addressed, could lead to flight or cabin crewmember incapacitation, possibly affecting crewmember capability to accomplish tasks during an emergency, or resulting in fatal injury to that crewmember.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0744.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0297, which specifies procedures for replacing affected PBE and prohibiting the installation of affected PBE. EASA AD 2025–0297 also allows deferring the requirements as specified in the applicable aircraft master minimum equipment list (MMEL) under certain conditions. EASA AD 2025–0297 also mandates a life limit for the affected PBE.

The FAA also reviewed Appendix A of Safran Aerosystems Service Bulletin 1540F–35–002, Revision 01, dated January 5, 2026, which identifies the affected PBE. (The affected PBE are listed in an xlsx file, modified January 5, 2026, 8:51 p.m. UTC+01:00, which is digitally attached to the Safran service bulletin as the content of Appendix A.)

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

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2025–0297 described previously, except for any differences identified as exceptions in the regulatory text of this AD. See ''Clarification of Required Actions in the MCAI'' for a discussion of the general differences included in this AD.

Clarification of Required Actions in the MCAI

Although paragraph (1) of EASA AD 2025–0297 provides compliance times (*i.e.,* 14 days or 3 months, as applicable) to replace affected PBE, paragraph (4) of EASA AD 2025–0297 mandates a life limit for the affected PBE. The affected PBE have a life limit of 10 years (120 months). The life limit in paragraph (4) of the EASA AD 2025–0297 takes precedence over the compliance times in paragraph (1) of the EASA AD 2025–0297 (*i.e.,* you do not get to use the 14 day or 3-month compliance time for replacement if the affected PBE is over the life limit). Therefore, the FAA has added paragraph (h)(3) to this AD to clarify the required actions.

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, EASA AD 2025–0297 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0297 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 2025–0297 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 2025–0297. Material required by EASA AD 2025–0297 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0744 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 there are reports of occurrences of PBE not delivering oxygen once donned, which could lead to flight or cabin crewmember incapacitation, possibly affecting crewmember capability to accomplish tasks during an emergency, or resulting in fatal injury to that crewmember. The PBE are designed to protect the user's eyes and respiratory tract in a contaminated atmosphere, which provides the ability to locate and combat a fire, and for the ability for the flightcrew to continue to control the airplane. Additionally, the compliance time in this AD 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 notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 2,642 appliances installed on various aircraft.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	Up to $2,500	Up to $2,585	Up to $6,829,570*.

*It is unknown how many of the 2,642 appliances are still installed on U.S.-registered aircraft as some appliances have exceeded the 10-year maximum life limit.

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:

2026–03–09 Aerospace & Defense Oxygen Systems SaS (Part of Safran Aerosystems) (Formerly Known as Air Liquide): Amendment 39–23258; Docket No. FAA–2026–0744; Project Identifier MCAI–2026–00001–Q.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Aerospace & Defense Oxygen Systems SaS (part of Safran Aerosystems) (formerly known as Air Liquide) portable breathing equipment (PBE), part number (P/N) 15–40F–11 and P/N 15–40F–80, having a manufacturing date between March 2015 and March 2017 (inclusive), and having a serial number listed in Appendix A (modified January 5, 2026, 8:51 p.m. UTC+01:00) of Safran Aerosystems Service Bulletin 1540F–35–002, Revision 01, dated January 5, 2026. These PBE are eligible for installation on any aircraft and may have been installed during the aircraft manufacturing process (production line), or in-service modification, either through a supplemental type certificate, or using type certificate holder (TCH) approved modification instructions, or through a non-TCH modification approval.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by reports of occurrences of PBE not delivering oxygen once donned. Following investigation, a manufacturing issue has been identified, affecting certain PBE. The FAA is issuing this AD to address affected PBE. The unsafe condition, if not addressed, could lead to flight or cabin crewmember incapacitation, possibly affecting crewmember capability to accomplish tasks during an emergency, or resulting in fatal injury to that crewmember.

(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 (EASA) AD 2025–0297, dated December 23, 2025 (EASA AD 2025–0297).

(h) Exceptions to EASA AD 2025–0297

(1) Where EASA AD 2025–0297 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the definition of affected PBE in EASA AD 2025–0297 specifies ''having

manufacturing date between November 2015 and March 2017 (inclusive), and a s/n as listed in Appendix A of the SB'', this AD requires replacing that text with ''having a manufacturing date between March 2015 and March 2017 (inclusive), and a serial number listed in Appendix A (modified January 5, 2026, 8:51 p.m. UTC+01:00) of Safran Aerosystems Service Bulletin 1540F–35–002, Revision 01, dated January 5, 2026''.

(3) Where paragraph (1) of EASA AD 2025–0297 specifies ''Replace the affected PBE'', this AD requires replacing that text with ''Except as required by paragraph (4) of EASA AD 2025–0297, replace the affected PBE''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0297.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(j) Additional Information

For more information about this AD, contact Harjot Rana, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7344; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0297, dated December 23, 2025.

(ii) Safran Aerosystems Service Bulletin 1540F–35–002, Revision 01, dated January 5, 2026, including the Appendix A digital attachment, modified January 5, 2026, 8:51 p.m. UTC+01:00.

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

(4) For Safran Aerosystems material identified in this AD, contact Safran Aerosystems, Customer Support & Services, Technical Publication Department, 61 Rue Pierre Curie, CS20001, 78373 Plaisir Cedex, France; phone: + 33 (0)1 61 34 23 23; email: *tech-support.sao@safrangroup.com;* website: *www.safran-aerosystems.com*.

(5) 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.

(6) 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 23, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–03799 Filed 2–23–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 438

Managed Care

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

In Title 42 of the Code of Federal Regulations, Parts 430 to 481, revised as of October 1, 2025, in section 438.72, reinstate paragraph (a) to read as follows:

§ 438.72 Additional requirements for long-term services and supports.

(a) *Nursing facility services and services delivered in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).* The State must comply with the requirements in § 442.43 for nursing facility and ICF/IID services.

* * * * *

[FR Doc. 2026–03779 Filed 2–24–26; 8:45 am]

BILLING CODE 0099–10–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 15

[ET Docket No. 18–295 and GN Docket No. 17–183; FCC 26–1; FR ID 331544]

Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) adopts rules allowing unlicensed geofenced variable power (GVP) devices to operate in the U–NII–5 and U–NII–7 portions of the 6 GHz band (5.925–7.125 GHz) at up to 11 dBm/MHz EIRP power spectral density and 24 dBm EIRP. GVP devices must use geofencing systems to prevent harmful interference to licensed microwave links and radio astronomy observatories. The geofencing systems will calculate exclusion zones where GVP devices cannot operate on specified frequencies. Each GVP access point must have a geolocation capability to determine its location and avoid operating on prohibited frequencies within the exclusion zones. Client devices must operate 6 dB below the access point's authorized power. These rules permit the GVP devices to operate at higher power than very lower power 6 GHz band unlicensed devices.

DATES: This rule is effective April 27, 2026.

FOR FURTHER INFORMATION CONTACT: Nicholas Oros of the Office of Engineering and Technology, Policy and Rules Division, at 202–418–0636 or *Nicholas.Oros@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fourth Report and Order,* in ET Docket No. 18–295 and GN Docket No. 17–183, FCC 26–1, adopted on January 29, 2026, and released on January 30, 2026. The full text of this document is available for public inspection and can be downloaded at *https://docs.fcc.gov/public/attachments/FCC-26-1A1.pdf.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that an agency

prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Fourth Report and Order* on small entities. The FRFA is set forth in Appendix C, *https://www.fcc.gov/document/fcc-votes-enable-better-faster-wi-fi-and-next-gen-connectivity-0.*

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

Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this this rule is ''major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Fourth Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

Introduction

In this document, the Commission adopts rules for geofenced variable power (GVP) devices to operate in the U–NII–5 (5.925–6.425 GHz) and U–NII–7 (6.525–6.875 GHz) portions of the 6 GHz band at up to 11 dBm/MHz EIRP power spectral density (PSD) and 24 dBm EIRP. GVP devices must work in tandem with a geofencing system to minimize the likelihood of a significant risk of harmful interference to licensed fixed microwave links and radio astronomy observatories. The geofencing systems will calculate exclusion zones in which the GVP devices will not be permitted to operate co-frequency with microwave links or in a portion of the U–NII–7 band used by radio astronomy. Each GVP access point will be required to have a geolocation capability to determine its location and avoid operating on prohibited frequencies within the exclusion zones. GVP client devices will operate under the control of GVP access points at 6 dB less power than the authorized power of the controlling GVP access point. Using geofencing will enable GVP devices to operate at significantly higher power levels than the −5 dBm/MHz EIRP PSD and 14 dBm EIRP at which non-geofenced very low power (VLP) devices are permitted to operate. At this time, the Commission is limiting the GVP device operation to the U–NII–5 and U–NII–7 portions of the 6 GHz band and defer considering such action for the U–NII–6 and U–NII–8 bands.

Power Limits for GVP Access Points

In the *6 GHz Second FNPRM* (89 FR 874, January 8, 2024), the Commission sought comment on the appropriate power limits for GVP devices in the U–NII–5 and U–NII–7 bands. As an initial matter, the Commission noted that Apple, Broadcom et al. had requested that it permit VLP devices to operate at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP. Based on the technical record, the Commission declined in the *6 GHz Second Order* (89 FR 874, January 8, 2024) to adopt this PSD level and instead limited VLP operations to a maximum of −5 dBm/MHz EIRP PSD and 14 dBm EIRP. However, the Commission explained that it could allow GVP devices to operate at a higher PSD level if such devices are prohibited from operating co-channel and in close proximity to licensed microwave receive sites. The Commission proposed that VLP devices be permitted to operate across the entire 6 GHz band—U–NII–5, U–NII–6, U–NII–7, and U–NII–8—at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP while under the control of a geofencing system to minimize the likelihood of harmful interference to licensed incumbent services. Although the Commission expressly sought comment on these proposed power limits, it also asked whether it should allow GVP devices to operate with higher PSD and EIRP limits. The Commission sought comment on a range of power limits and specifically asked whether it could ''allow a power limit higher than 14 dBm EIRP,'' identifying as one such example power levels ''up to 21 dBm EIRP.'' Furthermore, the Commission asked whether ''even higher PSD and EIRP limits [would] increase the risk of harmful interference to licensed incumbent services'' and whether ''the proposed geofencing system . . . [would] be sufficient to reduce this risk.'' By using the phrase ''even higher,'' the Commission signaled that it sought comment on power limits higher than those discussed earlier in the paragraph—*i.e.,* higher than 1 dBm/MHz EIRP PSD and 21 dBm EIRP.

Apple, Broadcom et al. request that GVP devices be permitted to operate at up to 8 dBm/MHz EIRP PSD and 21 dBm EIRP across the entire 6 GHz band. According to Apple, Broadcom et al., creating geofencing-capable devices ''will require manufacturers to add expensive new hardware and software to a wide range of consumer and enterprise equipment,'' and such investment cannot be justified for the marginal benefit that would be provided by the proposed power limits. Apple, Broadcom et al. stress that unless the GVP maximum permitted power is 21 dBm EIRP, consumers will not experience any additional benefit from a higher PSD when using channels wider than 80-megahertz because total power transmitted is proportional to the PSD and capping the maximum EIRP at 21 dBm would allow all channel bandwidths to operate with more than 14 dBm EIRP total power. They explain that ''increas[ing] power limits for *all* channel sizes available in the 6 GHz band . . . is important because wider channels are subject to more noise and therefore require additional power to maintain a sufficient signal-to-noise ratio. Apple, Broadcom et al. similarly recommend permitting a maximum PSD of 8 dBm/MHz EIRP so that all channels, regardless of bandwidth, can operate at the maximum power level. They further claim that ''an increase in the PSD limit would not result in any higher risk of harmful interference because of the limitations imposed by the proposed geofencing system'' (*e.g.,* the proposal that ''the size of an exclusion zone must increase in proportion to a GVP device's power level'').

Apple, Broadcom et al. point to several computer simulations they submitted prior to the issuance of the *6 GHz Second FNPRM* as evidence that GVP devices can operate at up to 21 dBm EIRP without creating a significant risk of harmful interference to licensed incumbents. One computer simulation that modeled the interaction between outdoor VLP devices and the 97,888 6 GHz band fixed microwave links in the United States for 20-, 40-, 80-, and 160-megahertz bandwidth VLP signals concluded that there was only a 0.00059% probability that a VLP device operating at 21 dBm EIRP would cause a microwave link to experience an interference-to-noise (I/N) ratio greater than −6 dB. According to Apple, Broadcom et al., the computer simulation demonstrates that VLP devices operating at 21 dBm with no additional mitigation rules would not create a significant harmful interference

risk. Apple, Broadcom et al. argued that this minimal risk would be mitigated by the proposed geofencing rules, which ''would prohibit transmissions in the very rare instances where the [computer simulations] found that [VLP] operations could exceed the −6 dB I/N metric.''

The Dynamic Spectrum Alliance (DSA) and Wi-Fi Alliance support the same power levels for GVP devices as Apple, Broadcom et al. DSA believes that the GVP power levels proposed by the Commission, 14 dBm EIRP and 1 dBm/MHz EIRP PSD, do not ''provide[ ] a sufficient economic incentive for companies to make the necessary investments [to] develop[ ] and commercializ[e] such [devices].'' DSA points out that the proposed power levels would only benefit devices operating on 20-megahertz or 40-megahertz channels, but that most use cases are better suited to larger channel sizes. DSA urges the Commission to instead adopt a geofenced VLP framework with a 21 dBm EIRP limit and 8 dBm/MHz EIRP PSD. According to DSA, ''[t]he higher EIRP limit . . . will provide greater reliability for [augmented reality/virtual reality] applications,'' and ''[t]he increased EIRP PSD limits will enable narrow band applications, which may not be feasible under the [current] VLP limits.'' The Wi-Fi Alliance ask that the Commission ''create a new device class for higher power VLP devices capable of operating at up to 21 dBm EIRP and 8 dBm/MHz EIRP PSD. According to the Wi-Fi Alliance, allowing VLP devices to operate at up to 21 dBm EIRP ''will enable new applications that are not possible at the current VLP power levels and enable a more robust connectivity for existing applications.''

While Apple initially joined Apple, Broadcom et al. in requesting GVP power levels of up to 8 dBm/MHz EIRP PSD and 21 dBm maximum EIRP, Apple later proposed a simplified geofencing version with only two power levels: 1 dBm/MHz EIRP PSD and 8 dBm/MHz EIRP PSD, both with a maximum 21 dBm EIRP, instead of permitting variable power up to the 8 dBm/MHz EIRP PSD and 21 dBm EIRP limits. The geofencing systems would calculate two exclusion zones—one for each PSD level—and a GVP device would check its location to determine whether it may operate and, if so, its maximum power level. This version would reduce the calculations needed by the geofencing systems because they would not need to support variable GVP power levels.

More recently, Apple and Meta contend that maximum authorized power levels of at least 11 dBm/MHz PSD and 24 dBm EIRP for GVP access points and 5 dBm/MHz PSD and 18 dBm EIRP for GVP client devices are ''essential for adequate reliability and performance for GVP use cases.'' They claim that ''GVP devices are likely to predominately be wearable devices,'' such as smartwatches and augmented reality glasses, which have ''significant latency and throughput requirements.'' These wearable devices would face up to 96 dB of attenuation communicating across the user's body. They also point to other use cases, such as multiple peer-to-peer links, which would also greatly benefit from higher power levels. They claim that their analysis shows that these higher power levels are essential to meet the performance goals for these and other envisioned use cases.

Federated Wireless supports the Commission's proposal to allow greater power for VLP devices operating under the control of a geofencing system, but instead of spending time and resources developing a new system for geofencing, Federated Wireless advocates relying on the currently authorized AFC systems. Federated Wireless also encourages permitting GVP devices to operate at higher power than the proposed 1 dBm/MHz EIRP PSD and 14 dBm EIRP because AFC systems are ''capable of offering the same level of protection to incumbents regardless of the unlicensed device transmit power.''

The Wi-Fi Alliance points out that the computer simulations upon which the Commission relied in permitting VLP operations ''show virtually no impact on the microwave links even for VLP devices operating at 1 dBm/MHz EIRP PSD.'' The Wi-Fi Alliance claims that VLP devices will be predominantly used indoors, that their signals will be attenuated by body loss when they are used outdoors, and that outdoor VLP transmitters will operate far below the likely height of any 6 GHz microwave facilities. Therefore, the Wi-Fi Alliance claims that existing mitigation requirements are sufficient to protect microwave operations from VLP devices operating at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP. The Wi-Fi Alliance contends that because the risk of harmful interference from VLP devices operating at this power level ''is already extremely low,'' there is no benefit in imposing geofencing requirements. The IEEE LAN/MAN Standards Committee (IEEE LMSC) also does not believe that the Commission should require geofencing if it increases the power level to 1 dBm/MHz EIRP PSD and 14 dBm EIRP because it effectively only would permit higher power for 20-megahertz and 40-megathertz channels and would not result in increased risk to incumbent services. IEEE LMSC claims that the incremental improvement from this power increase does not justify mandating the relatively complex geofencing mechanism and that developing this geofencing mechanism will potentially delay this VLP mode from deploying.

Cisco and HP Enterprise support slightly higher VLP power levels to accommodate body loss, but caution that increasing VLP power needs to be done so as to ensure that unlicensed LPI devices continue to coexist among themselves and with VLP devices. According to Cisco and HP Enterprise, the top request of enterprise customers is that Wi-Fi be more predictable and reliable. Cisco and HP Enterprise explain that interference to enterprise Wi-Fi means less spectrum availability, which results in smaller channels with decreased capacity and increased latency. They point out that ''[g]eofencing does not consider coexistence with enterprise [Wi-Fi] networks'' and that ''[h]igher power VLP . . . could interfere with other VLP use[s].'' They claim that enterprise customers would like VLP to be coordinated by the infrastructure when in the presence of LPI access points. Cisco and HP state that the actual affect that VLP and GVP devices will have on enterprise Wi-Fi networks is unknown, but that CableLabs is currently studying that issue. Cisco and HP Enterprise recommend that the Commission ''adopt reasonable limits on GVP/VLP while standards develop''—*i.e.,* ''slightly higher powered VLP to accommodate body loss''—that improve coexistence among the different types of Wi-Fi devices.

AT&T urges caution with respect to liberalizing the 6 GHz unlicensed rules and expresses concern that the computer simulations on which VLP device rules are based remain unfiled and untested. AT&T suggests that the Commission ''gain some understanding of the impact of actual, commercially deployed VLP devices before liberalizing the rules by which they operate and, if it ultimately determines to do so, to act with caution in a manner that is reversible.'' AT&T suggests that the power limits for GVP devices ''should start conservatively, provide for future modification, and be capped with reference to [the] risks defined by geolocation parameters,'' with the power levels lower if the Commission adopts a geofencing framework that carries substantial risk to incumbent microwave receivers. AT&T is concerned that the proposal of 1 dBm/

MHz EIRP PSD limit ''does not appear to be a conservative starting point'' and, ''[e]ven more dire, the *6 GHz Second FNPRM* seeks comment on increasing the [maximum] EIRP to 21 dBm.'' AT&T complains that ''the [GVP] proponents' response to the *6 GHz Second FNPRM* amounts to platitudes that geofencing . . . will self-evidently protect incumbents and the Commissions needs not worry because their prior studies . . . should nonetheless carry the day.'' AT&T claims that ''no geofencing advocate has advanced a proposal for geofencing that allows incumbents to rationally evaluate the potential for harmful interference.'' AT&T demands that before the Commission authorizes GVP operations, the record should contain proposed rules that cover such topics as location determination and accuracy, how geofencing boundaries will be implemented, additive interference, the geofencing model (geofencing system architecture), GVP device elevation, database and geofence reauthorization intervals, and an exclusion zone buffer to account for mobility.

Evergy cautions that the Commission ''should hold off on further expanding unlicensed operations in the 6 GHz band until enough real-world experience has occurred to gain the confidence of incumbents in the utility industry.'' Evergy is concerned that unlicensed devices will raise the noise floor and result in harmful interference to incumbent licensed operations. Evergy cautions that if harmful interference occurs, its ''existing mission-critical systems may become unreliable and inoperable while its engineers engage in . . . [the] extremely difficult, if not impossible, task'' of identifying the responsible unlicensed device(s). Evergy describes the proposed 1 dBm/MHz EIRP PSD as ''a dramatic increase in power that poses significant risk to incumbent licensees'' and urges the Commission to reject this proposal as well as the request by GVP advocates for maximum power levels of 21 dBm EIRP and 8 dBm/MHz EIRP PSD. Evergy asks that the Commission ensures that any geofencing solution protect microwave links commensurate with the protection provided by the AFC system.

The American Petroleum Institute (API) does not support permitting VLP devices to operate at 1 dBm/MHz EIRP PSD until more field data on VLP devices and interference is collected, which it predicts would take two years or more. Provided data is collected over the proper time frame and the results show VLP devices are operating without impacting incumbents, API claims that the proposed geofencing system allowing GVP devices to operate at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP appears to have merit. The Utilities Technology Council and the Edison Electric Institute (UTC/EEI) joint comments advise the Commission to ''refrain from further expanding unlicensed operations in the 6 GHz band'' until it better understands the interference environment from currently authorized 6 GHz unlicensed devices. The Association of Public-Safety Communications Officials, International (APCO), noting the rules for that VLP devices have only recently been implemented, advises the Commission to let ''[r]eal-world operational experience and testing . . . guide any future decision-making rather than risk essential public safety communications networks with theoretical models and lab testing alone.''

The Electric Power Research Institute (EPRI) states that if VLP devices ''[are] allowed to operate at 1 dBm/MHz [EIRP] PSD, then it is imperative that the method used to prevent operation in areas with elevated risk of harmful interference be infallible.'' EPRI claims that its research shows that even at the −5 dBm/MHz EIRP PSD level at which VLP devices operate, a scheme to prevent VLP devices from operating co-channel in a microwave receiver's main beamwidth is necessary to prevent harmful interference and that exclusion zones could be an effective method to protect these sites provided the propagation models align with the findings from real-world testing.

Discussion. The Commission is adopting rules to permit GVP devices to operate in the U–NII–5 and U–NII–7 portions of the 6 GHz band at up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP while under the control of a geofencing system. As discussed in more detail in this document, the geofencing system must comply with various requirements to prevent GVP operations at locations where they may cause a significant risk of harmful interference to licensed incumbent services that share the 6 GHz band. The geofencing system will use the same propagation models and protection criteria that are employed by AFC systems to calculate exclusion zones in which the GVP access points will not be permitted to operate co-channel with a microwave receiver. The geofencing system will also prevent GVP access points from operating near certain radio astronomy observatories. The GVP access points will be required to have a geolocation capability to determine when they enter an exclusion zone and must adjust their operating frequency, if necessary, to meet this condition. GVP client devices, which will not be required to have a geolocation capability, will operate only under the control of a GVP access point at 6 dB less than the controlling access point's authorized power.

The Commission adopts the 11 dBm/MHz EIRP PSD and 24 dBm EIRP power levels rather than the 1 dBm/MHz EIRP PSD and 14 dBm EIRP power levels proposed in the *6 GHz Second FNPRM* for several reasons. First, the geofencing systems will be equally effective in preventing a significant risk of harmful interference at the higher power levels because the size of the exclusion zones will increase to account for the higher power—*i.e.,* the size of the exclusion zones scales with the power level. Second, the Commission agrees with commenters who opine that permitting higher power levels than those proposed in the *6 GHz Second FNPRM* provides a stronger incentive for manufacturers to invest in geofencing systems and GVP devices. Moreover, the Commission recognizes that adopting the proposed GVP power levels, which are only an incremental power increase to the VLP power levels, may not convince industry to undertake the expenses associated with developing this new class of devices. Lastly, the Commission believes that 11 dBm/MHz EIRP PSD and 24 dBm EIRP are necessary for GVP access points to deliver the required reliability and performance for body worn applications, as Apple and Meta point out. According to measurements conducted by the Wireless Research Center of North Carolina, which examined the attenuation between two body worn devices for six test subjects, body attenuation can range from 28 to 96 dB. Considering the high level of signal attenuation that must be overcome between body-worn devices, the Commission concludes that the higher power levels it's permitting are appropriate.

Commenters agree that permitting higher power levels will enable more versatile GVP devices to be developed and result in a wide variety of innovative products. As Apple, Broadcom et al., point out, the higher PSD level will be particularly useful for applications that rely on narrow channels such as high bitrate audio and control signaling while the higher maximum power will benefit data-intensive tasks in applications such as artificial reality/virtual reality, automotive technologies, screen mirroring, hotspots, and indoor location and navigation. Adopting the higher power levels requested by industry with a geofencing requirement provides more versatility to encourage innovative uses

and incentivize investment without increasing the harmful interference risk to incumbent users. The Commission also points out that even though it's permitting up to 11 dBm/MHz PSD and 24 dBm EIRP levels, the Commission expects the majority of devices to operate below these maximum levels most of the time. For many reasons, including to increase battery life, portable devices generally operate at the minimum power level necessary to close the link. In addition, the Commission notes that Apple and Meta's filing shows that body attenuation is highly variable based on individual factors; the maximum power is only needed for the extreme cases when body attenuation is at its highest. Thus, the higher power levels the Commission is allowing combined with a geofencing system that scales exclusion zones to the power level provides maximum flexibility for the development of versatile devices to provide new applications to the public while continuing to protect incumbent services from a significant risk of harmful interference.

The Commission declines to adopt the two-power level model suggested by Apple. The Commission appreciates the desire to simplify geofencing system implementation, but believe this decision is best driven by geofencing system providers based on intended customers and applications or through industry consensus within a standards process. The rules the Commission adopts simply define maximum PSD and EIRP and permit geofencing system providers to determine whether to calculate a single exclusion zone based on the maximum power or to calculate multiple exclusion zones indexed for lower power levels. Thus, geofencing system providers can determine the proper tradeoff between the flexibility and complexity associated with calculating a single or multiple exclusion zones.

The Commission also does not find it appropriate to limit the power available to GVP devices to protect enterprise LPI Wi-Fi devices, as suggested by Cisco and HP Enterprise. 6 GHz band unlicensed devices are expected to share the band with other unlicensed devices. The operators of enterprise Wi-Fi networks have no basis to expect that they can manage use of the 6 GHz band spectrum solely for their benefit. One of the Commission's goals for expanding unlicensed use in the 6 GHz bands is to encourage the development of innovative consumer devices. By increasing the power available to VLP devices that employ geofencing, the Commission will enable exciting new applications, such as body-worn devices for augmented reality/virtual reality, as well as provide for higher data rates for existing uses, such as Wi-Fi hotspots. The Commission does not believe that it would be in the public interest to forego these new applications to potentially prevent harmful interference from occurring to other unlicensed device users. The new applications and higher data rates will be widely available to all consumers and businesses. The Commission believes this is preferrable to the alternative of restricting the capabilities of GVP devices by limiting their power in order to, in effect, permit enterprises to exclusively use the shared 6 GHz band spectrum within their facilities. Moreover, the Commission notes that its rules contain provisions designed to promote coexistence among all devices operating in the 6 GHz bands. For example, GVP devices will need to comply with the same contention-based protocol requirements already in place for LPI and VLP devices and the dynamic transmit power control requirement in place for VLP devices.

The Commission declines to delay adopting GVP rules in order to collect more data or conduct testing, as suggested by API, UTC/EEI, APCO, Evergy, and AT&T. The Commission also sees no reason to adopt the incremental approach of initially adopting a lower GVP power level and potentially increasing it after the Commission gains more experience with GVP operations. The Commission's rules for AFC-enabled standard-power devices were adopted in 2020, (85 FR 31390, May 26, 2020), and AFC systems have been approved for commercial operation since February 2024. The Commission has not received any interference complaints related to 6 GHz standard-power devices operating under the control of AFC systems. Because GVP geofencing systems will employ the same propagation models and determine exclusion zones using the same I/N threshold as the AFC systems, the Commission is confident that the geofencing systems will be equally effective at preventing a significant risk of harmful interference. Also, in the unlikely event that harmful interference occurs, the Commission will require geofencing systems to adjust any or all exclusion zones. Thus, the rules contain an effective mitigation strategy should harmful interference occur.

The Commission is unpersuaded by Evergy's concerns regarding increasing the noise floor or causing harmful interference to microwave receivers. The geofencing system will prevent operation of GVP access points and associated client devices at locations where they present a risk of causing harmful interference to microwave receivers. The Commission notes that Evergy has not presented any technical analysis indicating that such harmful interference will occur in practice or that GVP devices operating in conjunction with a geofencing system will raise the noise floor. The Commission's experience with AFC systems and the fact that the exclusion zones can be adjusted, if necessary, indicate that harmful interference is unlikely to be an issue and that if any interference issues do arise, they can be addressed by the Commission. As to EPRI's contention that any method used to prevent VLP device operation in areas with elevated interference risk must be ''infallible,'' we acknowledge that no spectrum management system is infallible. However, based on past experience with using databases to effect spectrum management opportunities, such as with the AFC systems and the spectrum access systems (SAS) used to manage access to the 3550–3700 MHz band in the Citizens Broadband Radio Service, the Commission believes that the geofencing systems that its rules are enabling will permit GVP operation without posing a significant risk of harmful interference.

The Commission disagrees with AT&T that the lack of a specific proposal by GVP advocates prevented incumbents from rationally evaluating the potential for harmful interference. The rules the Commission is adopting closely mirror its proposal in the *6 GHz Second FNPRM* and require GVP devices to operate pursuant to a geofencing system that will be based on the same propagation models as used for the AFC systems. The *6 GHz Second FNPRM* sufficiently discussed the topics that AT&T claims must be included in a serious proposed set of GVP rules.

The Commission is not increasing the general (*i.e.,* non-geofenced) VLP PSD to 1 dBm/MHz EIRP, as suggested by the Wi-Fi Alliance and the IEEE LMSC. The *6 GHz Second FNPRM* explicitly declined to seek comment on modifying the VLP rules for devices operating without a geofencing system except for some aspects of the out-of-band emission limits. Thus, any consideration of higher power for non-geofenced VLP devices is beyond the scope of the FCC's proceeding.

Finally, AT&T questions the computer simulations on which the Commission relied when adopting the VLP device rules. However, the Commission is not relying on those computer simulation results in reaching our decision to permit GVP operations. Instead, the

Commission bases its decision to permit GVP on the adoption of rules requiring the use of a geofencing system to prevent any significant risk of harmful interference. Therefore, the veracity of the simulations the Commission relied on when authorizing VLP devices is not relevant to the Commission's decision here permitting GVP operations.

GVP Client Device Power

The *6 GHz Second FNPRM* proposed to require client devices operating under the control of a GVP access point to transmit only on channels determined by that GVP access point. Under this proposal, client devices would not be required to directly obtain or calculate exclusion zones. The *6 GHz Second FNPRM* proposed that client devices operating under the control of a GVP access point be permitted to operate at the same power level as the GVP access point.

AT&T expresses concern that the *6 GHz Second FNPRM* proposed to permit client devices connected to GVP access points to operate at the same power as the GVP access point, even though only the GVP access points will be subject to geolocation and geofencing requirements. AT&T calls this a ''significant and unexplained departure from the requirement'' for standard-power and LPI operations that client devices operate at power levels at least 6 dB less than the associated access points. AT&T suggests that if the Commission does not require GVP client devices to similarly operate at lower power levels, the exclusion zones should be extended by 365 meters, the range over which AT&T claims that two GVP devices could communicate.

Apple, Broadcom et al. suggest that the Commission's rationale for adopting lower power limits for standard-power and LPI client devices does not apply to GVP devices. Apple, Broadcom et al., note that the Commission mandated lower power for standard-power and LPI client devices ''as a precaution against the theoretical scenario that a client device could operate in a location with a substantially different interference potential compared to its associated standard-power [access point].'' Apple, Broadcom et al. claim that scenario will not occur for GVP client devices because they ''must operate in close proximity [to their access point] due to their lower power levels relative to standard power [access points].'' Apple, Broadcom et al. further explain that the power level for LPI client devices was specifically lowered to prevent outdoor use, an issue that is not relevant for GVP client devices, which would be allowed to operate outdoors.

Apple supports the Commission's proposal to authorize the same power levels for GVP access points and client devices because the devices will rely on symmetrical bi-directional communication. Apple suggests that if the Commission decides to adjust the size of the exclusion zones determined by the geofencing system to account for the potential separation distance between a GVP access point and client device, ''expanding the exclusion zones by 75 meters would be a very conservative approach,'' as demonstrated by data presented by Apple and Meta. The Apple and Meta data show the separation distance that can be achieved between GVP access points and client devices when operating a communication link at different Wi-Fi modulation and coding schemes (MCS) in urban and suburban areas. These calculations were based on operation with 21 dBm EIRP, 4 dB of body loss, 0 dBi antenna gain, a transmit frequency of 6.5 GHz, and the use of the propagation models specified in the Commission's rules for AFC operation. This data illustrates that as the MCS level increases the GVP access points and client devices must be closer together to successfully communicate. Apple and Meta maintain that these calculations show that ''a 75-meter buffer would more than account for the potential distance between a [GVP access point] and client [device] . . . because this would be larger than the maximum separation distance established using AFC modeling for devices operating at MCS 4.'' Apple and Meta claim that ''[GVP] devices are likely to overwhelmingly operate at MCS 4 and above'' because ''[o]peration at MCS 1 would not support the throughput requirements needed for this class of devices, which will enable [augmented reality], video, and other high-throughput applications.'' They also maintain that ''in the real world, [GVP] devices will rarely, if ever, be separated by 75 meters'' because they ''may not be fixed, must be workable at far lower power than standard Wi-Fi, and include a geolocation-capable [access point].'' Apple and Meta note that GVP devices ''[t]ypically will be body-worn devices that operate with negligible separation distances.'' Apple and Meta also claim that AT&T's suggested 365-meter buffer distance cannot be replicated and that AT&T relies on unrealistic assumptions, such as using only the free-space propagation model.

Recently, Apple and Meta have implicitly supported a 6 dB power differential between GVP access points and associated client devices by advocating that maximum authorized power levels of at least 11 dBm/MHz PSD and 24 dBm EIRP for GVP access points and 5 dBm/MHz PSD and 18 dBm EIRP for GVP client devices are essential for adequate reliability and performance for GVP use cases.

Discussion. The Commission is adopting GVP access point power levels that are higher than were proposed in the *6 GHz Second FNPRM*—up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP instead of the proposed 1 dBm/MHz EIRP PSD and 14 dBm EIRP. At these higher power levels, it is possible for client devices to operate at distances farther from the controlling GVP access point than anticipated under the Commission's proposal. Although many potential GVP applications, such as body-worn devices for augmented reality/virtual reality, will involve access points and client devices located on the same person, other applications, such as a GVP mobile hotspot, would likely involve client devices that are distant from the access point. Consequently, a client device operating at the same power as its controlling GVP access point could be located within an exclusion zone even when the GVP access point is safely outside of the exclusion zone. Therefore, consistent with existing 6 GHz client device rules, the Commission will require client devices under the control of a GVP access point to operate at power levels at least 6 dB less than the power level determined by the geofencing system for the associated GVP access point. Because the Commission is implementing this power reduction requirement for GVP client devices, the Commission declines to extend the exclusion zone boundaries, as AT&T suggests.

Apple, Broadcom et al. provide no rationale to support its claim that GVP client devices must operate in close proximity to GVP access points. While Apple, Broadcom et al. are correct that one of the motivations for the 6 dB power differential between LPI access points and their associated client devices was to limit the client devices to indoor operation, client devices connected to standard-power access points are also restricted to 6 dB less power than their associated access point and such access points and client devices are not limited to indoor operation. This illustrates that when adopting the rules for standard-power devices the Commission believed that it is necessary to impose a 6 dB power difference between access points and client devices to prevent the client devices from operating too close to

microwave receivers even when the associated access point is operating under the control of an AFC system. The Commission continues to hold to that reasoning and reach the same conclusion for GVP devices. In addition, Apple provides no basis for contending that GVP devices will rely on symmetrical bi-directional communication. Other 6 GHz unlicensed devices such as standard-power and LPI devices function with a 6 dB power differential between access points and client devices and the Commission sees no basis for concluding that GVP devices cannot also be designed to account for this power difference.

The Commission finds that providing 6 dB lower power for GVP client devices is a superior approach for compensating for the separation distance between GVP access points and client devices than adding a 75-meter buffer to the exclusion zone boundaries, as suggested by Apple and Meta. The 75-meter buffer size is based on the assumption that at least MCS 4 will always be necessary for these devices. While this may be the case for the augmented-reality glasses and wristband electromyography technology that are the subject of Apple and Meta's presentation, the Commission is not limiting GVP devices to particular technologies or applications. GVP devices operating under the rules the Commission is adopting are expected to operate at a range of MCS levels as needed for different applications and will be able to employ technologies other than Wi-Fi. Consequently, the Commission cannot conclude that GVP access points and client devices will always be limited to a 75-meter separation distance. Applying the same 6 dB power level differential between access points and client devices as the Commission have used for other types 6 GHz unlicensed devices is a more straightforward approach to protecting licensed operations that share the 6 GHz band, while also enabling GVP client devices to operate at the power levels that Apple and Meta state are necessary to ensure reliable communications. This approach also maintains the coexistence scheme already in place to protect incumbents from a significant risk of harmful interference.

The Commission does not believe that imposing a 6 dB power differential between GVP access points and associated client devices will hinder the usefulness of GVP devices. As noted above, Apple and Meta have advocated that GVP client devices should have a maximum permitted power level of at least 18 dBm and 5 dBm/MHz to support the envisioned use cases, such as body-worn devices for augmented reality applications and multiple peer-to-peer links. While Apple, Broadcom et al. have indicated that they support 8 dBm/MHz EIRP PSD and 21 dBm EIRP power levels and also advocate for no power differential between GVP assess points and client devices, they have not indicated that limiting client devices to 3 dB below these power levels will hinder the implementation of particular use cases. Therefore, the Commission has no reason to conclude that the power limits its establishing for client devices under the control of GVP access points will inhibit the usefulness of GVP devices.

Under the rules the Commission is adopting, GVP client devices are limited to a maximum of 5 dBm/MHz EIRP PSD and 18 dBm EIRP. In addition, for GVP access points operating within an exclusion zone and pursuant to geofencing instructions limiting power below the maximum permitted, associated client devices will similarly be required to reduce power such that they are at least 6 dB less than the maximum power permitted for the GVP access point. For example, if a GVP access point is operating in an exclusion zone and limited by the geofencing system to 1 dBm/MHz EIRP PSD and 14 dBm EIRP, an associated client device will be limited to −5 dBm/MHz EIRP PSD and 8 dBm EIRP. However, if a GVP access point transmits at less than its maximum permitted power level, the maximum power for the client device is determined by subtracting 6 dB from the access points maximum permitted power, not by subtracting 6 dB from the access points transmit power. For example, if a GVP access point that is operating outside of any exclusion zone transmits at 5 dBm/MHz PSD and 18 dBm EIRP, an associated client device could transmit at this same power level because the maximum permitted power level of the access point is 11 dBm/MHz PSD and 24 dBm EIRP.

GVP Operations in U–NII–6 and U–NII–8

In the *6 GHz Second FNPRM,* the Commission proposed that geofencing systems protect BAS and CARS operations in the U–NII–6 and U–NII–8 bands. The Commission noted that both the U–NII–6 and U–NII–8 bands are used by mobile broadcast auxiliary services, including outdoor electronic news gathering (ENG) trucks and low power short range devices, such as portable cameras and microphones. Low Power Auxiliary Stations, which are licensed in portions of the U–NII–8 band, operate on an itinerant basis and transmit over distances of approximately 100 meters for uses such as wireless microphones, cue and control communications, and TV camera synchronization signals. ENG trucks transmit video programming, generally using telescoping directional antennas that are oriented toward a central receive site from remote sites, such as the location of news or sporting events, to a central receive site. The Commission proposed that the geofencing systems protect the BAS and CARS operations using the same propagation models, interference protection criterion, and body loss assumptions as used to protect microwave receivers in the U–NII–5 and U–NII–7 bands.

Due to the steerable nature of the central receive antennas, the Commission asked if exclusion zones surrounding central receive sites need to be circular to ensure protection in all directions, or could they be only part of a circle, *i.e.,* less than 360 degrees. The Commission noted that BAS and CARS operations are typically licensed for the entire band(s) in which they operate (*i.e.,* U–NII–6, U–NII–8, or both) and asked whether GVP devices should avoid operation across the entire band that a BAS/CARS site receives within the exclusion zones. The Commission sought comment on whether there are ways to reduce the size of the exclusion zones to protect BAS and CARS receive sites, limit the number of frequencies excluded within those zones, or limit receive site protection to only the specific times when they are in use. More specifically, the Commission asked whether BAS and CARS users should be required to notify a geofencing system of their ENG operations, and for the geofencing systems to incorporate a push notification feature or similar functionality to provide information (*e.g.,* actual operating locations and frequency usage, on a near real-time basis) to GVP devices so that the exclusion zones in the U–NII–6 and U–NII–8 bands can be tailored to actual usage rather than all possible usage areas. The Commission noted that if it were to adopt a push notification or similar approach to protect BAS/CARS based on usage, there would be a need for one or more centralized systems to register BAS/CARS usage and provide the information to geofencing systems.

The Commission proposed that low power short range BAS and CARS devices, such as portable cameras and microphones, and Low Power Auxiliary stations be protected from harmful interference by a combination of a required contention-based protocol and

the low probability of a GVP device operating on the same channel in a nearby location. The Commission explained that the sensing function associated with the contention-based protocol, along with the low probability for co-channel operation, is sufficient to ensure that GVP devices detect nearby mobile BAS operations and avoid transmitting co-channel to protect those operations from harmful interference.

Apple, Broadcom et al. point to a computer simulation they submitted prior to the issuance of the *6 GHz Second FNPRM* as evidence that harmful interference will not occur to ENG receive sites from GVP operations at 21 dBm EIRP. This simulation examined two ENG receive sites at Cowles Mountain, San Diego, CA, and the Old Post Office in Washington, DC. The simulations analyzed mobile links from ENG trucks to BAS central receive sites for a total of six links per site. The simulations purport to show that both sites had a close to zero percent probability of experiencing an I/N higher than −6 dB due to VLP devices operating at 21 dBm. While Apple, Broadcom et al. claim the record shows there will be an insignificant risk of harmful interference when GVP operates at 21 dBm EIRP, they ''support the Commission's belt-and-suspenders use of geofencing for this GVP device class.'' They note that adopting a contention-based protocol requirement and the opportunity for broadcasters to report on ENG link locations will further diminish the risk of harmful interference to ENG incumbent licensees.

NAB contends that the Commission's proposal to protect mobile operations using exclusion zones around registered ENG central receive sites is based on an incomplete view of how this spectrum is used. It points out that ''[w]hile transmission from a mobile ENG truck to a central receive site is a common way that licensed users of this spectrum operate,'' ''[b]roadcasters make use of this spectrum in myriad ways when covering newsworthy events, including from camera-back transmitters to temporary receivers mounted on trucks that can operate nationwide.'' NAB claims that the proposal for BAS users to provide operating locations and frequencies to a database administrator would ''add[ ] significant burden and delay to the newsgathering process'' and require ''untold expense to implement a system to capture this information.'' NAB also criticizes the computer simulation upon which Apple, Broadcom et al. rely, claiming that the analysis showing absolutely no interference to ENG receivers is plainly unreasonable because many hypothetical VLP transmitter locations near an ENG receive antenna would present a signal exceeding a −6 dB I/N level.

Discussion. The Commission defers adoption of rules to permit GVP operation in the U–NII–6 and U–NII–8 bands because it does not believe that the record currently contains sufficient details to adopt geofencing that will efficiently manage spectrum while protecting mobile BAS and CARS operations. Because news events can occur anywhere with little notice, a geofencing system that is based on the actual location and directionality of the links between ENG truck transmitters and the central receive sites will require updated information on the locations of ENG truck transmitters. If the ENG operations are not tracked in a centralized database, the geofencing systems will have to protect the ENG receivers over a 360-degreee radius at all times. This large area will need to be protected across the entire U–NII–6 and U–NII–8 bands because BAS and CARS licenses typically permit transmissions across the entire bands. Because ENG news gathering is conducted by broadcasters throughout the nation, establishing exclusion zones at every ENG central receive site that covers the entire U–NII–6 and U–NII–8 bands will remove a tremendous amount of spectrum from use by GVP devices. Hence, to efficiently manage access to this spectrum the Commission finds that it should consider how geofencing systems can be designed to use information on actual ENG use to quickly update the exclusion zones governing GVP device use.

While Apple, Broadcom et al. support the use of geofencing systems for GVP devices operating in the U–NII–6 and U–NII–8 band and contend that NAB has not substantiated its claim that providing real-time information on BAS/CARS use would be a burden to newsgathering operations, they have not provided any details on how geofencing systems would collect BAS/CARS usage information and manage GVP device spectrum use. For the Commission to adopt rules for geofencing systems that use real-time information on BAS/CARS use, the Commission would have to address many issues such as: How would the information on BAS/CARS use be collected? Who would collect this information? What specific information would be collected? How would the information be propagated to the various geofencing systems? How would updated exclusion zones based on this information be pushed to the GVP access points? How quickly would the GVP access points need to adjust their spectrum use as BAS/CARS spectrum use changes? Given the lack of record on how this process would work in practice, the Commission does not believe that it has sufficient information to adopt rules for geofencing systems for the U–NII–6 and U–NII–8 bands. In adopting rules to permit GVP device operations in the U–NII–5 and U–NII–7 bands while deferring consideration of operations in the U–NII–6 and U–NII–8 bands, the Commission is following the same path it used to adopt rules for VLP devices. In the 2023 *6 GHz Second Order,* the Commission adopted rules to permit VLP device operation in U–NII–5 and U–NII–7. In 2024, after obtaining a more robust record, the Commission expanded VLP operations to the U–NII–6 and U–NII–8 bands in the *6 GHz Third Order* (90 FR 11373, March 6, 2025).

Geofencing System Architecture

In the *6 GHz Second FNPRM* the Commission proposed to provide manufacturers with flexibility to design appropriate geofencing systems for different equipment use cases rather than mandate a specific geofencing system architecture and provided three examples. A first example architecture could have a centralized geofencing system calculate exclusion zones based on information obtained from Commission databases, *e.g.,* the Universal Licensing System (ULS), as well the Commission's rules. A GVP access point would contact the centralized geofencing system to download exclusion zones and then manage its spectrum use based on the downloaded information. A second example architecture could have a GVP access point regularly send its location to a centralized geofencing system, which would then inform the access point as to the channels it may use. This second example architecture would use the same methodology as the existing AFC systems that manage standard-power access point spectrum access with the added requirement to account for the inherent mobility associated with GVP access points. A third example architecture could integrate the geofencing system within a GVP access point. A GVP access point would obtain local licensing data by downloading information from an external source. The GVP device would need to contain software necessary to use that data to independently determine exclusion zones and manage its spectrum use. The first and second examples are categorized as ''centralized'' architectures because they rely on a central server to perform the calculations necessary to implement the

geofenced exclusion zones, while the last is a ''distributed architecture'' in which the calculations are performed by each GVP access point. The Commission proposed to permit either a distributed or centralized architecture. The Commission also sought comment on whether it should provide flexibility for the geofencing system implementations or specify a single approach.

AT&T suggests that the Commission require a geofencing architecture where the GVP device downloads keyhole-shaped geofenced exclusion zones from a central server because such a system would be simpler than the Commission's other two example architectures. This suggested architecture is a specific example of the first example architecture which uses simplified exclusion zone boundaries rather than permitting more complex exclusion zones determined by propagation models consistent with the AFC systems as the Commission has proposed. AT&T notes that the simplified approach of the first example architecture would ''reduce[ ] the complexity and storage requirements of those [GVP] devices.'' By contrast, AT&T claims that the Commission's second example architecture, in all practicality, would revert to the existing AFC system and result in overly complex exclusion zones. AT&T also advises the Commission not to authorize a distributed architecture, *i.e.,* the Commission's third example architecture. According to AT&T, a distributed architecture would effectively require each device to be its own AFC system but without the controls in place for AFC systems, such as the standards-based interference calculation, AFC system public validation through trials, and a common interference reporting system. AT&T claims that AFC system and device implementation variations would render device certification untenable. AT&T argues that permitting these types of devices would ''impose[ ] massive burdens on [fixed microwave] incumbents to continually monitor every VLP device application and conduct assessments to determine if a multiplicity of self-coordinating devices using proprietary mechanisms will actually protect [fixed microwave] incumbents. Evergy advocates that the Commission require a centralized architecture to calculate exclusion zones to ensure licensed incumbents are protected in a consistent and predictable manner. UTC/EEI also favor a centralized architecture, noting that a distributed framework would not be as effective and would pose a greater interference risk to incumbents.

Apple, Broadcom et al. explain that the Commission's proposal to ''allow[ ] both centralized and distributed geofencing systems affords device manufacturers sufficient flexibility to facilitate higher-power operations while still providing robust protections for incumbent operators.'' According to Apple, Broadcom et al., ''AT&T's opposition to the Commission's proposal fails to recognize that (1) the AFC rules prohibit mobile devices and (2) the Commission's geofencing proposal has several critical benefits compared to an AFC—energy efficiency, consumer privacy, and flexibility.'' Apple, Broadcom et al. claim that the fundamental difference between what the Commission proposes and AT&T's proposal is that the Commission's proposal facilitates mobile operations. They note that the AFC rules prohibit mobile operations and that the Commission's proposal is ''simple enough to facilitate mobile operations without imposing unnecessary device or AFC system complexity.'' Apple, Broadcom et al. also claim that AT&T's proposal ''would require frequent AFC system queries, which would drain consumers' batteries'' and would compromise consumer privacy due to the need to constantly transmit the access point's location to third parties. Apple, Broadcom et al. also claim that the Commission's proposal will support GVP technology adoption for a broad range of applications. Apple, Broadcom et al. also disagree with AT&T's claim that consumer devices will not be capable of implementing a distributed architecture. They explain that device manufacturers can choose which approach is best for its device; noting that the Commission's proposal allows more capable devices to use the distributed approach.

Comsearch recommends that the Commission allow flexibility for the geofencing architecture, noting that the GVP device use case should determine which architecture is most feasible. According to Comsearch, if a centralized approach, such as the current AFC systems, is used, the need for a mobile device to keep the centralized system informed of its location, direction, and velocity ''would substantially complicate message exchange and spectrum availability calculations'' compared to AFC systems. However, Comsearch states that a centralized approach, such as an AFC system, would be more feasible for stationary GVP devices.

Federated Wireless urges the Commission to ''adapt the currently authorized AFC systems for the new [GVP] class'' rather than certifying a novel system. According to Federated Wireless, ''[t]he information that AFC systems currently provide to [s]tandard [p]ower devices in the 6 GHz band is identical to what would be needed to allow higher-power [GVP] devices to access those frequencies.'' In order to account for GVP device mobility, Federated Wireless suggests that information on channel availability and power levels could be calculated for a predefined area, with the device only needing to check-in with the AFC system again if it moves outside that area. Federated Wireless recommends that ''AFC system operators work with [GVP] device manufacturers to specify how this interaction would work in practice and to address other challenges that are specific to [GVP] devices, including battery power consumption and privacy.'' Federated Wireless also agrees with other commenters, such as Comsearch, that the Commission should accommodate any geofencing system architecture that allows GVP devices to operate without causing harmful interference to incumbents. API claims that the geofencing calculation is best done by an AFC system rather than by a separate geofencing provider.

Discussion. The Commission will require geofencing systems to use a centralized architecture to control GVP access points. Although the Commission sought comment on also permitting a distributed geofencing architecture, the Commission finds that it is appropriate to limit geofencing systems to a centralized architecture because of concerns that it would be difficult to test a distributed architecture geofencing system and that such a system would make it difficult to address any instance of harmful interference, should it occur. As AT&T notes, a distributed geofencing architecture would essentially permit each device to act as its own AFC system, but without any of the controls placed on AFC systems. AFC systems are only authorized after extensive lab testing using industry developed test vectors and a public trial where interested parties have the opportunity to examine AFC system outputs for specific locations. Because each GVP access point in a distributed geofencing system would need to calculate the exclusion zones, each GVP access point model would need to be tested to verify compliance with the Commission's exclusion zone rules. As AT&T states, the need to monitor every VLP device application and conduct sophisticated assessments on those devices would

impose massive burdens on primary microwave incumbents to determine whether the VLP device adequately protects those systems. Although AT&T raises concerns with testing the operation of distributed geofencing systems in its comments, no commenters provide any suggestions on how such systems may be tested. Given the importance that the Commission places on preventing harmful interference from occurring to licensed incumbents and the need to verify through adequate testing the proper functioning of the geofencing systems, the Commission will not permit use of a distributed geofencing architecture.

In the *6 GHz Second FNPRM,* the Commission proposed that each geofencing system operator for centralized systems establish and follow protocols to comply with Commission instructions regarding enforcement actions and to adjust exclusion zones, as necessary, to more accurately reflect the potential for harmful interference. The Commission is adopting these requirements for centralized geofencing systems. These provisions enable the Commission to take action in the unlikely event that a GVP device causes harmful interference to a licensed incumbent. Under a centralized architecture, the Commission can simply issue necessary instructions to the approved geofencing systems to mitigate any harmful interference instances by either eliminating certain devices from operating as GVP devices or to adjust exclusion zones. However, it is not apparent, and commenters have not addressed, how these requirements can be satisfied for a distributed geofencing architecture where each GVP access point may not have regular contact with a database to receive such instructions in a timely manner. This is another reason the Commission is not permitting a distributed geofencing architecture.

While the Commission noted two examples of centralized geofencing architectures, the Commission is providing flexibility for geofencing administrators to implement various centralized architectures. The Commission's approach will permit geofencing systems to leverage existing AFC systems which could accelerate the time for GVP technology becoming commercially available. However, the Commission will not require that geofencing systems be based on the currently authorized AFC systems, as Federated Wireless and API suggest, because this may discourage innovation and limit the number of geofencing systems that are developed with no apparent benefit. So long as a geofencing system uses a centralized architecture and meets our other requirements, the Commission will not restrict administrators from implementing their preferred method. The Commission believes that this flexible approach will lead to GVP devices that meet a wide variety of use cases. The Commission believes that the first example architecture, where GVP access points determine whether they are in an exclusion zone by downloading information describing those zones from a centralized geofencing system, may be most likely to be deployed, but the Commission will not require use of this specific architecture. Apple, Broadcom et al. argue that AT&T's opposition to the Commission's proposal to permit flexibility in the geofencing architecture fails to recognize the benefits that the proposal has compared to requiring an AFC system, such as energy efficiency, consumer privacy, and flexibility. While the Commission is not adopting the proposal to permit use of a distributed architecture, the flexibility that we are providing to permit use of any type of centralized architecture provides these benefits. Under the first example architecture, only infrequent communication is needed between the GVP access point and geofencing server because the GVP access point can download exclusion zones for a large area, thereby enhancing device battery life. Because only infrequent communication will be required, use of the first example architecture will not substantially complicate message exchange and spectrum availability calculations as Comsearch implies. The first example architecture will also protect consumer privacy because the device does not need to inform the database as it changes position. The rules the Commission are adopting provide the flexibility to use any type of centralized architecture, which should provide device manufacturers with the flexibility to work with geofencing system providers and design appropriate geofencing systems for different use cases.

Protection of Fixed Microwave Systems

As proposed in the *6 GHz Second FNPRM,* the Commission will protect fixed microwave services from a significant risk of harmful interference by requiring geofencing systems to determine location- and frequency-based exclusion zones for GVP access points around fixed microwave receivers based on the same criterion used by AFC systems to protect microwave receivers from standard-power access points and fixed client devices. Specifically, the geofencing systems will calculate frequency-based exclusion zones using the same propagation models used by the AFC systems to avoid causing an I/N greater than the −6 dB interference protection criterion established for the AFC systems. The −6 dB criterion was established as an appropriate threshold to protect fixed microwave receivers. Individual GVP devices will use these exclusion zones to determine where they are prohibited from transmitting on particular frequencies to prevent harmful interference from occurring.

Interference protection criterion. The *6 GHz Second FNPRM* proposed that geofencing systems calculate the GVP exclusion zones based on the same −6 dB I/N interference protection criterion that the Commission adopted in the *6 GHz First Order* (85 FR 31390, May 26, 2020) for AFC systems. EPRI characterizes −6 dB as the appropriate interference protection metric, while AT&T states that this metric ''should be adjusted in view of additive impacts and the 'at sufferance' nature of Part 15 RLAN devices.''

The Commission adopted the −6 dB I/N criterion for use by AFC systems based on an extensive technical record and was supported by the Fixed Wireless Communications Coalition, the Utilities Technology Council et al., and other representatives of fixed microwave incumbents. The −6 dB I/N metric has also been extensively used in numerous computer simulations developed for analyzing the harmful interference risk posed by unlicensed devices in the 6 GHz band. The −6 dB I/N interference protection criterion used by AFC systems has been widely supported by 6 GHz unlicensed device proponents and microwave incumbents. The −6 dB metric in conjunction with the propagation models required in the Commission's rules have proven sufficient in enabling adequate protection to fixed microwave receivers when standard power devices access spectrum under the supervision of an AFC system. The geofenced systems can similarly use this proven methodology to ensure microwave receivers are protected when unlicensed GVP devices access spectrum in a manner the geofenced system has determined will not present a significant risk of harmful interference. Therefore, the Commission is adopting this same metric for geofencing systems to use when determining exclusion zones. Geofencing systems will be required to determine exclusion zone boundaries based on calculating locations where the I/N ratio exceeds −6 dB using the

propagation models specified in the Commission's rules.

While AT&T argues that additive interference undermines the technical justification for using the −6 dB I/N metric, 6 GHz unlicensed devices only present a risk of interference if they are in the microwave antenna's main beam at a close enough distance. The geofenced system that controls GVP access points' spectrum access will prevent those devices from operating at locations where they would present a significant risk of harmful interference. Furthermore, Monte Carlo analysis by Apple shows that the additive effects of LPI and VLP devices, operating without any frequency management mechanism such as a geofencing or AFC system, do not present a significant risk of harmful interference to microwave links. Therefore, the Commission does not agree with AT&T that additive effect undermine the technical reasoning for adopting the −6 dB metric. By adopting this metric, the Commission ensures consistency between the calculation methods used by AFC and geofencing systems which should enable geofencing administrators to easily develop and implement these systems. Moreover, use of this metric by AFC systems has been effective in preventing harmful interference from occurring to licensed incumbents from standard power device operations. In adopting the use of this metric by geofencing systems, the Commission is not making a determination that any signal received with an I/N greater than −6 dB would constitute ''harmful interference'' but are instead using this as a conservative means to ensure that microwave receivers are protected.

Propagation models. The *6 GHz Second FNPRM* proposed that geofencing systems, to determine the VLP device exclusion zones, use the same propagation models that are used by AFC systems to provide channel and power information to standard power access points and fixed client devices. Specifically, the Commission proposed to require geofencing systems to use the free space path-loss model at separation distances of up to 30 meters, the Wireless World Initiative New Radio phase II (WINNER II) model at separation distances greater than 30 meters and up to and including 1 kilometer, and the Irregular Terrain Model (ITM) combined with the appropriate clutter model at separation distances greater than 1 kilometer. The Commission also proposed to require geofencing systems to use site-specific information, including buildings and terrain data, to determine the line-of-sight/non-line-of-sight path component in the WINNER II model, where such data are available. For evaluating paths where such data are not available, the Commission proposed that geofencing systems use a probabilistic model combining the line-of-sight path and non-line-of-sight path into a single path-loss as set forth in the requirements for AFC systems. The *6 GHz Second FNPRM* proposed that these propagation models be used to calculate the GVP exclusion zones. These proposals were designed to ensure consistency among operating locations and parameters for various GVP systems, as well as consistency with the consensus methodology WinnForum published for AFC systems.

EPRI agrees with the Commission that exclusion zones can be an effective method to protect microwave receivers, ''provided that the propagation models that define the zones align with findings from real-world interference testing'' and that the models account for line-of-sight paths between outdoor unlicensed devices and microwave receivers. EPRI suggests using a purely geometric exclusion zone rather than relying on the Commission's proposed propagation models. The geometric exclusion zone would be based on a 30-meter radius around the microwave receiver that extends into a keyhole shape with edges defined by the microwave receive antenna 3 dB bandwidth out to a distance of 10 kilometers. EPRI states that such distance is necessary to eliminate a discontinuity between the WINNER II and ITM propagation models used by the AFC systems, which EPRI claims implies that AFC systems under-protect FS systems. If the Commission uses a propagation model approach to defining exclusion zones, EPRI advocates using free space path loss as a reliable conservative approach. EPRI also questions whether the ITM clutter models used by the AFCs are relevant for GVP devices because they do not contain a specific category for roads and highways. EPRI opines that automotive GVP devices are likely to be the first to market and that clutter may not be accurately modeled because the WINNER II model includes morphologies for ''urban'' and ''suburban'' areas but lacks guidance for roads and highways.

AT&T similarly advocates for a simple keyhole exclusion zone that can be defined by a few discrete numbers such as latitude and longitude of the microwave receiver, direction of the main beam, radius of a circle around the receiver, and angle and distance defining a triangle with its apex at the microwave receiver and its base perpendicular to the main beam. It points out that if the exclusion zone is more terrain-dependent, ''it could only be defined with a string of high-precision latitude/longitude pairs,'' which is more complex and similar to the AFC systems that already exist. AT&T suggests using free space path loss to determine the geofencing area and including a 1.9-kilometer buffer for mobility. According to AT&T, the ITM propagation models ''are extremely nuanced and susceptible to major variations even with minor changes in distance'' and that the algorithms can be implemented in different ways leading to significantly different results.

Apple, Broadcom et al. state that the AFC propagation models, which are based on the distance between a GVP device and a microwave receiver, ''sufficiently protects incumbents and can be easily applied in the [GVP] context.'' Further, they claim that using these models ''ensures that the exclusion zones are effectively tailored to the actual operating conditions.'' Apple, Broadcom et al. object to the suggestion that only free space path loss be used for calculating exclusion zones. They point out that the Commission previously found the free space path loss model inappropriate ''because it fails to account for obstruction and terrain variation.'' According to Apple, Broadcom et al., while free space path loss can be appropriate for short paths to account for a higher line-of-sight potential, ''it does not reflect real-world operating conditions for other locations.''

The Commission is adopting rules that base the exclusion zones on the same propagation models as used for AFC systems, which were adopted after carefully considering the record. The Commission explained that the adopted approach, which uses a combination of propagation models to accommodate a variety of environments and distances, is the best way to balance unlicensed device access and incumbent protection. Because GVP devices will operate on the same spectrum as standard power devices, their transmissions are subject to the same physical and temporal environment as those devices. Thus, the Commission concludes that its experience with these propagation models, which account for the 6 GHz operating environment, since adopting the standard-power device rules provides strong support for concluding that they are similarly appropriate for managing GVP device spectrum access. Since the first AFC systems were approved for commercial operation in February 2024, the Commission has not received any reports that harmful interference occurred to microwave

receivers from standard-power access points.

When the Commission adopted the standard-power device rules, the record included contentions by microwave licensees that terrain and clutter losses should not be assumed using statistical models and that the appropriate propagation model should be free space path loss. The Commission disagreed with the claims that a free space model must be used in cases where clutter and terrain data are not known. While the Commission adopted the free space path loss model for short separation distances (up to 30 meters), it noted that this model drastically underpredicts path loss for longer distances because there is almost always interaction with the environment that reduces the signal level below free space. As with standard power devices, using the free space path loss model to protect microwave receivers from GVP devices would overprotect such systems and unnecessarily restrict GVP devices resulting in less efficient spectrum use.

By deciding to use the AFC propagation models, the Commission rejects the notion that geofencing exclusion zones should be defined using purely geometric models or simplified circle and triangle shapes, as suggested by EPRI and A&T. Instead, the Commission will permit geofencing systems flexibility to specify exclusion zones using more complex boundaries, which the Commission recognizes can result in exclusion zones with complex shapes. Therefore, to simplify and reduce the data that needs to be conveyed to a GVP device, the Commission will permit geofencing system administrators to simplify the exclusion zone boundaries, so long as they do not provide any less protection to microwave receivers. In other words, the exclusion zones can be simplified or smoothed to ease implementation, as long as the result protects microwave receivers to the same level or more than what the propagation models and the −6 dB I/N metric indicate. To accommodate GVP devices from different manufacturers and potentially multiple geofencing systems, and to ensure that exclusion zones are calculated and provided to GVP devices in a consistent manner, the Commission expects that industry groups will create necessary standards, including an interface specification.

The Commission disagrees with EPRI's concern that the ITM model under-protects microwave systems due to a discontinuity between the predicted propagation loss with the Winner II model at a distance of 1 kilometer. EPRI provides no actual evidence that the ITM model is under-protecting the microwave receivers. In the *6 GHz First Order,* the Commission concluded that the ITM model was the appropriate propagation model for the AFC systems to use for distances greater than 1 kilometer, noting that it is supported by the record and has served reliably as a propagation model. In addition, the ITM model has been used to determine spectrum availability in the spectrum access systems (SAS) used to manage access to the 3550–3700 MHz band in the Citizens Broadband Radio Service. Given the lack of actual evidence that the ITM and Winner II models are not appropriate for use by the geofencing systems and the Commission's previous experience with these models for the AFC systems, the Commission sees no grounds to depart from the propagation models proposed in the *6 GHz Second FNPRM.*

Additionally, the Commission disagrees with EPRI's concern that the clutter models used with the ITM model do not represent device use along roads. The clutter models specify clutter levels based on broad land use categories such as urban, suburban, and rural with the model for rural areas using different modeling based on barren areas, high crop yield fields, deciduous trees, coniferous trees, and village center. Because roads are surrounded by buildings or trees that are reflective of these categories, the Commission would expect the signals from devices transmitting on or along roadways to experience attenuation from clutter in the same manner as signals transmitted by devices located away from the roadway. For example, a signal transmitted from a GVP device located along a roadway in a suburban area would experience clutter effects from the buildings and trees in the surrounding environment that are reflective of a suburban environment. EPRI appears to be expecting a degree of precision from clutter models that is not realistic. The same considerations apply to EPRI's concerns regarding the WINNER II model's lack of guidance for use on roads.

GVP Transmit Height. The *6 GHz Second FNPRM* stated that the geofencing systems could use an antenna height above ground of 1.5 meters in the propagation models when creating the GVP exclusion zones. AT&T points out that for unlicensed whitespace devices, the ''geofencing parameters explicitly consider the elevation—antenna height—of the potentially interfering device.'' AT&T also contends that an assumed antenna height of 1.5 meters is inappropriate because the microwave receiver main beam is highly directional and therefore is sensitive to changes in interferer elevation. AT&T suggests that the ''geofencing boundaries . . . should be determined using the worst-case antenna elevation based on terrain, topology, or LIDAR data.''

The Commission expects that antenna height will not be a significant factor in calculating exclusion zones because most GVP device use will occur indoors. The computer simulations submitted by Apple, Broadcom et al. that the Commission relied on when adopting the rule to permit VLP operation assumed that only 6% of the people using VLP devices would be outdoors. The Commission concluded that this assumption was reasonable because it was based on Department of Transportation and Environmental Protection Agency statistics. Because transmissions from indoor GVP devices will be subject to significant building attenuation, the Commission believes that operation of indoor GVP devices at any elevation will not present a harmful interference risk. Hence, for 94% of GVP device use, the device elevation will not be a factor.

The Commission also expects the vast majority of outdoor GVP device use will occur at ground level—that is, people will use the portable devices outdoors at ground level. For such use, the Commission finds that 1.5 meters above ground level is an appropriate approximate height. The Commission also notes that the ITM model does account for terrain and hence does compensate for any difference in terrain height between the microwave receiver location and a GVP device being used at an elevation of 1.5 meters above the ground level. While the WINNER II model does not account for the actual terrain, because this model is only used for distances less than one kilometer we do not expect that there will be significant variations in terrain for most cases.

There will be a small number of situations where GVP devices are used on building balconies and rooftops. In such cases, assuming a 1.5-meter device height above ground level would not be appropriate. However, the Commission cannot endorse AT&T's proposed worst-case height solution based on terrain, topology, or LIDAR data as it would result in significantly overprotecting microwave receivers in most situations, such as when GVP devices are being used indoors, or at lower heights. Considering the ever-increasing demand for spectrum, the Commission cannot justify eliminating more spectrum than is necessary from GVP use. Also, using such data, where available, would, in

effect, assume all in-building GVP use is on the building rooftops instead of indoors or on lower elevation balconies, dramatically reducing the GVP operating area absent an increased harmful interference risk. The Commission also notes that LIDAR data is not available in all locations.

To compensate for the relatively fewer GVP devices that may be operating on building rooftops and balconies, the Commission is requiring geofencing systems to assume a 10-meter height above ground level for GVP devices when calculating exclusion zones. The Commission is using a 10-meter height for the GVP access points because this is the height assumed in *OET Bulletin No. 69,* which describes using the terrain-dependent Longley-Rice point-to-point propagation model for estimating received signal strength of television signals. *OET Bulletin No. 69* was used by the Commission to make broadcast television signal coverage predictions when assigning channels during the transition from analog to digital television. *OET Bulletin No. 69* provides an appropriate precedent for the assumed GVP device height for two reasons. First, GVP devices, like television sets, will be used where people live or work, which may be in buildings ranging in size from one-story houses to multi-story buildings. When choosing the height to use for *OET Bulletin No. 69,* the Commission chose a height that was appropriate to represent the wide variety of possible antenna locations. This height is also appropriate to represent the wide variety of indoor GVP use. Second, the Longley-Rice propagation model is the basis of the ITM model, which the Commission is requiring geofencing systems to use for distances greater than one kilometer. While using a 10-meter height will, in most cases, result in larger than necessary exclusion zones, the Commission also notes that some outdoor GVP use could occur at greater heights. In the latter case, however, such use will only present a harmful interference risk if it occurs on the same channel as being used by a microwave link and within a microwave receiver's main beam within a few kilometers from the microwave receiver location. The Commission concludes that such cases are likely to be so rare as to present an insignificant risk of harmful interference occurring. Moreover, similar to VLP devices, GVP devices are designed to be inherently mobile, and any instances of potential interference are expected to be fleeting.

Body Loss. The *6 GHz Second FNPRM,* similar to the Commission's conclusion for VLP devices in the *6 GHz Second Order,* proposed to allow geofencing systems to assume 4 dB for body loss when calculating exclusion zones. AT&T urges the Commission not to assume that all GVP devices will be body worn and subject to 4 dB of body loss, noting that ''there is no rule that requires VLP devices to be body worn'' and therefore ''no basis for assuming [GVP] devices will, in fact, be body worn.'' If the Commission adopts an assumption for body loss, AT&T suggests that the rules bar certification for GVP devices that are not explicitly designed to be body worn. AT&T also asserts that because ''VLP devices are likely to be deployed in pairs, . . . it is irrational to assume that both endpoints of the [communication] will be subject to body attenuation.'' UTC/EEI point out that not all VLP devices will be oriented or used on the body where 4 dB of body loss can be assumed to occur. EPRI states that if the GVP device is oriented such that there is no body shielding to the microwave receiver, a 0 dB body loss would be appropriate. EPRI also suggests that ''the first mass-market VLP devices will be automotive'' and that, ''[b]ecause automotive bodies have glass in all directions[,] . . . more study is needed to determine what value of loss or gain is required to match real-world deployments.''

Apple, Broadcom et al. disagree with AT&T's suggestion that the Commission ignore body loss unless the rules require a device to be body worn, noting that ''even if a device is not directly worn on the body, proximity effects can still be present.'' Apple, Broadcom et al. notes that the Commission previously concluded that '' 'such losses [still] occur due to absorption and reflections from a table or other surface the device is sitting on or, for in-vehicle use, from the vehicle's cabin.' '' Apple, Broadcom et al. also claim that ''[GVP device] operations in cars will actually be *more protective* than on-body operations'' because automotive bodies have close to 9 dB mean attenuation—far higher than our assumed body loss value. API supports using 4 dB body loss for GVP devices.

In the *6 GHz Second Order,* the Commission explained that a body loss value for analytic purposes must reflect not just the body loss itself, but also the wide range of values possible, the varying behavior of VLP device users, and the variety of uses for which VLP devices may be employed. The Commission noted that a 4 dB body loss is appropriate because ''body loss is used to represent attenuation from a range of objects near the VLP device such as a human body or the surface of table.'' The Commission also found that a 4 dB body loss ''appears to be a conservative assumption'' because ''the body loss measurements submitted by Apple, Broadcom et al. and Meta show a distribution with a mean higher than 4 dB and some measured attenuations were much greater than the 8 dB maximum of the truncated distributions used in the simulations.''

In the *6 GHz Third Order,* the Commission recognized that several related technical studies filed by Broadcom and Apple, Broadcom et al., referred to as the ENG Truck Receiver Studies, provided evidence to support its conclusion that harmful interference would not occur to electronic newsgathering (ENG) truck receivers from VLP device operations. The ENG Truck Receiver Studies assumed 4 dB of body loss for the transmissions from the VLP device. The Commission concluded in the *6 GHz Third Order* that using 4 dB for body loss in these link budget calculations is consistent with assumptions that it found were appropriate in the *6 GHz Second Order.*

The Commission finds, consistent with its previous conclusions in the *6 GHz Second Order* and *6 GHz Third Order,* that it is appropriate for geofencing systems to assume a 4 dB body loss value when calculating the exclusion zones to protect microwave receivers. Several commenters object to an assumption of 4 dB of body loss because not all GVP devices will be body worn. While the Commission agrees with commenters that not all GVP devices will be body worn, the Commission reiterates its statement from the *6 GHz Second Order* that the term ''body loss'' refers not only to the attenuation when a GVP device is used on or near a human body, but also to the attenuation from other nearby objects, such as a table that the device is sitting on or a vehicle's passenger cabin. Apple, Broadcom et al. concurs that ''body loss'' can occur ''even if a device is not directly worn on the body'' because ''proximity effects can still be present.'' Although some commenters appear to claim that the 4 dB body loss assumption should not apply in certain scenarios, the Commission notes that they did not submit any technical data to support those claims. Thus, based on the record before the Commission, it will permit geofencing systems to account for up to 4 dB body loss consistent with the Commission's previous conclusion as to the appropriate body loss to assume for interference related VLP device calculations.

The body-loss measurements that Apple, Broadcom et al. previously submitted on the record illustrate that 4

dB is a conservative body-loss value. According to these measurements of a smartphone transmitting in six different locations on six different people, the measured body loss was greater than 4 dB 90% of the time and could be as high as 30 dB. These measurements indicate that excluding body loss from the exclusion zone calculation will result in larger exclusion zones than are necessary to protect the microwave links the vast majority of the time. Therefore, assuming no body loss, as several commenters suggest, would conflict with the Commission's goal to promote efficient spectrum use.

The Commission does not agree with EPRI that more study is needed regarding VLP use in automobiles before the Commission adopts a body loss value for the geofencing systems. As noted, body loss also refers to loss from nearby objects. Notably, Apple, Broadcom, et al. cited a technical study finding that, on average, vehicles cause 9 dB of signal attenuation to devices operating in the 2 GHz band. While the 6 GHz band was not explicitly tested, this study demonstrates that devices operating in-vehicle at 6 GHz would experience some level of attenuation. Therefore, because signals transmitted by a GVP device within an automobile will be subject to some amount of attenuation from the vehicle cabin, the Commission believes it is appropriate to assume that at least 4 dB of attenuation will be present for this use case.

Aggregate interference. The *6 GHz Second FNPRM* proposed that geofencing systems not be required to consider aggregate interference effects from multiple GVP devices, noting that these devices will operate at a significantly lower power level than standard-power access points and fixed client devices for which the Commission previously determined that an aggregate interference limit is not necessary. Apple, Broadcom et al. agree that the risk of aggregate interference from GVP is even lower than for standard-power devices because ''GVP devices will operate at a considerably lower power level compared to standard power [access points]'' and the required contention-based protocol will ''greatly decrease[ ] the likelihood of simultaneous transmission that could lead to aggregate interference.'' EPRI claims that its real-world testing confirms that additive interference effects are real and that geofencing systems must acknowledge additive interference. According to EPRI, locations where line-of-sight paths occur between unlicensed devices and microwave receivers are not rare corner cases and that when multiple devices operate at such locations the aggregate interference effects significantly increase the potential for harmful interference. AT&T suggests that the Commission follow the practice adopted in the United Kingdom and the European Union ''where an additional 4 dB margin was included to adjust for aggregate effects.'' AT&T also cites an instance where the Commission assumed a 4 dB margin to account for aggregate interference when setting a power flux density interference limit into satellite earth station receivers. AT&T notes that the Commission's previous finding regarding aggregate interference pre-dates the two technical studies filed by EPRI and FirstEnergy and the technical study filed by Southern Company.

The two studies conducted by EPRI and FirstEnergy, which AT&T references, purport to show measured reduction in microwave link fade margin from aggregate effects of multiple access points. However, these two studies show inconsistencies that cast doubt on the results. For example, the first study shows that, in some instances, the reduction in link fade margin actually decreases when multiple access points are transmitting compared to when just one access point is transmitting but increases in other instances. The Commission speculates that the inconsistencies in the two EPRI and FirstEnergy studies are related to the methodology employed for measuring the impact from unlicensed device operation on microwave links. EPRI and FirstEnergy regularly measured a baseline fade margin with no unlicensed devices transmitting by reducing the microwave transmitter power level until bit errors occurred. One or more unlicensed devices were then turned on and the microwave link power level was reduced until errors occurred. The difference in the microwave link power level at which errors occurred between these two cases was the ''reduction in fade margin,'' which EPRI and FirstEnergy claims is due to unlicensed device operation. But this methodology is flawed because the fading level experienced on a microwave link constantly changes, which means that the baseline fade margin does not remain constant during the testing. To account for variation in link fading, EPRI and FirstEnergy either used the baseline fade margin before the unlicensed devices were turned on or interpolated or calculated the average of the baseline fade margin measurements made before and after the measurements with the unlicensed devices. As the fade margin measurement plot in the second EPRI and FirstEnergy test report shows, the baseline fade margin over the three-day testing period varied between 25 and 29 dB and the difference between two successive baseline fade margin measurements was as much as 2 dB. Based on the data in these test reports, it is difficult to conclude whether the fade margin reduction was due to variation in the baseline fade margin over time or was caused by the additive effect from multiple unlicensed devices simultaneously transmitting. The Commission also notes that when using multiple simultaneously transmitting unlicensed devices, EPRI and FirstEnergy set them to use ''iperf-tenstreams'' which generates ''10 concurrent streams of maximum rate TCP.'' This produced continuous extremely high-rate transmissions instead of the bursty discontinuous transmissions typical of Wi-Fi. Hence, the Commission would not expect this type of testing to accurately model the effects of typical unlicensed devices. The technical study by Southern Company, which AT&T also references, is also lacking because it merely speculates that aggregate interference could occur from multiple access points in a specific building rather than actually measuring whether such aggregate interference actually occurs. Therefore, the Commission does not find these technical studies persuasive and concludes that there is no need to adjust the exclusion zones based on the potential for aggregate interference from multiple GVP devices.

AT&T points out that the Commission assumed a 4 dB factor for aggregate interference when setting a power flux density (PFD) limit for out-of-band emissions from base and mobile stations in the 3.7–3.98 GHz band into satellite earth station antennas in the adjacent 4–4.2 GHz band. The 3.7–3.98 GHz band has been auctioned to wireless mobile broadband carriers. Spectrum use by wireless carriers typically differs from spectrum use by unlicensed devices. Wireless carriers set up their networks to provide ubiquitous coverage with higher power levels than are permitted for unlicensed devices. Base stations employed by wireless carriers transmit continuously, unlike the bursty transmissions of unlicensed Wi-Fi devices. Given the differences in how the licensed 3.7–3.98 GHz band is being used compared to the likely characteristics of GVP devices, the Commission does not believe that its prior decision assuming a 4 dB margin for aggregate interference in the 3.7–3.98 GHz band is relevant to 6 GHz GVP devices.

AT&T refers to a statement from the United Kingdom spectrum regulator on 5 and 6 GHz band Wi-Fi use and a report on a simulation study conducted by the Electronic Communications Committee of the European Conference on Postal and Telecommunications Administrations to support a claim that the United Kingdom and the European Union use a 4 dB margin for aggregate effects. The Commission notes that neither of these documents mention a 4 dB margin to compensate for the aggregate interference effects.

Adjacent channel protection. The *6 GHz Second FNPRM* proposed that GVP exclusion zones only account for co-channel operations and not consider adjacent channel operations. This is a departure from the rules for standard-power devices, which require AFC systems to account for the potential of standard-power devices causing harmful interference to microwave links operating on an adjacent channel. The *6 GHz Second FNPRM* explained that this was appropriate due to the significantly lower operating power of GVP devices compared to standard-power devices. AT&T argues that there is ''no basis to exclude adjacent channel protection if the keyhole calculations indicate that adjacent channel geofencing is warranted.'' Apple, Broadcom et al. agree with the *6 GHz Second FNPRM* proposal, noting that the Commission already concluded in the *6 GHz First Order* that the adjacent channel interference risk to microwave receivers from standard-power devices is low. They argue that because ''[GVP] devices will operate at significantly lower power levels than standard-power devices, . . . the already low risk [is] insignificant.''

The Commission will not require that geofencing systems account for potential adjacent channel interference effects when determining exclusion zones because the Commission does not believe that such adjacent channel operations will present a significant harmful interference risk to microwave receivers. The rules the Commission is adopting for GVP devices require emissions to be suppressed by 20 dB at 1 megahertz outside the channel edge, by 28 dB at one channel bandwidth from the channel center, and by 40 dB at one- and one-half times the channel bandwidth away from channel center. This means that energy from a GVP device will be limited to −9 dBm/MHz at one megahertz outside the channel edge with even lower power at greater spectral distance. Given the low energy level that GVP devices will emit into adjacent channels, the Commission concludes that they are unlikely to present an interference risk to microwave receivers on adjacent channels. Thus, the Commission cannot justify imposing such additional complexity on geofencing systems. The Commission recognizes that this is a departure from its rules for standard-power devices. However, the Commission concludes that the lower GVP signal levels compared to standard-power devices (*i.e.,* standard-power client devices operate at a maximum 17 dBm/MHz) justifies our approach.

Exclusion zone update interval. The *6 GHz Second FNPRM* proposed to require geofencing systems to obtain the most recent public access file data from the Commission's ULS database at least once per day and to recalculate the exclusion zones, as necessary, to account for any new or updated information. The *6 GHz Second FNPRM* explained that a once-per-day interval is appropriate because ULS, which contains the data required to determine exclusion zones to protect fixed microwave receivers, is generally updated on a daily basis. Therefore, a daily update interval would ensure that newly registered microwave receive sites are promptly protected. Furthermore, the *6 GHz Second FNPRM* proposed to require GVP access points to obtain updated exclusion zones from the geofencing systems at least once per day.

There were no comments opposing the daily ULS update interval for geofencing systems. AT&T agrees that a daily ULS database update is reasonable. The Commission will require geofencing systems to update their data from the ULS database at least once per day and to update the exclusion zones daily based on the updated data.

AT&T asks the Commission to require GVP access points to obtain updated exclusion zones from the geofencing system every hour. AT&T notes that this one-hour reauthentication interval would be consistent with the rules for unlicensed whitespace devices and contends that the Commission provided no rationale for not proposing the same rule for GVP access points. However, this fails to acknowledge that GVP devices will have different operational characteristics than white space devices. White space devices are required to update hourly because there are wireless microphones in the band that can be registered at any time. In the 6 GHz band, newly registered microwave receivers are added to the ULS database once a day. Consequently, it is unnecessary for the geofencing systems to update the exclusion zones or for the GVP access points to download the updated exclusion zones more than once a day. Therefore, the Commission will require a GVP access point to obtain updated exclusion zones from the geofencing system at least once per day. If the GVP access point fails to obtain the updated information on any given day, the GVP access point may continue to operate until 11:59 p.m. of the following day at which time it must cease operations until it can obtain updated frequency-specific information for its location.

Microwave links may begin operation prior to obtaining a license so long as certain criteria are met, such as completing successful frequency coordination and filing an application that appears in the ULS database as pending. In addition, temporary fixed microwave links may be authorized by a blanket authorization, in which case the licensee is not required to obtain approval from the Commission prior to operating at specific locations or report the technical details of their operation to the Commission. The *6 GHz Second FNPRM* sought comment on requiring geofencing systems to follow the same criteria for protecting fixed and temporary fixed sites as AFC systems use for standard power access points and fixed client devices. No comments from the record directly address this issue. Accordingly, for the reasons set forth in the *6 GHz First Report and Order,* the Commission will require that the geofencing systems protect pending facilities and temporary fixed stations that are registered in ULS. Because the geofencing systems must have knowledge of the location of temporary fixed links in order to protect them from harmful interference, the Commission will require operators of temporary fixed stations register the details of their operations (transmitter and receiver location, antenna height, antenna azimuth, antenna make, and model, etc.) in the ULS database if they desire to be protected from potentially receiving harmful interference from GVP devices in the U–NII–5 and U–NII–7 bands.

Exclusion or Inclusion Zones. Under the requirements the Commission is adopting, geofencing systems will determine exclusion zones around microwave receiver and radio astronomy observatories where GVP access points are required to avoid operating on particular frequencies. The *6 GHz Second FNPRM* proposed that as an alternative to defining exclusion zones, the geofencing systems may also determine areas where particular frequencies are available throughout the entire area based on the same criteria used to calculate exclusion zones. Allowing geofencing systems to specify

''inclusion zones'' instead of exclusion zones could provide increased flexibility for implementing geofencing. No commenters addressed this alternative. Because using either exclusion zones or inclusion zones will provide equivalent protection to microwave receivers and radio astronomy observatories, the Commission will permit geofencing systems to use either an exclusion-zone or an inclusion-zone approach. The Commission expects that industry groups will create necessary standards, including addressing the most efficient method for implementing incumbent protection.

Protection of FSS

The entire 6 GHz band is allocated for the FSS in the Earth-to-space direction, except for the 7.075–7.125 GHz portion of the band. Additionally, portions of the U–NII–7 and U–NII–8 bands are allocated for FSS space-to-Earth (downlink) operations. However, there are no licensed downlink earth stations in the U–NII–7 band. Sirius XM and Globalstar, the only satellite licensees who filed comments in response to the *6 GHz Second FNPRM,* limited those comments to their U–NII–8 band operations. Because the Commission is permitting GVP devices to operate only in the U–NII–5 and U–NII–7 bands at this time, Sirius XM's and Globalstar's concerns regarding their operations in the U–NII–8 band are not relevant to GVP operation.

In the *6 GHz First Order,* the Commission concluded that because the satellites receiving in the U–NII–5 and U–NII–7 bands are limited to geostationary orbits, approximately 35,800 kilometers above the equator, the Commission found that standard power unlicensed devices would be unlikely to cause harmful interference to the space station receivers. The only restriction that the Commission adopted to protect the satellite receivers, which it characterized as a ''precautionary measure,'' was to require that outdoor standard-power access points limit their maximum EIRP above a 30-degree elevation angle to 21 dBm. In the *6 GHz Second Order,* the Commission determined that no restrictions on VLP devices are necessary to protect FSS Earth-to-space operations. This conclusion was based on the fact that VLP devices, operating at up to 14 dBm EIRP, transmit at significantly lower power than the 21 dBm allowed for standard power access points above 30 degrees elevation.

The Commission concludes that GVP operations will not cause harmful interference to FSS satellite receivers. FSS satellites in geostationary orbits are unlikely to receive harmful interference from GVP devices because of the relatively low transmit powers of the GVP devices and the large distance to the satellites. This conclusion is supported by a study conducted by RKF Engineering (2018 RKF Study), which found that the interference level at the satellites would be less than −20 dB I/N from 6 GHz unlicensed devices that included outdoor access points operating at up 36 dBm. While Sirius XM criticized a number of the assumptions used in the 2018 RKF Study, as the Commission explained in the *6 GHz Third Order,* Sirius XM's contentions do not provide a reason to reconsider our conclusion about the likelihood of interference occurring to FSS uplinks. The Commission also notes that no one has produced any technical studies illustrating that GVP devices operating at the power levels we are adopting will present a harmful interference risk to geostationary satellite receivers.

The Commission does not believe it is necessary to adopt a restriction on GVP EIRP for higher elevation angles as we did for standard power access points. Because the Commission is prohibiting GVP devices from use on fixed infrastructure, these will be portable, battery-powered devices. Such devices will generally operate at the lowest power necessary to maximize their operating time. While these devices may operate at the maximum power the Commission is permitting in certain situations, such as to overcome large body losses or to compensate for longer than typical distances, we expect such situations to be rare. This differs from access points, which typically operate at a constant power level. Therefore, the Commission sees no reason to adopt the precautionary restriction on power transmitted above 30 degrees elevation that the Commission applied to standard power access points.

Protection of Passive Services

Radio astronomy. Several radio astronomy observatories located in remote areas observe methanol spectral lines in the 6.65–6.6752 GHz portion of the U–NII–7 band. The table of frequency allocations urges that the Commission takes ''all practicable steps'' to protect the radio astronomy service in the 6.650–6.675.2 GHz range from harmful interference. In the *6 GHz Second FNPRM,* the Commission proposed to require that geofencing systems implement the same exclusion zone rules for protecting radio astronomy sites in the 6.650–6.6752 GHz band as standard power access points and fixed client devices, which are based on the distance to the radio horizon. The locations of the protected radio astronomy sites and the protection criteria for these sites are specified in the standard power access point and fixed client device rules.

The National Academy of Sciences' Committee on Radio Frequencies (CORF) points to its previous arguments that VLP devices should avoid channels that overlap the 6.7 GHz radio astronomy band. In the *6 GHz Second Order,* the Commission considered and rejected CORF's request to prohibit VLP devices from using certain frequencies or channels to protect radio astronomy operations, stating that VLP devices' interference potential in the U–NII–7 band is even lower than for LPI devices that were already permitted to operate at higher power levels than those adopted for VLP devices. However, GVP devices will operate at higher power than VLP, which increases their potential for causing harmful interference to radio astronomy operations. Therefore, the Commission will prohibit GVP access points from operating inside of exclusion zones in the 6.65–6.6752 GHz portion of the U–NII–7 band used by radio astronomy. The Commission concludes that the geofencing system will prevent higher power GVP devices from operating co-frequency inside exclusion zones around radio observatory sites where they could cause harmful interference.

Earth-Exploration Satellite Service (EESS). Remote sensing using the EESS, which CORF states is critical to weather prediction and studying climate change and the Earth in general, operates in the 6.425–7.250 GHz band, which includes the U–NII–6, U–NII–7, and U–NII–8 bands. In the *6 GHz Second FNPRM,* the Commission sought comment on the harmful interference risk from GVP devices on oil platforms to EESS monitoring operations. The Commission also sought comment on appropriate restrictions for VLP device use on boats to protect EESS operations, and if so, should those restrictions be limited to boats in the oceans, given that EESS is used for sensing over the ocean. CORF suggests that EESS (passive) observations in the U–NII–6, U–NII–7, and U–NII–8 bands can be protected by programming GVP devices to avoid these bands while in oceanic zones and coastal waters. The Commission agrees with CORF and concludes that geofencing will prevent GVP devices in the U–NII–7 band from operating co-frequency with EESS observations within ocean exclusion zones. However, CORF has not indicated what boundary should be used to designate ocean

exclusion zones. To balance EESS protection requirements with providing flexibility to maximize locations in which GVP devices can operate, the Commission will use the United States territorial sea border to define the boundary of the ocean exclusion zones, which is 12 nautical miles (nm) from the baseline of each coastal State. This will allow GVP devices to operate near the coastlines while ensuring that EESS sensing ocean temperatures avoid receiving harmful interference over ocean areas.

The Commission will also exclude GVP access points from oil platforms to mirror the rules for VLP devices, standard-power access points, and low power indoor access points. The Commission notes that Apple, Broadcom et al. and API support not permitting GVP access on oil platforms. The Wi-Fi Alliance suggests removing all restrictions on unlicensed operation on oil platforms, claiming the 2023 World Radio Conference (WRC–23) resolved to migrate all EESS ocean sensor measurements to other frequency bands. The Commission notes, however, that the WRC–23 resolution cited by the Wi-Fi Alliance only resolved to study other frequency bands for EESS and does not indicate that EESS would stop using the 6 GHz band. Therefore, the Commission has no grounds to change our policy regarding 6 GHz unlicensed devices on oil platforms.

CORF also indicates that EESS sensing operations may be extended to large inland bodies of water, such as the Great Lakes, and requests that the Commission not allow VLP devices on boats in these bodies of water. It suggests geofencing could also be used to prevent GVP operations in these inland lakes The Commission finds these concerns about potential future EESS use to be speculative and declines to prohibit GVP devices from operating on boats in the Great Lakes or in other large inland bodies of water at this time.

GVP Device Requirements

Geolocation capability. Consistent with the requirements for standard power access points, in the *6 GHz Second FNPRM,* the Commission proposed to require that GVP access points include a geolocation capability to determine their geographic coordinates. Additionally, the Commission proposed that the geolocation capability include the ability to determine location uncertainty in meters, with a 95% confidence level, and that the applicant for certification of a GVP access point demonstrate the accuracy of the geo-location method used and the location uncertainty. The Commission further proposed to require a GVP access point, using its geographic coordinates, to take this location uncertainty into account when determining whether it is within an exclusion zone. AT&T contends that geofencing proponents should describe how devices will determine not only their location, but also the accuracy associated with that location determination. Furthermore, AT&T claims that the location accuracy determination must be specific to the area in which the location measurement is being taken. Alternatively, AT&T suggests that geofencing proponents explain how the Commission's rules will ensure that any flexibility granted to equipment manufacturers to develop individualized systems for determining a device's location will meet those requirements.

The Commission sees no reason why geofencing proponents should have to describe how GVP access points will determine their location and the accuracy associated with that location determination, as suggested by AT&T, because device manufacturers will be required to provide this information as part of the equipment certification process. The Commission's rules will require GVP device manufacturers to provide an attestation describing the geolocation method used, the method's accuracy, and the location uncertainty accuracy as part of the FCC certification process. Therefore, the GVP manufacturers will be required to demonstrate the accuracy of the geolocation method used and the location uncertainty estimate. Device manufacturers of standard-power access points have successfully demonstrated their devices' compliance with the Commission's previous geolocation requirements.

Consistent with the Commission's previous actions for standard-power access points and white space devices, the Commission will require GVP access points to include a geolocation capability to determine its geographic coordinates. Unlike for standard-power access points, the Commission will not provide the option for the GVP access points to use an external geolocation source. This is because the Commission expects that most GVP access points will be devices, such as mobile phones, that have a built-in geolocation capability. The Commission also notes that no commenters have indicated that we should provide the option for GVP access points to use an external geolocation source. The Commission is requiring GVP access points to determine their location uncertainty in meters with a 95% confidence level, as is the case for standard-power access points. Furthermore, the Commission is requiring that the GVP access point use its determined coordinates and location uncertainty when comparing the device's specific location to frequency-specific information (*i.e.,* exclusion zones) obtained from the geofencing system. This means that when the access point estimates that the geolocation coordinates are less accurate, the GVP access point will have to operate at a greater distance from the boundary of the exclusion zone. Taking into account the uncertainty estimate when determining whether the GVP access point is outside of an exclusion zone recognizes the fact that no geolocation technique is absolutely accurate and thereby provides a greater level of protection to the microwave receivers. These geolocation requirements serve as part of the multi-faceted methodology in protecting fixed microwave receivers by ensuring GVP devices operate appropriately based on their location respective to exclusion zones.

Geofence re-check interval. In the *6 GHz Second FNPRM,* the Commission proposed to require GVP access points to have the capability to timely adjust their operating frequencies when moving into, out of, or between exclusion zones. The Commission proposed flexible requirements for the device re-check or update interval to enable device designers to optimize efficiency while still ensuring that the devices do not operate on channels where the −6dB I/N metric is not met. The Commission proposed that the time interval for a geofenced device to re-check its location and adjust its frequency usage must decrease proportionally based on an increase in the mobile device's speed. This would require a GVP access point to regularly re-check its location and speed to properly identify its position with respect to any exclusion zones that may exist within its vicinity. As an additional safeguard, the Commission proposed to require a GVP access point to determine its location and speed at least once every minute. The Commission sought comment on the efficacy of its proposals and on any alternatives that may better provide GVP device designers sufficient flexibility without degrading the protection granted to incumbents.

Apple, Broadcom et al. recommend the Commission permit manufacturers to comply with a location re-check interval in a manner that does not result in unnecessary, frequent checks that drain the device's battery and impact the user experience. To that end, they

advocate that the Commission not require GVP access points to determine their location and speed at least once per minute as this would unnecessarily undermine device performance. Instead, they recommend the Commission adopt a flexible and technology-neutral approach that does not require a specific time interval or a particular technology solution. Additionally, they urge the Commission to permit manufacturers to demonstrate that their approach effectively complies with the exclusion zone rules when submitting a new device for certification.

AT&T suggests that the rules for unlicensed whitespace devices could provide a model for how to protect fixed microwave incumbents and points to white space provisions for a 60-second reauthorization interval, a 1.9 km buffer, and a 100-meter reauthorization requirement. Regarding an appropriate re-check interval, AT&T suggests that a GVP access point be required to re-check its location every 60 seconds. AT&T also suggests that a GVP access point be required to re-check its location upon a location change (*i.e.,* if the device moves a certain distance), or due to a device's proximity to the nearest exclusion zone.

The Commission will not require a specific methodology for the re-check interval at which the GVP access point must re-check its location and determine whether it is complying with the geofencing information. Instead, the Commission will require that the GVP access point re-check its location at an interval that ensures that the device adjusts its operating frequencies within one second of when any portion of the device's location uncertainty area crosses into an exclusion zone, so as to ensure that no harmful interference occurs to incumbents. Rather than being prescriptive, the Commission will permit device manufacturers to choose any re-check interval methodology that ensures that a GVP access point complies with this requirement. This requirement will provide flexibility for device manufacturers and promote innovative solutions without compromising incumbent protection. The Commission disagrees with AT&T that it should follow an approach based on the white space device requirements. The white space device rules addressed mobility using rigid assumptions, such as a 60 second recheck interval and a 1.9 km buffer, which was based on a mobile device traveling at 70 mph and re-checking every 60 seconds. These rigid assumptions deviate from the flexible approach the Commission is taking with GVP devices. This flexible approach recognizes that some geolocation solutions are able to provide additional information beyond a device's current position, such as its velocity and acceleration. The flexible approach will ensure that GVP devices re-check less frequently if they are stationary or moving at slow speeds, thus conserving power. Similarly, GVP devices traveling faster or near the boundary of an exclusion zone will be required to re-check their location more frequently. In this way, the flexible approach will provide superior protection to licensees while enhancing GVP device operations. This flexible approach is intended to facilitate the benefits of these devices for the public while still protecting licensees. Given the benefits of this flexible approach, the Commission sees no need to follow the more rigid approach it used for mobile white space devices. The Commission also notes that no mobile white space devices have ever been certified and therefore the Commission has no real-world experience with the efficacy of those more rigid restrictions in protecting other users. Furthermore, AT&T does not present any specific concerns that the proposed re-check interval, or any alternatives presented on the record, will contribute to an increased harmful interference risk.

Transmit Power Control. In the *6 GHz Second FNPRM,* the Commission proposed to require GVP devices operating within the U–NII–5 through U–NII–8 bands to employ a transmit power control (TPC) mechanism that has the capability to operate at least 6 dB below the maximum EIRP permitted for the bands (*e.g.,* 14 dBm or 21 dBm). The Commission proactively determined that it did not expect that a TPC requirement for GVP devices would present an undue burden on device manufacturers because GVP devices were expected to be battery-powered devices and were likely to implement TPC in order to conserve battery power. As a result, the Commission reasoned that ''[b]ecause many VLP devices will be capable of both geofenced and non-geofenced operation, these devices will by necessity incorporate the ability to implement at least a 6 dB power reduction.'' The Commission sought comment on a variety of issues related to the relative power levels necessary for GVP devices to mitigate any potential for harmful interference. More specifically, the Commission asked whether there was a need to specify any additional TPC requirements for GVP devices given that they would be permitted to operate with higher power than VLP devices. The Commission noted that there is a European requirement that TPC shall provide, on average, a mitigation factor of at least 3 dB on the maximum permitted output power of the systems; or, if transmit power control is not in use, then the maximum permitted mean EIRP and the corresponding mean EIRP density limit shall be reduced by 3 dB.

In response, API recommends that the Commission require TPC on all VLP devices, not just those operating at higher powers. It suggests a more expansive TPC power reduction with a 12 dB range, applied in steps no greater than 3 dB, with the output power reduced to as low as 2 dBm EIRP/ − 11 dBm/MHz EIRP PSD. It claims that this would help to minimize interference to incumbents and other unlicensed 6 GHz users. Apple Broadcom et al. notes that the Commission has already determined that ''a 6 dB [TPC] range is sufficient to protect incumbents,'' and that API has provided ''no new evidence demonstrating that this conclusion was incorrect.'' They claim that requiring a 12 dB TPC range would negatively impact consumers and would dissuade manufacturers from investing in both VLP and GVP devices because it would increase transceiver complexity and cost.

The Commission will require GVP access points to meet the same TPC requirements as stipulated in the Commission's rules for VLP devices. GVP access points will be required to employ a TPC mechanism with the capability to operate at least 6 dB below the maximum 11 dBm/MHz EIRP PSD. The record lacks technical justification to adopt a different TPC requirement than what is already in place for VLP devices. TPC would help minimize the risk of interference to incumbents as it provides GVP devices with the ability to adjust power levels and subsequently operate at power levels that do not increase the risk of harmful interference. The Commission believes that requiring GVP devices to comply with the same rule in place for VLP devices is sufficient to ensure that devices have the capability to dynamically adjust power to operate both efficiently and in a manner that continues to minimize the harmful interference risk to incumbents.

Contention-Based Protocol. To add to the protections afforded to licensed incumbents, the *6 GHz Second FNPRM* proposed to require that GVP devices implement a contention-based protocol. While no comments directly support requiring GVP devices to implement a contention-based protocol and no comments oppose such a requirement, several commenters highlight the efficacy of contention-based protocols in mitigating the risk of harmful

interference. GVP devices will be operating co-channel with both LPI and VLP unlicensed devices. Requiring use of a contention-based protocol will help promote efficient spectrum sharing between the different types of unlicensed devices. Furthermore, GVP devices will likely also be capable of operating as VLP devices, which are required to employ a contention-based protocol. Consistent with the Commission's rules for VLP unlicensed devices, the Commission will require GVP devices to implement a contention-based protocol that will act to avoid channels on which incumbent systems are transmitting and to promote efficient spectrum usage in channels where other unlicensed users are transmitting.

Fixed Infrastructure. In the *6 GHz Second FNPRM,* the Commission proposed to prohibit GVP devices from operating as part of a fixed outdoor infrastructure as an additional measure to reduce the likelihood of harmful interference to licensed incumbent users. The Commission notes that no commenters oppose the adoption of this prohibition. API, the only commenter to address this issue, agrees that GVP devices attached to fixed outdoor infrastructure should be prohibited. Consistent with the requirements adopted for VLP devices in the *6 GHz Second Order,* the Commission will prohibit GVP devices from operating as part of a fixed outdoor infrastructure. Thus, GVP devices will be prohibited from attaching to outdoor infrastructure, such as poles or buildings, which will help ensure that the GVP devices are used only for mobile applications. Device mobility prevents GVP devices from remaining in potentially problematic locations for significant periods of time. In addition, as the *6GHz Second Order* explained with regard to VLP devices, by prohibiting GVP use as part of fixed outdoor infrastructure, the Commission is ensuring that the GVP devices will be subject to body and/or clutter loss and that most of the GVP devices will operate at 1.5 meters above ground.

Integrated Antenna. In the *6 GHz Second FNPRM,* the Commission proposed to require that GVP access points employ a permanently attached integrated antenna. An identical provision requiring use of an integrated antenna currently applies to LPI access points and subordinate devices. No commenters addressed the proposed integrated antenna requirement. As proposed, the Commission will require GVP access points to use a permanently attached integrated antenna. Because this requirement will prevent users from replacing GVP antennas with high gain directional antennas, it will help ensure that GVP use complies with the power limits that are specified in terms of radiated power (*i.e.,* EIRP).

In the *6 GHz Second Order,* the Commission defined a VLP device as ''a device that operates in the 5.925–6.425 GHz and 6.525–6.875 GHz bands and has an integrated antenna.'' However, the Commission inadvertently did not add VLP devices to the rule provision requiring a permanently attached integrated antenna for low power indoor and subordinate devices. For consistency, the Commission now adds VLP devices to this rule provision. The Commission finds that notice and comment are unnecessary as simply extending the application of this requirement from LPI and subordinate devices to VLP devices for the sake of consistency with the existing rule definition is insignificant in nature and the impact would be inconsequential to the industry and to the public.

GVP Client-to-Client Communications

In the *6 GHz Second FNPRM,* the Commission proposed to permit direct client-to-client communications between GVP client devices when they are both under the control of the same GVP access point and the geofencing system determines that they are operating outside of any geofencing restrictions; *i.e.,* there are channels available for GVP use that are not subject to geofencing requirements in the location where these devices are being used. Apple, Broadcom et al. ''support the concept of direct client communications between client devices when operating under geofencing requirements.'' The Ultra Wide Band Alliance (UWBA) also supports client-to-client communications, emphasizing that clients can use reduced transmit power to reach another client directly and that overall traffic will be reduced by reducing clients communicating through an access point. UTC/EEI raise concerns that ''client-to-client operations will exponentially increase the interference threat to licensed microwave systems, and the Commission should refrain from authorizing [client-to-client] for low power indoor (''LPI'') and VLP operations.'' They suggest that the record does not provide sufficient evidence that geofencing will be able to control VLP client-to-client communications.

The Commission adopts its proposal to allow direct communication between two client devices under control of a GVP access point subject to the client devices being required to operate on the frequency in either the U–NII–5 or U–NII–7 band that they are using to communicate with the GVP access point. All GVP access points will still be subject to the applicable geofencing requirements, including location and geofencing recheck intervals and switching channels or ceasing communications should they enter an exclusion zone and are currently using a channel that is prohibited within that area. If a GVP access point switches frequencies, the client devices will also be required to switch frequencies to continue operating in a client-to-client mode. The Commission notes that UTC/EEI's concerns do not address direct communication between client devices under the control of GVP access points but instead are directed at LPI and VLP operations. The GVP access point and the client devices under its control will operate only on a frequency consistent with the exclusion zones obtained from the geofencing system. Because each client device will be limited to 6 dB less power than what is permitted for the controlling GVP access point, they will operate close enough to the access point to keep them from operating within any exclusion zone, thus ensuring they do not operate in locations and on channels that could potentially increase the risk of harmful interference to microwave receivers. Because each client device in this scenario would be limited to using the maximum power permitted for GVP client devices for the intra-client communications, there would be no increase in the potential for causing harmful interference to microwave receivers compared to the client devices each individually communicating with the controlling GVP access point. As Wi-Fi Alliance and UWBA point out, direct client-to-client communication will allow reduced overall traffic through an access point thus promoting a more efficient use of spectrum.

In the *6 GHz Second FNPRM,* the Commission also proposed to permit GVP devices that are operating under the control of the same low power indoor access point to directly communicate with each other. In addition, the Commission sought comment on permitting direct communication between clients of low power indoor access points. The Commission is deferring any decision on client-to-client communications for devices operating under the control of low power indoor access points.

The Commission notes that the rules it is adopting permit GVP access points to directly communicate with each other. This communication can be conducted at the power levels permitted for GVP access points—*i.e.,* at a maximum 11 dBm/MHz EIRP PSD and

24 dBm EIRP in accordance with the exclusion zones provided by a geofencing system. Therefore, devices that would typically operate as client devices, such as body-worn augmented reality glasses, smart wristwatches, or laptop computers, can operate at the higher access point power level if they meet the requirements of GVP access points, such as having a geolocation capability and operating on frequencies and at power levels only in accordance with the exclusion zones provided by a geofencing system. These devices will not be able to operate at the higher GVP access point power level unless they have first obtained exclusion zone information. This may require them to initially operate at lower power levels as a GVP client device or VLP device to communicate with an access point to obtain the exclusion zones before they can operate at the higher GVP access point power level. The Commission notes that nothing in its rules prohibits a GVP access point from relaying exclusion zone information obtained from a geofencing system to another GVP access point. Consequently, a GVP access point could operate as a client device to another GVP access point, use this connection to register with and obtain exclusion zone information from a geofencing system, and then switch to operation as a GVP access point and increase its transmit power level accordingly.

Approval of Geofencing Systems

The Commission delegates to the Office of Engineering and Technology (OET) the authority to administer the geofencing systems and geofencing system operator functions in accordance with the rules the Commission is adopting to govern 6 GHz band geofencing systems. The Commission also delegates OET authority to develop specific methods that will be used to designate geofencing system operators; to designate geofencing system operators; to develop procedures that these geofencing system operators will use to ensure compliance with the requirements for geofencing system operations; to make determinations regarding the continued acceptability of individual geofencing system operators; and to perform other functions as needed to administer the geofencing systems. The Commission amends part 0 of its rules to delegate to OET authority to oversee the geofencing systems.

OET's review process to designate geofencing system operators should ensure adequate testing to verify that the geofencing systems are calculating appropriate exclusion zones in conformance with the Commission's geofencing system rules. When the Commission adopted rules for AFC systems, it directed OET to follow a multi-step testing and review process to approve AFC operators and to ensure that AFC system operators administered their systems with minimal chance of harmful interference occurring to licensed incumbents. In doing so, the Commission and OET gained substantial experience in determining the specific steps necessary to ensure efficient administration of unlicensed device access to spectrum using automated coordination mechanisms. Given this history of review, certification, and testing, the Commission is confident that OET has sufficient expertise overseeing spectrum access management system development. As such, the Commission does not believe it is necessary to require or specifically spell out overly prescriptive review, testing, and administration procedures here. Instead, the Commission delegates authority to OET to develop a review and testing process for geofencing systems.

During AFC system development, industry groups took an active role in developing the AFC systems and the AFC test process. Specifically, the WInnForum developed a functional requirements document that specified many operational requirements for the AFC systems, and the Wi-Fi Alliance developed an interface standard for the communications between the standard-power access points and AFC systems. The Wi-Fi Alliance developed a plan for AFC system lab testing, and the WInnForum and the Wi-Fi Alliance jointly developed test vectors for lab testing. The test plan and test vectors were used as one step in the AFC system test process before approval for commercial operations. The development of the geofencing systems may be distinct from that of the AFC systems, and the Commission anticipates the development and approval of a diverse set of solutions. The Commission encourages industry groups, including, but not limited to WInnForum and the Wi-Fi Alliance, to develop geofencing system specifications as well as test processes and test vectors that can be used to verify the proper geofencing system functioning. The Commission notes that the WInnForum has indicated its willingness to support geofencing system development and a desire ''to work with the Commission as well as all stakeholders in the development of specifications, recommendations and reports that will be required to develop and ultimately certify VLP geofencing systems.'' FWCC indicates that its members ''stand ready to work with other stakeholders through the WInnForum to develop and test appropriate geofencing systems.'' The Commission welcomes industry group efforts, such as those from the WInnForum and Wi-Fi Alliance, to develop geofencing systems to enable GVP device deployment and encourages microwave incumbents to participate in such efforts.

The Commission will permit OET to designate multiple geofencing systems as implied in the *6 GHz Second FNPRM.* While the *6 GHz Second FNPRM* did not explicitly address whether there should be multiple or a single geofencing system operator, the Commission clearly contemplated the potential designation of multiple geofencing system operators by proposing several rules that presumed there would be multiple geofencing system operators. For example, the Commission proposed that ''[f]or centralized geofencing systems, geofencing system *operators* must provide continuous service.'' It also proposed requirements ''for geofencing system *operators*'' and for ''*[e]ach* geofencing system and operator thereof.'' In seeking comment on these proposed rules, the Commission implicitly expressed that it intended to consider permitting multiple geofencing system operators rather than only a single operator. No commenters addressed whether the Commission should designate multiple geofencing operators. Designating multiple geofencing system operators is consistent with the Commission's actions for 6 GHz AFC systems, television white spaces, and CBRS. Designating multiple geofencing systems will prevent one party from obtaining a monopoly, which should provide an incentive for geofencing system operators to provide reliable service and to keep costs low.

In the *6 GHz Second FNPRM,* the Commission proposed that geofencing systems may charge fees for providing service and that the Commission may, upon request, review the fees and require changes to the fees if it finds them to be unreasonable. No commenters addressed this fee issue. The Commission appreciates that different financial models are likely to be employed by geofencing systems. For example, a device manufacturer may operate a geofencing system to provide service to GVP access points it manufactures without charging any fees to the access point user. Other geofencing systems may employ a subscription model requiring the device

user to pay for services. The Commission will not prohibit geofencing systems from charging fees for their services. As has been the case for AFC systems, the Commission expects that there will be multiple geofencing systems approved for commercial operations and that competition from these different systems will keep any fees charged to reasonable levels. However, as a safeguard, the Commission adopts its proposal that it may, upon request, review the fees charged and require changes if they are unreasonable.

In the *6 GHz Second FNPRM,* the Commission proposed that centralized geofencing systems must provide continuous service to all GVP devices for which they are designated to provide service, and that if a geofencing system ceases operation, the operator must provide at least 30-days' notice to the Commission and make arrangements for those devices to continue to receive exclusion zone update information. No commenters addressed this proposal. This requirement addresses a concern that if a geofencing system stops operating, GVP devices may be stranded with no means to obtain updated geofencing exclusion zones. To ensure that consumers who use GVP devices are protected from such an occurrence, the Commission is adopting this requirement. However, upon review, the Commission believes the term ''designated'' is potentially unclear as it implies that some entity has designated that the geofencing system is to provide service to particular GVP devices. Instead, the Commission shall replace ''are designated'' with ''have agreed'' in the rule to avoid any confusion.

Technical Rules

Emission mask. In the *6 GHz Second FNPRM,* the Commission proposed to require GVP devices within the U–NII–5 through U–NII–8 bands to comply with the transmission emission mask adopted for standard-power and LPI devices in the *6 GHz First Order* and for VLP devices in the *6 GHz Second Order.* The Commission reasoned that because GVP devices would likely operate in the same bands and on the same channels as VLP, LPI, and standard-power 6 GHz devices and need to protect the same incumbent operations, utilizing the same emission mask for GVP devices is appropriate. The Commission stated that using the same mask would ensure that licensed incumbents are fully protected from unlicensed adjacent channel operations. The Commission believed that specifying the same emissions requirements would reduce costs by permitting devices throughout the VLP ecosystem to use the same filters and benefit from economies of scale. No commenters addressed the proposed transmission GVP emission mask. For the reasons discussed in *6 GHz Second FNPRM,* the Commission adopts the proposed transmission emission mask.

This emission mask requires GVP devices to suppress their power spectral density by 20 dB at one megahertz outside of an unlicensed device's channel edge, 28 dB at one channel bandwidth from an unlicensed device's channel center, and 40 dB at one and one-half times the channel bandwidth away from an unlicensed device's channel center. At frequencies between one megahertz outside an unlicensed device's channel edge and one channel bandwidth from the center of the channel, the limits are linearly interpolated between the 20 dB and 28 dB suppression levels. At frequencies between one and one and one-half times an unlicensed device's channel bandwidth from the center of the channel, the limits are linearly interpolated between the 28 dB and 40 dB. Emissions removed from the channel center by more than one and one-half times the channel bandwidth, but within the U–NII–5 and U–NII–8 bands, are to be suppressed by at least 40 dB.

Emission Limits outside of U–NII–5 and U–NII–8. As proposed in the *6 GHz Second FNPRM,* the Commission is adopting emission limits for GVP devices outside of the 6 GHz band that are identical to the emission limits adopted in the *6 GHz First Order* for standard-power and low power indoor devices and in the *6 GHz Second Order* for VLP devices. Specifically, the Commission is adopting a −27 dBm/MHz EIRP limit at frequencies below the bottom of the U–NII–5 band (5.925 GHz) and above the upper edge of the U–NII–8 band (7.125 GHz), but will not apply this limit between the sub-bands, *i.e.,* between the U–NII–5 and U–NII–6, the U–NII–6 and U–NII–7, and the U–NII–7 and U–NII–8 bands. Those emissions are already subject to an emission mask discussed in this document. The Commission notes that these limits are designed to protect cellular vehicle-to-everything (C–V2X) operations below and federal operations above the 6 GHz band. While the Commission previously determined that the −27 dBm/MHz limit was sufficient to ensure C–V2X operations were protected from harmful interference from U–NII devices operating in other bands, in the *6 GHz Second FNPRM,* the Commission sought comment on whether any adjustments are needed to the Commission's VLP device rules to adequately protect C–V2X operation in vehicles. The Commission is deferring consideration of adjusting the in-vehicle VLP device OOBE issue raised in the *6 GHz Second FNPRM* at this time, as potential adjustments to those limits are outside of the scope of this instant document, which is directed to authorizing GVP devices, and are more appropriately considered in a future proceeding.

Prior to adoption of the *6 GHz Second FNPRM,* NTIA filed comments directed at VLP operations that included a Department of Transportation study (*DoT Exhibit*) addressing C–V2X protection requirements in the 5.895–5.925 GHz Intelligent Transportation Systems (ITS) band in which C–V2X technology is used. ITS operators in this band transmit basic safety messages for crash-avoidance and require low-latency, harmful-interference-free operation. According to the *DoT Exhibit,* testing showed that if 6 GHz devices that comply with the −27 dBm/MHz OOBE limit were to operate inside of a motor vehicle, the operational range of C–V2X receivers operating in the same vehicle would decrease by more than 50%. The *DoT Exhibit* claims that implementing both parts of a two-part compromise submitted by several VLP proponents, which would require VLP devices to prioritize operations to frequencies above 6.105 GHz and limit VLP OOBE below 5.925 GHz to −37 dBm/MHz, is necessary to protect C–V2X receivers.

The Commission notes that no commenter opposed adopting a GVP out-of-band emission (OOBE) limit below the U–NII–5 band and above the U–NII–8 band. The Wi-Fi Alliance contends that given the adequate protection afforded to C–V2X operations by the OOBE limit in place for other U–NII devices, there is no reason to subject GVP devices to more restrictive OOBE limits than for VLP devices. Qualcomm Incorporated (Qualcomm) claims that the Commission should adopt a more stringent OOBE level for VLP devices and that this level of protection should be extended to GVP devices. It contends that at the transmit power level of 21 dBm for GVP devices, Qualcomm's 6 GHz chipsets support an OOBE level of −38 dBm/MHz at the 5.925 GHz edge, which is already well below −37 dBm/MHz and would not require any transmit power reduction for unlicensed operations in the 320, 160, 80, 40, or 20 megahertz-wide Wi-Fi channels closest to the 5.925 GHz band edge. Thus, Qualcomm claims that ''there is no technical obstacle to 6 GHz VLP unlicensed devices complying with a −37 dBm/MHz OOBE level that is

needed to protect C–V2X operation in the 5.9 GHz band from harmful interference.'' It requests that the Commission maintain the 6.105 GHz prioritization rule, which can be relaxed to 6.0 GHz, and at the same time adopt a more stringent OOBE limit at the bottom edge of the U–NII–5 band.

The 5G Automotive Association (5GAA) asserts that the Commission's −27 dBm/MHz VLP, and by extension the proposed GVP, OOBE limit is insufficient. According to 5GAA, DOT testing shows that when one or more VLP devices are in close proximity (*i.e.,* inside a vehicle), their respective OOBE reduces the range at which C–V2X devices can effectively communicate by more than 50%, particularly in non-line-of-sight scenarios. It claims that the U–NII interference from adjacent channels could reduce the ideal 300-meter range for safety applications to as little as 25 meters, thus diminishing driver response time and impacting critical safety alerts. Therefore, 5GAA proposes an OOBE no less restrictive than −37 dBm/MHz. 5GAA also challenges the Commission's conclusion that more stringent protection is not required as C–V2X devices are already designed to coexist with one another. It explains that this misconstrues the system in place that coordinates with other C–V2X devices, which is not true for VLP devices because they operate outside the C–V2X system. Additionally, it claims that VLP devices can operate with higher duty cycles over a several-second period in which critical C–V2X messages need to be successfully transmitted. The Alliance for Automotive Innovation claims that in addition to prioritizing VLP operation frequencies above 6105 MHz, the Commission should adopt the −37 dBm/MHz OOBE limit for VLP devices. It contends that this limit has been agreed to by stakeholders in the unlicensed and C–V2X industries. It also claims that ongoing DOT testing is being done to assess the interference risks presented by mobile VLP devices in the lower U–NII–5 band. 5GAA has filed several slides that it claims are from a presentation given by DOT about U–NII–5 band test results.

The Association of State Highway and Transportation Officials (ASHTO) et al. echoes the overall sentiment of the automotive industry and opines that while a prioritization rule helps to mitigate the potential for harmful interference, the Commission has acknowledged that many VLP devices will still operate on the lowermost channels. While ASHTO et al. make no specific request regarding GVP devices, they do however request that the Commission adopt a −37 dBm/MHz OOBE limit for VLP devices, which will provide C–V2X safety operations much-needed protection. They claim that this OOBE limit can be achieved without lowering in-band VLP transmit power and that VLP devices comply with an European Union −45 dBm/MHz OOBE limit without impacting their transmit power.

The Commission declines to adopt a general GVP OOBE limit lower than what it originally proposed in the *6 GHz Second FNPRM—e.g.,* −37 dBm/MHz. In particular, the Commission cannot rely on the testing scenario in the *DOT Exhibit* filed by NTIA and DOT on October 10, 2023, as a basis for a real-world interference analysis. The *DOT Exhibit* analysis included operations from devices in the U–NII–4 band and is intended to extrapolate its findings to the U–NII–5 band. In its analysis, DOT selected operational parameters from channel 171 (5855 MHz) and applied them in a manner intended to represent a channel whose OOBE it claimed could potentially interfere with CV2X channel 183 (5915 MHz). However, this analysis is not persuasive because U–NII–4 devices have different operational parameters than U–NII–5 GVP devices. Operational parameters for U–NII–4 devices include a maximum of 36 dBm EIRP for 40 MHz channels and when spanning the bands of U–NII–3 and U–NII–4 or utilizing concatenated channels to create an 80 MHz channel this power limit is not raised. In addition, devices operating in the U–NII–4 band are only permitted to operate indoors and must not be housed in a weatherized enclosure. Therefore, a device configured in the manner in which it was configured in the *DOT Exhibit* could not exist under the Commission's current rules. Likewise, there are operational differences for GVP devices that do not apply to U–NII–4 Channel 171. For instance, the power limit the Commission is adopting for U–NII–5 GVP devices is lower than those permitted for U–NII–4 devices. In fact, the maximum EIRP limit that the Commission adopts today for GVP devices is 12 dB lower than those permitted for a U–NII–4 access point. In addition, devices authorized to operate under U–NII–5 rules must suppress emission by as much as 40 dB outside of its intended operating channel, as opposed to a U–NII–4 device where no such in-band channel emission mask is required by the Commission's rules. The Commission notes that the use cases and the resultant rules of the UNII–4 and UNII–5 bands were derived for different purposes. Each rule set is uniquely defined and not intended for substitution or cross-application.

The *DOT Exhibit* also used a 70% duty cycle for the unlicensed devices. However, with the current proposed uses of unlicensed devices in the 6 GHz band, GVP devices will utilize wide channels up to 320 MHz, as opposed to the 80 MHz channel the *DOT Exhibit* intended to model. Assuming that the 80 MHz wide channel selection was appropriate, the Commission notes that wider channels (*i.e.* channels exceeding 20 MHz) and channels with more advanced modulations schemes tend to transfer larger amounts of data faster. Thus, the resultant duty cycle is typically lower than for narrower channels or for legacy technology with less advanced modulation schemes. Because the commenters advocating for a lower OOBE limit rely on the *DOT Exhibit* as evidence for their arguments, their arguments are not persuasive. The Commission cannot express an opinion about the more recent DOT testing that 5GAA references because the two slides they provide summarizing the testing do not provide adequate technical details for us to reach any conclusion. The Commission also notes that the Wi-Fi channel plan starts at 5.945 GHz, which provides a 20 megahertz-wide guard band to the edge of the U–NII–5 band, thereby providing additional protection to C–V2X operations. In addition, the requirement to prioritize operations above 6.105 GHz, noted in this document, will minimize the number of devices operating near the lower portion of the 6 GHz band closest to C–V2X operations. Thus, based on the record, the Commission remains unconvinced that a more stringent OOBE limit for GVP U–NII–5 devices is necessary to protect ITS services in the adjacent band. As such, the Commission is extending the −27 dBm/MHz OOBE limit currently applied for VLP, standard-power, and low power indoor devices to GVP devices.

Prioritization of operations over 6.105 GHz. To provide protection from harmful interference to C–V2X operations below 5.925 GHz, in the *6 GHz Second FNPRM,* the Commission proposed to impose a channel prioritization requirement on GVP devices. The Commission reasoned that because GVP devices could be mobile and potentially used near C–V2X receivers, it proposed to require GVP devices to prioritize spectrum above 6.105 GHz. This prioritization requirement was part of a compromise proposal between the auto industry, chip manufacturers, and technology aggregators, whereby it was claimed that prioritizing channels above 6.105 GHz

will reduce the likelihood of VLP devices operating adjacent to the ITS band when VLP devices are used in vehicles. The Commission adopted this prioritization suggestion for VLP devices in the *6 GHz Second Order* to protect ITS operations below the U–NII–5 band from harmful interference.

Several commenters generally support adopting this prioritization requirement for GVP devices, while no commenters opposed imposing this requirement. Qualcomm initially supported the prioritization of operations over 6.105 GHz but in a more recent filing has proposed lowering this threshold. Qualcomm now contends that lowering the prioritization threshold from 6.105 GHz to 6.0 GHz is feasible, would continue to protect CV2X reception, and would provide additional channels to be used when a GVP device first select an operating channel in accordance with the prioritization rule.

The Commission finds that its original analysis supporting such prioritization for VLP devices applies equally to GVP devices for the same underlying reasons. Prioritizing channels for operations above 6.105 GHz provides an additional layer of protection for both in-vehicle and out-of-vehicle devices by helping to reduce congestion in the lower portion of the band. This approach also enhances protection for adjacent band devices by statistically increasing the average spectral separation from the CV2X channels, thereby reducing the likelihood of harmful interference. At the same time, it avoids the unnecessary exclusion of valuable 6 GHz spectrum from potential use. The combination of existing out-of-band emission (OOBE) limits, channel mask requirements, and the prioritization of operations above 6.105 GHz constitutes a comprehensive framework of technical restrictions. Collectively, these measures are expected to provide sufficient protection and mitigate the potential for harmful interference into CV2X receivers operating in adjacent bands. As previously noted, these restrictions were adopted for VLP devices out of an abundance of caution to ensure that safety of life services below the U–NII–5 band are protected from harmful interference. Therefore, the Commission is requiring GVP devices to prioritize operations on frequencies above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz.

The Commission sets 6.105 GHz as the breakpoint for prioritization rather than use 6.0 GHz, as Qualcomm suggests. No commenters other than Qualcomm suggest using 6.0 GHz for this purpose and Qualcomm has provided no technical data supporting its position. Given the lack of justification for adopting a different prioritization scheme for GVP devices than for VLP devices, the Commission sees no reason to adopt a different rule for GVP devices.

GVP Device Registration. In the *6 GHz First Order,* the Commission defined specific information that standard-power access points are required to provide when registering with an AFC system. These parameters include geographic coordinates (latitude and longitude referenced to North American Datum 1983 (NAD 83)), antenna height above ground level, FCC identifier (FCC ID), and unique manufacturer's serial number. The AFC system requires an access point's latitude and longitude coordinates and antenna height above ground to determine which frequencies are available at the access point's location. The AFC system also uses the FCC ID and the access point's serial number to verify that the device is authorized for 6 GHz band operations and, if necessary, to address any interference concerns. Consistent with the requirements set forth for standard-power devices operating under the control of an AFC system, the Commission will impose similar requirements for GVP devices to register with a geofencing system when requesting exclusion zones. To register, a GVP access point will be required to provide the geofencing system with the access point's FCC ID and either its unique manufacturer's serial number or its model name/number or other information sufficient to uniquely identify the device manufacturer and model. Although the access point's FCC ID, serial number, model name/number, or other information uniquely identifying the device manufacturer and model are not required to calculate exclusion zones, geofencing systems will use the information for two purposes. First, the information will be used to authenticate the access point to ensure that no unauthorized devices are operating in the band. Geofencing systems will verify the device's FCC ID by accessing the Commission's Equipment Authorization System (EAS) database. Second, the information will be used for interference mitigation and enforcement purposes to investigate the source if harmful interference were to occur. During the registration process, GVP access points are required to provide sufficient information necessary for geofencing systems to assign exclusion zones for initial operation.

Consistent with the requirements for AFC systems, the Commission will require geofencing systems to store registered information in a secure database until a GVP access point ceases operation, which the Commission will define as a VLP access point not contacting the geofencing system to verify exclusion zone information for more than three months. In addition, since GVP access points will be in motion, they may need to download additional exclusion zone information, and they are required to contact the geofencing system daily to obtain any updated exclusion zones. As a result, new information will get updated in the geofencing systems' databases on at least a daily basis, which alleviates the need to store registered information for longer than three months. To ensure users' privacy, the geofencing system will use the registered data only to protect incumbents and for potential interference mitigation.

In previous filings, several parties voiced privacy concerns related to device registration in the AFC system, stating that registration requirements would compromise user privacy. The Commission will require that GVP access points provide geofencing systems with only the information necessary to receive its geofenced area of operation. A GVP access point will obtain exclusion zones for the area in which it is located from the geofencing system that will enable it to determine the frequencies on which it may operate and the power level it may transmit at. The exclusion zones may be downloaded for areas with varying levels of geographic granularity, including but not limited to: polygons with specified vertices, a circle of specified radius centered at a point, or a broader region up to and including entire states. Consequently, the GVP access point will not need to provide its specific latitude and longitude to download the exclusion zones and will not need to continuously provide its coordinates to the geofencing system as it moves. The Commission believes this approach will provide greater flexibility in implementing the geofencing system without raising any potential privacy concerns.

Security Issues. In the *6 GHz Second FNPRM,* the Commission proposed to require that GVP access points and geofencing systems incorporate adequate security measures. While the Commission received no comments in response to these security proposals, previous security requirements adopted for AFC standard power access points received strong support. Reliable and secure communication between any GVP devices and associated geofencing systems are essential for successful GVP operations and incumbents' protection. Consistent with the Commission's

previous actions and the proposal in the *6 GHz Second FNPRM,* the Commission will require that GVP access points and geofencing systems employ protocols and procedures to ensure that all communications and interactions between the access points and the geofencing system are accurate and secure and that unauthorized parties cannot access or alter the exclusion zones sent to an access point. These security measures must (1) prevent GVP access points from accessing geofencing systems not approved by the Commission, (2) ensure that unauthorized parties cannot modify devices to operate in a manner inconsistent with the rules and licensed incumbent protection criteria, and (3) ensure that communications between VLP access points and geofencing systems are secure to prevent corruption or unauthorized interception of data. Additionally, geofencing systems must incorporate security measures to protect against unauthorized data input or alteration of stored data (*e.g.,* database information and the list of excluded/available frequencies) and to protect the communication link between the geofencing system and Commission databases. The Commission will also require that geofencing systems and/or associated GVP access points establish communications authentication procedures for communications between GVP access points and GVP client devices. The Commission does not mandate specific security models. Instead, the Commission will require GVP device manufacturers and geofencing system operators to demonstrate that their systems contain the necessary communication and information security features during the device certification and geofencing system approval processes.

International Borders. In the *6 GHz Second FNPRM,* the Commission proposed that GVP operations would have to comply with international agreements with Canada and Mexico. No commenters addressed this proposal. As is the case for AFC systems, the Commission will require the geofencing systems to implement the terms of international agreements with Canada and Mexico by protecting microwave operations in Canada and Mexico near the United States border.

Restrictions on GVP device use on airplanes. In the *6 GHz Second FNPRM* the Commission sought comment on permitting GVP devices to be more generally used onboard commercial and general aviation aircraft. Additionally, the Commission sought comment on whether it should permit GVP devices to operate across all flight phases, whether GVP devices could be permitted to operate only when above 10,000 feet, and whether to permit GVP devices to operate on aircraft at all. Apple, Broadcom et al. note that while the Commission banned standard-power access points from operating on any moving vehicle including aircraft, ''the Commission's geofencing proposal . . . is explicitly designed to be simple enough to facilitate mobile operations without imposing unnecessary device or . . . system complexity.'' Furthermore, they claim that ''[p]ortability is the key feature for the [GVP] device class.''

The Commission will prohibit GVP device use on board any aircraft. While the Commission recognizes that unlicensed GVP proponents want to expand the opportunity for unlicensed connectivity on aircraft, the Commission notes that it already authorized VLP devices to operate on aircraft above 10,000 feet in the U–NII–5 band. The Commission finds there are logistical issues that would prevent GVP devices from adequately operating while in compliance with the geofencing requirements. For example, GVP devices in aircraft would likely be unable to check their location and verify they are not operating in an exclusion zone. While most fixed links are directed to the horizon and below and would not be impacted by GVP operations in aircraft at high altitudes, the Commission recognizes there are some links that are configured to point above the horizon to establish links to sites at higher elevation. In these scenarios, a GVP device operating on an aircraft that is unable to update its location could transmit while in the main beam of a microwave link. Therefore, the Commission will prohibit the use of GVP devices on aircraft.

In the *6 GHz Second FNPRM,* the Commission noted that VLP devices mounted on an unmanned aircraft system (UAS) could pose more than an insignificant harmful interference risk, given the potential for a UAS to fly almost anywhere and have a clear line-of-sight to a microwave receiver. The Commission also recognized that an exclusion zone for UAS usage would be much larger than for general usage because a UAS flies at a higher altitude than the 1.5 meters that the Commission proposed that geofencing systems would assume in calculating exclusion zones. Nonetheless, the Commission sought comment on whether there are operational limitations or guidelines that it could adopt to permit VLP devices to operate mounted on a UAS. API, the only commenter to address GVP UAS use, recommends prohibiting GVP use on UAS regardless of their operating altitude. The Commission will not permit GVP use on UAS. Because UAS may fly at altitudes exceeding the 10-meter height that the Commission is mandating geofencing systems assume in calculating exclusion zones, the Commission believes such use will present a harmful interference risk.

Mandatory firmware updates. AT&T contends that the Commission should mandate that ''all new unlicensed devices be required to accept mandatory firmware updates that alter operating parameters.'' AT&T points to a statement by the R St. Institute that '' 'once spectrum is designated for unlicensed use, it cannot be reallocated as the most productive use of particular bands changes.' '' AT&T claims that its proposal is consistent with NTIA Commerce Spectrum Management Advisory Committee's (CSMAC) views, which recommended that '' '[a]ccess to new unlicensed bands should generally be conditioned in ways that reserve the flexibility to reallocate a band in the future or to change its operating rules.' '' APCO International states that the Commission should, wherever possible, require unlicensed devices and systems to have capability to modify system parameters through over-the-air firmware updates.

In reply, Apple, Broadcom et al. maintain that mandatory firmware updates are ''unnecessary, would impose substantial costs on manufacturers, and could undermine the cybersecurity of consumer devices.'' They contend that ''a change to a device's firmware could require a manufacturer to seek recertification,'' which ''is a lengthy process and therefore should not be approached lightly.'' They state that ''rather than maximizing spectrum efficiency, . . . a mandate that every unlicensed device must permit over-the-air . . . firmware updates that can change the device's core radio functions would create a serious security risk.'' Apple, Broadcom et al. claim that such a change would ''require[ ] manufacturers to build in a pathway that a threat actor could exploit to remotely increase unlicensed devices' power levels or frequency ranges across the country.''

In the *6 GHz Third Order,* the Commission declined to impose a mandatory firmware update for VLP devices because of its conclusion that there is an insignificant risk that harmful interference would occur due to VLP device operations. The Commission noted that the vast majority of devices have the inherent capability for firmware updates as manufacturers regularly make changes and upgrades to correct bugs, enable more efficient

operation, or add capabilities. The Commission believes that this same rationale applies to GVP devices. As the Commission noted in the *6 GHz Third Order,* such a mandate could be complex and was not raised in the *6 GHz Second FNPRM,* and therefore, the Commission does not have a record to explore such a mandate. Given the Commission's conclusion that there is an insignificant risk that harmful interference will occur due to the operation of GVP devices in the U–NII–5 and U–NII–7 bands, the Commission does not believe that such a mandate is necessary. A firmware mandate is even less necessary for GVP devices than for VLP devices because GVP devices will be under the supervision of geofencing systems. The geofencing systems will be able to adjust the operating frequencies and exclusion zone calculations if required by future rule changes or to respond in the event of a harmful interference incident. Additionally, manufacturers typically design devices to support firmware updates, even in the absence of a mandate. These updates are commonly used to correct software issues, improve performance, or modify device behavior. Given these factors, the Commission does not see a compelling reason to impose a firmware or software update mandate. No evidence has been presented to justify such a requirement and imposing one would amount to an unnecessary regulatory burden. Therefore, the Commission declines to mandate automatic over-the-air firmware updates for GVP devices.

Enforcement instructions. The National Public Safety Telecommunications Council (NPSTC) states that ''it is imperative that 6 GHz licensees have a viable mechanism to report and expeditiously resolve any . . . harmful interference to critical microwave links.'' It notes that several AFC systems have committed to establish a '' 'centralized means to receive and address complaints regarding purported harmful interference from AFC-authorized unlicensed operations.' '' NTPSC contends that even if these recommended procedures are used, they would only apply to AFC-controlled 6 GHz devices and are concerned that this is not a comprehensive approach. If harmful interference does occur, NPSTC is unclear how the interference source will be determined, *i.e.,* whether it is from a standard-power, low power indoor, VLP, or a GVP device. It claims that licensed stakeholders in the 6 GHz band need a viable means to report and expeditiously resolve harmful interference regardless of the 6 GHz unlicensed device involved.

NPSTC indicates that past enforcement cases show that the Commission's established procedures for resolving interference issues are not as expeditious as it would prefer. As an example, it refers to an ongoing interference case involving an unlicensed device interfering with a commercial wireless system that took almost a year to address. NPSTC recommends that ''the Commission put in place a more expeditious and effective process to resolve any harmful interference.''

In reply, Apple, Broadcom et al. view the Commission's current enforcement and reporting mechanisms as proven to be sufficient as evidenced by the operation of millions of unlicensed consumer devices in the 6 GHz band, beginning in 2020, without any evidence of harmful interference to licensed users. They state that ''unlicensed devices have also operated in other bands with sensitive users, such as the 5 GHz band, without the need for special enforcement rules.'' They believe that the Commission has enforcement requirements in place and that ''any additional enforcement requirements would be superfluous to the Commission's current enforcement authority.''

The Commission finds that in a general sense, and as it applies to 6 GHz devices, the Commission has a long history of performing interference analyses and using such analyses in carefully crafting part 15 rules to protect incumbent systems. These analyses have demonstrated that the likelihood of a 6 GHz unlicensed device causing harmful interference is insignificant, based on the technical rules that the Commission has adopted. As 6 GHz devices are unlicensed, the Commission notes that § 15.5(b) of the Commission's rules provides that ''[o]peration of an intentional, unintentional, or incidental radiator is subject to the condition[ ] that no harmful interference is caused.'' In the unlikely event that harmful interference does occur due to 6 GHz device operations, § 15.5(c) of the Commission's rules provides that ''[t]he operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference,'' even if the device was properly certified and configured, and that ''[o]peration shall not resume until the condition causing the harmful interference has been corrected.'' The Commission recognizes the Enforcement Bureau's efforts and reiterates that the Commission does not promise a zero chance of interference. As Apple, Broadcom et al. point out, unlicensed devices have operated in many bands without the requirement to include additional enforcement protections. As it pertains to low power indoor and VLP devices, the Commission believes that the rules that it has adopted are sufficient to adequately protect incumbent users from harmful interference.

Because these enforcement and compliance mechanisms are applicable to GVP devices, the Commission is adopting provisions to enable harmful interference that occurs from the operation of GVP devices to be mitigated. In the *6 GHz Second FNPRM,* the Commission recognized a need for geofenced systems to seamlessly coordinate enforcement requests and database updates. In that respect, it proposed several enforcement-related rules concerning data updates and enforcement instructions. The Commission is adopting these proposals. That is, the following rules that are consistent with the rules for AFC systems will apply to geofencing systems. The Commission requires geofencing systems to ensure that their databases contain the information required by the Commission's rules, including frequency-specific exclusion zones and GVP access point's authorization parameters. The Commission also requires the geofenced systems to respond in a timely manner to verify, correct, or remove, as appropriate, data in the event that the Commission or a party presents a claim of inaccuracies in the geofencing system. In addition, the Commission requires geofencing systems to establish and follow protocols to comply with enforcement instructions from the Commission, including discontinuing GVP access point operations on specified frequencies in designated geographic areas and predetermined exclusion zones. The Commission also requires geofencing systems to comply with its instructions to adjust exclusion zones, if necessary, to more accurately reflect the harmful interference potential.

As for NPSTC's request that the Commission put in place a more expeditious and effective process to resolve any harmful interference, this appears to be directed at the Commission's enforcement procedures in general rather than specifically at 6 GHz unlicensed GVP operations. The example case that NPSTC refers to as ''interference from an unlicensed device to a licensed commercial wireless system'' does not involve someone

operating an unlicensed part 15 device in accordance with the Commission's rules that causes interference to a licensed receiver. Instead, it involves someone operating a device in violation of the Commission's rules which causes harmful interference to a licensed radio receiver. While the operator of the interfering radio equipment in that case did not have a license to transmit in the frequency band at issue and in that sense was ''unlicensed,'' that operator was not operating an unlicensed part 15 device in compliance with the Commission's rules such as would be the case for GVP devices. To the extent that NPSTC's concerns are that the Commission's enforcement rules and procedures are not sufficiently expeditious, this involves addressing issues more far reaching than the scope of the FCC's proceeding.

Definitions of GVP Access Points and Client Devices. In the *6 GHz Second FNPRM,* the Commission proposed to define a GVP access point as an access point that operates in the 5.925–7.125 GHz band, has an integrated antenna, and uses a geofencing system to determine channel availability at its location. The *6 GHz Second FNPRM* explained that this definition adequately describes the types of VLP devices that could operate under a geofencing system, and the proposed requirement for an integrated antenna, which is consistent with the current rules for indoor access points and subordinate devices, will help ensure that GVP devices cannot be easily modified to increase their EIRP. No commenters addressed this proposed definition. This definition is a straightforward description of a GVP access point. Other than adjusting the frequency range to account for the fact that the Commission is not permitting GVP devices to operate in the U–NII–6 or U–NII–8 bands, the Commission sees no reason to modify this definition, which the Commission shall incorporate into its rules.

The *6 GHz Second FNPRM* did not propose a definition of GVP client devices, and no commenters have suggested such a definition. However, the *6 GHz Second FNPRM* noted that client devices that operate under the control of a GVP access point may also be capable of operating under the control of LPI access points and standard power access points, in which case the client devices must adjust their power levels depending on which type of access point they are connected to. The Commission's rules currently define a client device as ''[a] U–NII device whose transmissions are generally under the control of an access point and is not capable of initiating a network.'' This definition currently applies to client devices that operate under the control of either standard-power or LPI access points. This definition, by its current wording, will also apply to client devices that operate under the control of a GVP access point. Therefore, the Commission sees no need to adopt an additional definition that explicitly defines a GVP client device. All client devices will be restricted to transmitting at power levels no more than 6 dB less than the level at which the controlling access point is authorized to operate, whether that access point is a standard-power, low power indoor, or GVP access point.

Benefits and Costs

In the *6 GHz Second FNPRM,* the Commission sought comment on the benefits and costs of its proposals for implementing GVP devices in the 6 GHz band. The Commission did not receive any comments that included economic benefit or cost estimates for GVP devices.

Benefit estimates from rules the Commission previously adopted in the FCC's proceeding have been substantial. One report estimates that opening the 6 GHz band to unlicensed use has produced $870 billion in economic value in 2023 and 2024 together, and that this total benefit will increase to $1.2 trillion by 2027. In the *6GHz Second Order,* the Commission conservatively estimated benefits from permitting VLP devices to operate in the U–NII–5 and U–NII–7 bands to be $2 billion. In the *6 GHz Third Order,* the Commission conservatively estimated benefits from opening the U–NII–6 and U–NII–8 bands to VLP devices would be $820 million.

Consistent with previous experience in the FCC's proceeding, the Commission anticipates that the rules permitting GVP devices to operate in the U–NII–5 and U–NII–7 portions of the 6 GHz band will yield substantial benefits. The higher power GVP devices will enable increased data rates and greater range for current VLP applications. While geofencing will limit GVP operating areas, even a 5% improvement in economic value derived from these devices relative to the Commission's estimated benefits for VLP in the U–NII–5 and U–NII–7 portions of the 6 GHz band would result in $100 million in additional benefits over a five-year period, or on average, annual benefits of $20 million. The Commission believes this estimate to be conservative because higher data rates and range will not only enhance existing VLP applications, but also create opportunities for new applications, including augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation. The expanded opportunities presented by these new GVP applications have the potential to yield benefits comparable to the benefits from existing VLP devices already operating within areas that may be subject to geofencing. Thus, GVP use may yield benefits much higher than $100 million over a longer time horizon.

The Commission anticipates that the rules its promulgating will impose no additional costs on the public. While manufacturers and users may incur costs in setting up the new GVP ecosystem, these costs will be voluntarily incurred and thus will not result in a private cost without a countervailing private benefit. This would include any costs for switching to new devices or developing and maintaining the geofencing systems. 6 GHz band users will be protected from harmful interference by the geofencing system, so there will be no costs imposed on other 6 GHz band users. The Commission therefore concludes that permitting GVP devices to operate in the 6 GHz band will yield substantial economic benefits to the American public.

Ordering Clauses

It is ordered that, pursuant to sections 2, 4(i), 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 152, 154(i), 302a, 303, the Order *is hereby adopted.*

It is further ordered that the *Fourth Report and Order shall be effective* 60 days after publication in the **Federal Register**.

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

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

List of Subjects

47 CFR Part 0

Authority delegations (Government agencies), Communications, Telecommunications.

47 CFR Part 15

Communications equipment, Radio.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 15 as follows:

PART 0—COMMISSION ORGANIZATION

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

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

■ 2. Amend § 0.241 by revising paragraph (k) to read as follows:

§ 0.241 Authority delegated.

* * * * *

(k) The Chief of the Office of Engineering and Technology is delegated authority to administer the Automated Frequency Coordination (AFC) systems, AFC system operator functions, geofencing systems, and geofencing system operator functions set forth in subpart E of part 15 of this chapter. The Chief is delegated authority to develop specific methods that will be used to designate AFC system and geofencing system operators; to designate AFC system and geofencing system operators; to develop procedures that these AFC system and geofencing system operators will use to ensure compliance with the requirements for AFC system and geofencing system operations; to make determinations regarding the continued acceptability of individual AFC system and geofencing system operators; and to perform other functions as needed to administer the AFC and geofencing systems.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

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

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 4. Amend § 15.403 by adding the definitions of ''Geofenced variable power access point,'' ''Geofencing,'' and ''Geofencing system'' in alphabetical order, to read as follows:

§ 15.403 Definitions.

* * * * *

Geofenced variable power access point. For the purpose of this subpart, an access point that operates in the 5.925–6.425 GHz and 6.525–6.875 GHz bands, has an integrated antenna, and uses a geofencing system to determine channel availability at its location.

Geofencing. For the purposes of this subpart, a method of establishing exclusion zones within which geofenced variable power access points and associated devices are not permitted to operate on frequencies specified by the geofencing system; and inclusions zones within which such devices are permitted to operate on frequencies specified by the geofencing system.

Geofencing system. A system that automatically determines frequency specific zones where geofenced variable power access points are either permitted to operate or not permitted to operate in the 5.925–6.425 GHz and 6.525–6.875 GHz bands.

* * * * *

■ 5. Amend § 15.407 by:
■ a. Redesignating paragraphs (a)(7) and (8) as paragraphs (a)(8)(i) and (ii);
■ b. Adding a new paragraph (a)(7);
■ c. Revising newly redesignated paragraph (a)(8) and paragraphs (a)(10), (d)(1)(i) and (iv), and (d)(3) and (5);
■ d. Removing and reserving paragraph (d)(7);
■ e. Revising paragraphs (d)(8) through (10), (k)(3), and (k)(7)(iii);
■ f. Redesignating paragraphs (l), (m), and (n) as paragraphs (n), (o), and (p);
■ g. Adding new paragraphs (l) and (m); and
■ h. Revising newly redesignated paragraphs (n), (o), and (p).

The revisions and additions read as follows:

§ 15.407 General technical requirements.

(a) * * *

(7) For a geofenced variable power access point operating in the 5.925–6.425 GHz or 6.525–6.875 GHz band, the maximum power spectral density must not exceed 11 dBm e.i.r.p. in any 1-megahertz band. In addition, the maximum e.i.r.p. over the frequency band of operation must not exceed 24 dBm.

(8)(i) For client devices, except for fixed client devices as defined in this subpart, operating under the control of a standard power access point in 5.925–6.425 GHz and 6.525–6.875 GHz bands, the maximum power spectral density must not exceed 17 dBm e.i.r.p. in any 1-megahertz band, the maximum e.i.r.p. over the frequency band of operation must not exceed 30 dBm, and the device must limit its power to no more than 6 dB below its associated standard power access point's authorized transmit power.

(ii) For client devices operating under the control of an indoor access point in the 5.925–7.125 GHz bands, the maximum power spectral density must not exceed −1 dBm e.i.r.p. in any 1-megahertz band, and the maximum e.i.r.p. over the frequency band of operation must not exceed 24 dBm.

(iii) For client devices operating under the control of a geofenced variable power access point in the 5.925–6.425 GHz and 6.525–6.875 GHz bands, the maximum power spectral density must not exceed 5 dBm e.i.r.p. in any 1-megahertz band, the maximum e.i.r.p. over the frequency band of operation must not exceed 18 dBm, and the device must limit its power to no more than 6 dB below its associated geofenced variable power access point's authorized transmit power.

* * * * *

(10) Access points operating under the provisions of paragraphs (a)(5), (6), (7) and (9) of this section must employ a permanently attached integrated antenna.

* * * * *

(d) * * *

(1) * * *

(i) *Oil platforms.* Standard power access points, fixed client devices, geofenced variable power access points, very low power devices, and low-power indoor access points in the 5.925–7.125 GHz band are prohibited from operating on oil platforms.

* * * * *

(iv) *Aircraft.* Standard power access points, fixed client devices, geofenced variable power access points, very low power devices, and low-power indoor access points in the 5.925–7.125 GHz band are prohibited from operating on aircraft, except that very low power devices and low-power indoor access points are permitted to operate in the 5.925–6.425 GHz bands in large aircraft while flying above 10,000 feet.

* * * * *

(3) Transmitters operating under the provisions of paragraphs (a)(5) and (6) and (a)(8)(ii) of this section are limited to indoor locations.

* * * * *

(5)(i) In the 5.925–7.125 GHz band, client devices must operate under the control of a standard power access point, indoor access point, subordinate device, or geofenced variable power access point; Subordinate devices must operate under the control of an indoor access point.

(ii) Access points and subordinate devices may connect to other access points or subordinate devices.

(iii) Fixed client devices may only connect to a standard power access point.

(iv) In all cases, an exception exists such that a client device may transmit brief messages to an access point when attempting to join its network after detecting a signal that confirms that an access point is operating on a particular channel.

(v) Client devices are prohibited from connecting directly to another client device, except that client devices under the control of the same geofenced variable power access point may communicate directly with each other using the same frequency they are using to communicate with the geofenced variable power access point.

* * * * *

(8) Very low power devices, geofenced variable power access points, and clients operating under the control of a geofenced variable power access point may not be installed on fixed outdoor infrastructure. Such devices may not be mounted on outdoor structures, such as buildings or poles.

(9) Geofenced variable power access points and very low power devices must prioritize operations on frequencies above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz.

(10) Geofenced variable power access points and very low power devices operating in the 5.925–7.125 GHz band shall employ a transmit power control (TPC) mechanism with the capability to operate at least 6 dB below the device's maximum e.i.r.p. PSD value.

* * * * *

(k) * * *

(3) An AFC system must obtain information on protected services within the 5.925–6.425 GHz and 6.525–6.875 GHz bands from Commission databases and use that information to determine frequency availability for standard power access points and fixed client devices. Based on the criteria specified in paragraph (n) of this section, an AFC system must establish location and frequency-based exclusion zones (both co-channel and adjacent channel) around fixed microwave receivers operating in the 5.925–6.425 GHz and 6.525–6.875 GHz bands. Individual standard power access points and fixed client devices must not operate co-channel to fixed microwave system frequencies within co-channel exclusion zones, or on adjacent channel frequencies within adjacent channel exclusion zones.

* * * * *

(7) * * *

(iii) Providing standard power access points and fixed client devices with the permissible frequencies and the maximum permissible power in each frequency range at their locations using propagation models and interference protection criteria defined in paragraph (n) of this section.

* * * * *

(l) *Geofencing system.* (1) A geofencing system must obtain information on protected services within the 5.925–6.425 GHz and 6.525–6.875 GHz bands from Commission databases and use that information to determine frequency specific zones for geofenced variable power access points and provide that information to those devices. These zones must be determined for specified frequencies based on the propagation models and protection criteria specified in paragraph (n) of this section.

(i) The zones can be determined as exclusion zones specifying frequencies on which and locations where geofenced variable power devices are not permitted to operate or inclusion zones specifying frequencies on which and locations where geofenced variable power devices are permitted to operate.

(ii) The geofencing system must assume that geofenced variable power devices are at a height of 10 meters when determining exclusion zones.

(iii) The geofencing system must access the Commission's licensing databases and update the frequency-specific zones at least once per day to ensure that they are based on the most recent information in the Commission's databases.

(2) Geofencing systems must establish exclusion or inclusion zones to prevent geofenced variable power access point operations between 6.525–6.875 GHz on the oceans beyond the United States territorial sea as defined in 33 CFR 2.22(a)(1).

(3) The geofencing system must ensure that all communications and interactions between the geofencing system and the geofenced variable power access point and/or all communications between the geofencing system and Commission databases are accurate and secure and that unauthorized parties cannot access or alter the database or any information it provides to geofenced variable power access points. Additionally, the geofencing system must incorporate security measures to protect against unauthorized data input or alteration of stored data.

(4) A geofencing system must verify the validity of the FCC identifier (FCC ID) of any geofenced variable power access point seeking access to its services prior to authorizing the access point to begin operation. A list of geofenced variable power access points with valid FCC IDs and the FCC IDs of those devices must be obtained from the Commission's Equipment Authorization System.

(5) A geofencing system must implement the terms of international agreements with Mexico and Canada.

(6) With regard to enforcement instruction *and* data accuracy, each geofencing system must:

(i) Ensure that a regularly updated geofencing system database that contains the information described in this section, including frequency-specific exclusion or inclusion zones and geofenced variable power access points authorization parameters, is maintained.

(ii) Respond in a timely manner to verify, correct, or remove, as appropriate, data in the event that the Commission or a party presents a claim of inaccuracies in the geofencing system.

(iii) Establish and follow protocols to comply with enforcement instructions from the Commission, including discontinuing geofenced variable power access point operations on specified frequencies in designated geographic areas and predetermined exclusion zones.

(iv) Comply with instructions from the Commission to adjust frequency-specific exclusion or inclusion zones to more accurately reflect the potential for harmful interference.

(7) A geofencing system operator must provide continuous service to all geofenced variable power access points for which it has agreed to provide service. If a geofencing system ceases operation, the operator must provide at least 30 days' notice to the Commission and a description of any arrangements made for those devices to continue to receive location and frequency-specific update information.

(8) A geofencing system operator may charge fees for providing service. The Commission may, upon request, review the fees and can require changes to those fees if the Commission finds them to be unreasonable.

(m) *Geofenced variable power access point requirements.* (1) A geofenced variable power access point must register with and be authorized by a geofencing system prior to the geofenced variable power access point's initial service transmission. At registration the geofenced variable power access point must provide its FCC identifier (FCC ID) and either its unique manufacturer's serial number or its model name/number or other information sufficient to uniquely identify the device manufacturer and model.

(2) Geofenced variable power access point device geo-location capability:

(i) A geofenced variable power access point must include an internal geo-location capability to automatically determine the geofenced variable power access point's geographic coordinates and location uncertainty (in meters), with a 95% confidence level. The geofenced variable power access point must use such coordinates and location uncertainty when comparing the device's specific location to frequency-specific information for its location obtained from the geofencing system.

(ii) Geofenced variable power access point equipment authorization applicants must provide an attestation describing the geo-location method used, that method's accuracy, and the location uncertainty accuracy.

(3) A geofenced variable power access point must access a geofencing system to obtain frequency-specific information (*i.e.,* exclusion zones or inclusion zones) for the area in which it is operating or intends to operate (*e.g.,* within a specific point radius or within specific boundaries) prior to transmitting. If the geofenced variable power access point moves beyond those boundaries, it must obtain additional frequency-specific information for the new area and adjust its operating frequency, if necessary, prior to operating in this new area. If the geofenced variable power access point does not obtain frequency specific information for the area in which it is currently located, it may not transmit. The geofenced variable power access point must obtain updated frequency-specific information from the geofencing system at least once per day. If the geofenced variable power access point fails to obtain the updated frequency specific information on any given day, the geofenced variable power access point may continue to operate until 11:59 p.m. of the following day at which time it must cease operations until it can obtain updated frequency-specific information for its location.

(4) A geofenced variable power access point must determine its location and avoid transmitting on frequencies that are not available in accordance with the frequency-specific information for its location obtained from the geofencing system. The geofenced variable power access point may not permit a client device operating under its control to transmit on frequencies that are not available to the geofenced variable power access point. The geofenced variable power access point must determine its location frequently enough to ensure that it can adjust its operating frequency, including ceasing operation, within one second after any portion of the access point's location uncertainty region crosses into an area in which its current operating frequency is prohibited.

(5) A geofenced variable power access point must incorporate adequate security measures to prevent it from accessing geofencing systems not approved by the FCC, to ensure that unauthorized parties cannot modify the device to operate in a manner inconsistent with the rules and protection criteria set forth in this section, and to ensure that communications between the geofenced variable power access point and geofencing systems and between the geofenced variable power access point and a client device operating under its control are secure to prevent corruption or unauthorized interception of data.

(n) *Incumbent protection by AFC and geofencing systems: Fixed microwave services*—(1) *Propagation models.* Propagation models to determine the appropriate separation distance between a standard power access point, a fixed client device, or geofenced variable power access point and an incumbent fixed microwave service receiver. For a separation distance:

(i) Up to 30 meters, the AFC system and geofencing system must use the free space path-loss model.

(ii) More than 30 meters and up to and including one kilometer, the AFC system and geofencing system must use the Wireless World Initiative New Radio phase II (WINNER II) model. The AFC system or geofencing system must use site-specific information, including buildings and terrain data, for determining the line-of-sight/non-line-of-sight path component in the WINNER II model, where such data is available. For evaluating paths where such data is not available, the AFC system and geofencing system must use a probabilistic model combining the line-of-sight path and non-line-of-sight path into a single path-loss as follows:

Equation 1 to Paragraph (n)(1)(ii)

$$\text{Path-loss (L)} = \Sigma_i P(i) * L_i = P_{LOS} * L_{LOS} + P_{NLOS} * L_{NLOS}$$

Where:

P_{LOS} is the probability of line-of-sight.
L_{LOS} is the line-of-sight path loss.
P_{NLOS} is the probability of non-line-of sight.
L_{NLOS} is the non-line-of-sight path loss.
L is the combined path loss.

The WINNER II path loss models include a formula to determine P_{LOS} as a function of antenna heights and distance.

P_{NLOS} is equal to $(1 - P_{LOS})$.

In all cases, the AFC system and geofencing system will use the correct WINNER II parameters to match the morphology of the path between a standard power access point or geofenced variable power access point and a fixed microwave receiver (*i.e.,* Urban, Suburban, or Rural).

(iii) More than one kilometer, the AFC system and geofencing system must use Irregular Terrain Model (ITM) combined with the appropriate clutter model. To account for the effects of clutter, such as buildings and foliage, the AFC system and geofencing system must combine the ITM with the ITU–R P.2108–0 (06/2017) clutter model for urban and suburban environments and the ITU–R P.452–16 (07/2015) clutter model for rural environments. The AFC system and geofencing system should use the most appropriate clutter category for the local morphology when using ITU–R P.452–16. However, if detailed local information is not available, the ''Village Centre'' clutter category should be used. The AFC system and geofencing system must use 1 arc-second digital elevation terrain data and, for locations where such data is not available, the most granular available digital elevation terrain data.

(2) *Interference protection criteria.* (i) The AFC system and geofencing system must use −6 dB I/N as the interference protection criteria in determining the size of the co-channel zone where I (interference) is the co-channel signal from the standard power access point, geofenced variable power access point, or fixed client device at the fixed microwave service receiver, and N (noise) is background noise level at the fixed microwave service receiver.

(ii) The AFC system must use −6 dB I/N as the interference protection criteria in determining the size of the adjacent channel zone, where I (interference) is the signal from the standard power access point or fixed client device's out of channel emissions at the fixed microwave service receiver and N (noise) is background noise level at the fixed microwave service receiver. The adjacent channel zone must be calculated based on the emissions requirements of paragraph (b)(7) of this section.

(3) *Body loss.* Geofencing systems may include up to 4 dB additional loss to account for losses due to scattering and absorption from a nearby body or object.

(o) *Incumbent protection by AFC and geofencing systems: Radio astronomy services.* The AFC system and geofencing system must enforce a zone to the following radio observatories that observe between 6650–6675.2 MHz: Arecibo Observatory, the Green Bank Observatory, the Very Large Array

(VLA), the 10 Stations of the Very Long Baseline Array (VLBA), the Owens Valley Radio Observatory, and the Allen Telescope Array. The zone sizes are based on the radio line-of-sight and determined using 4/3 earth curvature and the following formula:

Equation 2 to Paragraph (o)

dkm_los = 4.12 * (sqrt(Htx) + sqrt(Hrx))

Where:

Htx is the height of the unlicensed standard power access point or fixed client device.

Hrx is the height of the radio astronomy antenna in meters above ground level.

Htx is 10 meters for an unlicensed geofenced variable power access point.

Coordinate locations of the radio observatories are listed in § 2.106(c)(131) and (385) of this chapter.

(p) *Incumbent protection of fixed satellite services.* Standard power access points and fixed client devices located outdoors must limit their maximum e.i.r.p. at any elevation angle above 30 degrees as measured from the horizon to 21 dBm (125 mW) to protect fixed satellite services.

[FR Doc. 2026–03744 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 91, No. 37
Wednesday, February 25, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

[Docket ID: OPM–2026–0133]

RIN 3206–AP11

Prevailing Rate Systems; Redefinition of the Raven Rock Mountain Complex to the Washington-Baltimore-Arlington Federal Wage System Wage Area

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing to redefine the Federal Wage System (FWS) wage area coverage of the Raven Rock Mountain Complex (RRMC), which spans small portions of Washington County, Maryland, which is in the Washington-Baltimore-Arlington wage area, and Adams County, Pennsylvania, which is in the Harrisburg-York-Lebanon, PA wage area. OPM proposes to redefine the RRMC portion of Adams County from the Harrisburg-York-Lebanon, PA wage area to the Washington-Baltimore-Arlington wage area so that all of the RRMC is in the same wage area. Portions of Adams County outside of RRMC would continue to be defined to the Harrisburg-York-Lebanon, PA, wage area. This change would align wage area coverage for installations within the Pentagon Reservation and prevent pay disparities among FWS employees working at the RRMC.

DATES: Send comments on or before April 27, 2026.

ADDRESSES: You may submit comments on the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

All comments received must include the agency name and docket number or RIN for this document. The general policy for comments from members of the public is to make them available for public viewing at *https://www.regulations.gov* without change, including any personal identifiers or contact information. However, OPM retains discretion to redact personal or sensitive information from comments before they are posted. As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu by telephone at (202) 606–2858 or by email at *paypolicy@opm.gov.*

SUPPLEMENTARY INFORMATION: OPM is proposing to redefine the FWS wage area coverage of the RRMC. Under 10 U.S.C. 2674, the land and facilities at RRMC are included within the definition of the Pentagon Reservation. Under 10 U.S.C. 2674(f)(1), the Pentagon Reservation consists of the Pentagon, the Mark Center Campus, and RRMC. RRMC is defined in 10 U.S.C. 2674(f)(5) as ''that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.''

On January 21, 2025, OPM issued a final rule expanding the coverage of the Washington-Baltimore-Arlington FWS wage area, effective October 1, 2025. The expanded wage area covers the Pentagon Reservation, except for the Adams County portion of the RRMC. On July 30, 2025, the Department of Defense (DOD) requested that OPM amend the FWS regulations in Appendix C of 5 CFR part 532, subpart B, to provide that all of the RRMC be defined to the Washington-Baltimore-Arlington wage area so that the entirety of the Pentagon Reservation is defined to the same wage area.

Under 5 CFR 532.211, criteria such as employment interchange measures and distance, population and employment similarities, and other relevant factors are considered when defining FWS wage area boundaries. Adams County is appropriately defined to the Harrisburg-York-Lebanon, PA, wage area under these criteria. This proposed rule would make an exception to the standard regulatory requirements only for the RRMC portion of Adams County based on the other relevant factors criterion in the regulations cited by DOD.

Employment interchange and distance. Employment interchange means the movement of workers (in-commuting and out-commuting) within a large metropolitan area. The employment interchange is calculated using commuting patterns data collected by the U.S. Census Bureau as part of the American Community Survey. The employment interchange data reported by the Census Bureau reflects social and economic integration in a region.

Measured to nearby survey areas, Adams County shows a higher employment interchange measures percentage with the Harrisburg-York-Lebanon, PA, wage area (46.12 percent) than with Washington-Baltimore-Arlington (28.95 percent). Road distances from RRMC also favor Harrisburg-York-Lebanon (*e.g.,* ~55.3 miles to Harrisburg vs. ~70.2 miles to Washington, DC; similar comparisons hold when measuring to host installations [1]).

Transportation and geography. Major highways connect RRMC to both the Harrisburg-York-Lebanon, PA, and Washington-Baltimore-Arlington survey areas; geographic features do not materially distinguish travel to one survey area over the other.

Population and employment similarities. OPM uses data from the U.S. Census Bureau to compare the overall population, employment, and kinds and sizes of private industrial establishments of a county to the nearby survey areas. Comparative metrics for Adams County versus the Harrisburg-York-Lebanon and Washington-Baltimore-Arlington survey areas are mixed and do not clearly favor either wage area when considered as a whole.

Other relevant factors. OPM issued a final rule (90 FR 7428) on January 21, 2025, amending the regulatory criteria in 5 CFR 532.211, pursuant to its authority to issue regulations governing the FWS in 5 U.S.C. chapter 53, subchapter IV. The amendments to the criteria used to define and maintain FWS wage areas led to several changes in wage area boundaries. One of these changes was the redefinition of Washington County, MD, from the Hagerstown-Martinsburg-Chambersburg, MD, wage area which was abolished and its constituent counties defined to the Washington-Baltimore-Arlington wage area. The final rule did not change the

[1] Under 5 CFR 532.201, the host installation is a local installation, designated by the lead agency to conduct wage survey activities and provide support facilities and clerical assistance for the local wage survey committee. DOD is the lead agency for the FWS.

designation of Adams County, which remains in the Harrisburg-York-Lebanon, PA, wage area.

Based on information received from DOD, RRMC is located in two different counties: Washington County, MD, and Adams County, PA. As a result of moving Washington County to the Washington-Baltimore-Arlington wage area, RRMC FWS employees located in Washington County receive a higher rate of pay than RRMC FWS employees located in Adams County, PA. To support pay parity, DOD requested that OPM define the RRMC portion of Adams County to the Washington-Baltimore-Arlington wage area.

Analysis

Washington County, MD, is part of the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA Combined Statistical Area (CSA).[2] Adams County, PA, is part of the Harrisburg-York-Lebanon, PA CSA. Under OPM regulations at 5 CFR 532.211(b), it is permissible for CSAs to be split between FWS wage areas only in very unusual circumstances, such as federal installations overlapping two or more CSAs and wage areas.

OPM recognizes that application of the employment interchange, distance, transportation, and population and employment similarity criteria in 5 CFR 532.211(d)(1) and (2) does not support redefining Adams County, Pennsylvania, as a whole to the Washington-Baltimore-Arlington FWS wage area. As discussed above, those criteria generally favor the Harrisburg-York-Lebanon, PA, wage area for Adams County when considered at the county level.

However, under 5 CFR 532.211(d)(1), OPM may consider other factors relevant to the process of determining and establishing rates of pay for wage employees at prevailing wage levels. OPM is exercising that discretion in this case for the limited portion of Adams County comprising RRMC.

RRMC is uniquely situated as part of the Pentagon Reservation, as defined in 10 U.S.C. 2674(f). Congress has statutorily designated RRMC, together with the Pentagon and the Mark Center Campus, as a single Federal reservation. RRMC is operated as an integrated component of the Pentagon Reservation, with centralized management, shared mission functions, and unified personnel administration.

As a result of OPM's January 21, 2025, final rule redefining Washington County, Maryland, to the Washington-Baltimore-Arlington wage area, the Pentagon Reservation is currently divided between two FWS wage areas solely due to the county boundary that bisects RRMC. OPM routinely treats federal installations overlapping two or more CSAs and wage areas as an unusual circumstance warranting redefinition of a portion of a CSA in another wage area only as necessary to place a complete Federal installation in a single wage area. For example, the Shenandoah National Park (approximately 105 miles long) overlaps the following counties: Albemarle, Augusta, Greene, Madison, Page, Rappahannock, Rockingham, and Warren Counties, VA. Albemarle and Greene Counties are part of the Charlottesville, VA CSA which is included in its entirety in the Richmond, VA, wage area. Augusta and Rockingham Counties, VA, are part of the Harrisonburg-Staunton-Stuarts Draft, VA CSA, which is included in its entirety in the Washington-Baltimore-Arlington wage area. Rappahannock and Warren Counties are part of the Washington-Baltimore-Arlington CSA, which is included in its entirety in the Washington-Baltimore-Arlington wage area. Madison County, VA, is not part of a CSA or MSA, but it is part of the Washington-Baltimore-Arlington wage area. To avoid paying FWS employees at the Shenandoah National Park from different wage schedules, OPM defined this installation in its entirety to the Washington-Baltimore-Arlington wage area. Augusta and Rockingham Counties, not including the Shenandoah National Park portions, continue to be defined to the Richmond wage area to avoid splitting the Charlottesville, VA CSA, appropriately included in the Richmond wage area.

Splitting Federal installations has the effect of applying different prevailing wage schedules to employees working at the same integrated Federal installation based solely on the side of the county boundary on which their duty station is located. In this case, the pay disparity referenced by DOD adversely affects attracting and retaining qualified prevailing rate employees on the Pennsylvania side of the installation. This proposal would correct a wage-area boundary that inadvertently split RRMC, a single, integrated Federal installation.

OPM finds that maintaining different FWS wage area definitions within a single, statutorily defined Federal reservation undermines the accuracy and integrity of prevailing rate determinations for that installation. In this circumstance, the application of county-level labor market criteria to RRMC does not adequately reflect the relevant labor market for purposes of establishing prevailing wage rates for RRMC employees, whose employment conditions are determined by the Pentagon Reservation as a whole rather than by the surrounding county.

Accordingly, OPM has tentatively determined that redefining the RRMC portion of Adams County to the Washington-Baltimore-Arlington wage area is warranted under 5 CFR 532.211(d)(1) as a narrowly tailored exception. Adams County, PA, except for the RRMC portion, would continue to be defined to the Harrisburg-York-Lebanon wage area. Washington County, MD, would continue to be defined to the Washington-Baltimore-Arlington wage area.

Miscellaneous Corrections and Revisions

On January 21, 2025, OPM published a final rule (90 FR 7428) changing the criteria used to define FWS wage area boundaries and making changes to certain wage areas. The final rule contained a few typographical errors and inadvertent omissions.

This proposed rule would make several corrections and revisions to Appendix A to subpart B of part 532—Nationwide Schedule of Appropriated Fund Regular Wage Surveys and Appendix C to subpart B of part 532—Appropriated Fund Wage and Survey Areas, concerning formatting, spelling, typographical errors, inconsistencies, and omissions made in the final rule, as follows:

This proposed rule would make the following revision to Appendix A: add the State of Connecticut, and a listing for the New Haven-Hartford wage area, with ''DOD'' as lead agency; ''April'' as the listing of the beginning month of survey; and ''Odd'' Fiscal Year of full-scale survey. The listing for the New Haven-Hartford wage area was inadvertently omitted in the final rule.

This proposed rule would make the following revisions to Appendix C:

- *Birmingham-Cullman-Talladega Wage Area*

Add ''until'' between ''effective'' and ''January'' to read ''(effective until January 2028)'' for Talladega County, Alabama, in the area of application. Talladega County, AL, was moved from the Anniston-Gadsden survey area to the Birmingham-Cullman-Talladega area of application, effective October 1, 2025, until January 2028. This county will subsequently be moved from the

[2] The Office of Management and Budget (OMB) defines, maintains, and periodically updates the definitions of CSA boundaries. The most recent OMB definitions of CSAs are in OMB Bulletin No. 23–01 (available at *https://www.whitehouse.gov/wp-content/uploads/2023/07/OMB-Bulletin-23-01.pdf*), which was issued on July 21, 2023.

Birmingham-Cullman-Talladega area of application to the Birmingham-Cullman-Talladega survey area effective for local wage surveys beginning in January 2028. The final rule inadvertently omitted the word ''until.''

- *Washington-Baltimore-Arlington Wage Area*

Revise the name of ''Berkley'' County, West Virginia, to read ''Berkeley.''

- *Miami-Port St. Lucie-Fort Lauderdale Wage Area*

Add St. Lucie County, Florida, to the area of application of the Miami-Port St. Lucie-Fort Lauderdale wage area. Due to a formatting error, St. Lucie County was listed as a separate wage area, instead of being part of the Miami-Port St. Lucie-Fort Lauderdale wage area. Delete ''St. Lucie'' as a wage area entry.

- *Augusta Wage Area*

Replace '':'' with ''.'' after ''Survey area,'' to read ''Area of Application. Survey area.'' for the Augusta wage area, in the State of Maine. The Augusta wage area does not have an area of application. As such, the correct punctuation is a period instead of a colon.

- *Chicago-Naperville Wage Area*

Delete ''IL'' from the title of the ''Chicago-Naperville, IL'' the wage area to read ''Chicago-Naperville'' to be consistent with how we list the titles of other wage areas.

- *Roanoke Wage Area*

Delete the Cities of Staunton and Waynesboro, Virginia, which were incorrectly included and duplicated in the area of application of the Roanoke wage area. These cities were moved to the Washington-Baltimore-Arlington wage area and were inadvertently not deleted from the Roanoke wage area.

Delete Augusta (Does not include the Shenandoah National Park portion) County, VA, which was incorrectly included and duplicated in the area of application of the Roanoke wage area. The entire Augusta County was moved to the Washington-Baltimore-Arlington wage area, and the Shenandoah National Park portion was inadvertently not deleted from the Roanoke wage area.

Expected Impact of This Rule

Section 5343 of title 5, U.S. Code, provides OPM with the authority and responsibility to define the boundaries of FWS wage areas. Any changes in wage area definitions can have the long-term effect of increasing pay for Federal employees in affected locations. OPM expects this rulemaking to impact around 50 FWS employees. Considering the small number of employees affected, OPM does not anticipate that this proposed rule will substantially impact local economies or have a large impact in local labor markets. However, OPM is requesting comment in this rulemaking regarding the impact. As this and future wage area changes may impact higher volumes of employees in geographical areas and could rise to the level of impacting local labor markets, OPM will continue to study the implications of such impacts in this or future rules as needed.

Regulatory Review

OPM has examined the impact of this rulemaking as required by Executive Orders 12866 and 13563 which 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). This rulemaking is not a ''significant regulatory action'' under Executive Order 12866. The rule is not an E.O. 14192 regulatory action because it is not significant under E.O. 12866.

Regulatory Flexibility Act

The Director of OPM certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Federalism

OPM has examined this rule in accordance with Executive Order 13132, Federalism, and has determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or Tribal governments.

Civil Justice Reform

This rulemaking will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year in 1995 dollars, updated annually for inflation. That threshold is currently approximately $206 million. This rulemaking will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

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

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management

Jerson Matias,

Federal Register Liaison.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. In Appendix A to subpart B, amend the table by adding in alphabetic order by state the New Haven-Hartford wage survey listing for the State of Connecticut.

Appendix A to Subpart B of Part 532—Nationwide Schedule of Appropriated Fund Regular Wage Surveys

* * * * *

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*	*	*	*	*	*	*
Connecticut	New Haven-Hartford	DoD	April	Odd.		
*	*	*	*	*	*	*

■ 3. In Appendix C to subpart B—Appropriated Fund Wage and Survey Areas, amend the table by revising the wage area listing for the District of Columbia and for the States of Alabama, Florida, Illinois, Maine, Pennsylvania, and Virginia to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

Definitions of Wage Areas and Wage Area Survey Areas

ALABAMA

Birmingham-Cullman-Talladega

Survey Area

Alabama:
- Calhoun (effective for wage surveys beginning in January 2028)
- Etowah (effective for wage surveys beginning in January 2028)
- Jefferson
- St. Clair
- Shelby
- Talladega (effective for wage surveys beginning in January 2028)
- Tuscaloosa
- Walker

Area of Application. Survey area plus:

Alabama:
- Bibb
- Blount
- Calhoun (effective until January 2028)
- Chilton
- Clay
- Coosa
- Cullman
- Etowah (effective until January 2028)
- Fayette
- Greene
- Hale
- Lamar
- Marengo
- Perry
- Pickens
- Talladega (effective until January 2028)
- Winston

Dothan

Survey Area

Alabama:
- Dale
- Houston

Georgia:
- Early

Area of Application. Survey area plus:

Alabama:
- Barbour
- Coffee
- Geneva
- Henry

Georgia:
- Clay
- Miller
- Seminole

Huntsville

Survey Area

Alabama:
- Limestone
- Madison
- Marshall
- Morgan

Area of Application. Survey area plus:

Alabama:
- Colbert
- DeKalb
- Franklin
- Lauderdale
- Lawrence
- Marion

Tennessee:
- Giles
- Lincoln
- Wayne

Montgomery-Selma

Survey Area

Alabama:
- Autauga
- Elmore
- Montgomery

Area of Application. Survey area plus:

Alabama:
- Bullock
- Butler
- Crenshaw
- Dallas
- Lowndes
- Pike
- Wilcox

* * * * *

DISTRICT OF COLUMBIA

Washington-Baltimore-Arlington

Survey Area

District of Columbia:
- Washington, DC

Maryland (city):
- Baltimore (effective for wage surveys beginning in July 2027)

Maryland (counties):
- Anne Arundel (effective for wage surveys beginning in July 2027)
- Baltimore (effective for wage surveys beginning in July 2027)
- Carroll (effective for wage surveys beginning in July 2027)
- Charles
- Frederick
- Harford (effective for wage surveys beginning in July 2027)
- Howard (effective for wage surveys beginning in July 2027)
- Montgomery
- Prince George's
- Washington (effective for wage surveys beginning in July 2027)

Pennsylvania:
- Franklin (effective for wage surveys beginning in July 2027)

Virginia (cities):
- Alexandria
- Fairfax
- Falls Church
- Manassas
- Manassas Park

Virginia (counties):
- Arlington
- Fairfax
- King George (effective for wage surveys beginning in July 2027)
- Loudoun
- Prince William

West Virginia:
- Berkeley (effective for wage surveys beginning in July 2027)

Area of Application. Survey area plus:

Maryland (city):
- Baltimore (effective until July 2027)

Maryland (counties):
- Allegany
- Anne Arundel (effective until July 2027)
- Baltimore (effective until July 2027)
- Calvert
- Caroline
- Carroll (effective until July 2027)
- Dorchester
- Garrett
- Harford (effective until July 2027)
- Howard (effective until July 2027)
- Kent
- Queen Anne's
- St. Mary's
- Talbot
- Washington (effective until July 2027)

Pennsylvania:
- Adams (Only includes the Raven Rock Mountain Complex)
- Franklin (effective until July 2027)
- Fulton

Virginia (cities):
- Fredericksburg
- Harrisonburg
- Staunton
- Waynesboro
- Winchester

Virginia (counties):
- Albemarle (Only includes the Shenandoah National Park portion)
- Augusta
- Caroline
- Clarke
- Culpeper
- Fauquier
- Frederick
- Greene (Only includes the Shenandoah National Park portion)
- King George (effective until July 2027)
- Madison
- Orange
- Page
- Rappahannock
- Rockingham
- Shenandoah
- Spotsylvania
- Stafford
- Warren
- Westmoreland

West Virginia:
- Berkeley (effective until July 2027)
- Hampshire
- Hardy
- Jefferson
- Mineral
- Morgan

FLORIDA

Cocoa-Beach

Survey Area

Florida:
- Brevard

Area of Application. Survey area.

Jacksonville

Survey Area

Florida:
- Alachua

Baker
Clay
Columbia (effective for wage surveys beginning in January 2027)
Duval
Nassau
Orange (effective for wage surveys beginning in January 2027)
St. Johns
Sumter (effective for wage surveys beginning in January 2027)
Georgia:
Camden

Area of Application. Survey area plus:

Florida:
Bradford
Citrus
Columbia (effective until January 2027)
Dixie
Flagler
Gilchrist
Hamilton
Lafayette
Lake
Levy
Madison
Marion
Orange (effective until January 2027)
Osceola
Polk
Putnam
Seminole
Sumter (effective until January 2027)
Suwannee
Taylor
Union
Volusia
Georgia:
Charlton

Miami-Port St. Lucie-Fort Lauderdale

Survey Area

Florida:
Miami-Dade
Palm Beach (effective for wage surveys beginning in May 2027)

Area of Application. Survey area plus:

Florida:
Broward
Collier
Glades
Hendry
Highlands
Indian River
Lee
Martin
Monroe
Okeechobee
Palm Beach (effective until May 2027)
St. Lucie

Panama City

Survey Area

Florida:
Bay
Gulf

Area of Application. Survey area plus:

Florida:
Calhoun
Franklin
Gadsden
Holmes
Jackson
Jefferson
Leon
Liberty
Wakulla
Washington
Georgia:
Decatur

Pensacola

Survey Area

Florida:
Escambia
Santa Rosa

Area of Application. Survey area plus:

Alabama:
Baldwin
Clarke
Conecuh
Covington
Escambia
Mobile
Monroe
Washington
Florida:
Okaloosa
Walton

Tampa-St. Petersburg

Survey Area

Florida:
Hillsborough
Pasco
Pinellas

Area of Application. Survey area plus:

Florida:
Charlotte
De Soto
Hardee
Hernando
Manatee
Sarasota

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ILLINOIS

Bloomington-Pontiac

Survey Area

Illinois:
Champaign
Menard
Sangamon
Vermilion

Area of Application. Survey area plus:

Illinois:
Christian
Clark
Coles
Crawford
Cumberland
De Witt
Douglas
Edgar
Ford
Jasper
Livingston
Logan
McLean
Macon
Morgan
Moultrie
Piatt
Scott
Shelby

Chicago-Naperville

Survey Area

Illinois:
Cook
Du Page
Kane
Lake
McHenry
Will

Area of Application. Survey area plus:

Illinois:
Boone
Bureau
De Kalb
Grundy
Iroquois
Kankakee
Kendall
La Salle
Ogle
Putnam
Stephenson
Winnebago
Indiana:
Jasper
Lake
La Porte
Newton
Porter
Pulaski
Starke
Wisconsin:
Kenosha

* * * * *

MAINE

Augusta

Survey Area

Maine:
Kennebec
Knox
Lincoln

Area of Application. Survey area.

Central and Northern Maine

Survey Area

Maine:
Aroostook
Penobscot

Area of Application. Survey area plus:

Maine:
Hancock
Piscataquis
Somerset
Waldo
Washington

* * * * *

PENNSYLVANIA

Harrisburg-York-Lebanon

Survey Area

Pennsylvania:
Cumberland
Dauphin
Lebanon
Union (effective for wage surveys beginning in May 2026)
York

Area of Application. Survey area plus:

Pennsylvania:

Adams (Does not include the Raven Rock Mountain Complex)
Clinton
Juniata
Lancaster
Lycoming
Mifflin
Perry
Snyder
Union (effective until May 2026)

Philadelphia-Reading-Camden

Survey Area

Delaware:
Kent (effective for wage surveys beginning in October 2027)
New Castle (effective for wage surveys beginning in October 2027)
Maryland:
Cecil (effective for wage surveys beginning in October 2027)
New Jersey:
Burlington (Excluding the Joint Base McGuire-Dix-Lakehurst portion)
Camden
Gloucester
Salem (effective for wage surveys beginning in October 2027)
Pennsylvania:
Bucks
Chester
Delaware
Montgomery
Philadelphia

Area of Application. Survey area plus:

Delaware:
Kent (effective until October 2027)
New Castle (effective until October 2027)
Sussex
Maryland:
Cecil (effective until October 2027)
Somerset
Wicomico
Worcester (Does not include the Assateague Island portion)
New Jersey:
Atlantic
Cape May
Cumberland
Salem (effective until October 2027)
Pennsylvania:
Berks
Schuylkill

Pittsburgh

Survey Area

Pennsylvania:
Allegheny
Beaver
Butler
Cambria (effective for wage surveys beginning in July 2027)
Washington
Westmoreland

Area of Application. Survey area plus:

Ohio:
Belmont
Harrison
Jefferson
Pennsylvania:
Armstrong
Bedford
Blair
Cambria (effective until July 2027)
Cameron
Centre
Clarion
Clearfield
Crawford
Elk (Does not include the Allegheny National Forest portion)
Erie
Fayette
Forest (Does not include the Allegheny National Forest portion)
Greene
Huntingdon
Indiana
Jefferson
Lawrence
Mercer
Potter
Somerset
Venango
West Virginia:
Brooke
Hancock
Marshall
Ohio

Scranton-Wilkes-Barre

Survey Area

Pennsylvania:
Lackawanna
Luzerne

Area of Application. Survey area plus:

Pennsylvania:
Bradford
Columbia
Montour
Northumberland
Sullivan
Susquehanna
Wyoming

* * * * *

VIRGINIA

Richmond

Survey Area

Virginia (cities):
Colonial Heights
Hopewell
Petersburg
Richmond
Virginia (counties):
Charles City
Chesterfield
Dinwiddie
Goochland
Hanover
Henrico
New Kent
Powhatan
Prince George

Area of Application. Survey area plus:

Virginia (cities):
Charlottesville
Emporia
Virginia (counties):
Albemarle (Does not include the Shenandoah National Park portion)
Amelia
Brunswick
Buckingham
Charlotte
Cumberland
Essex
Fluvanna
Greene (Does not include the Shenandoah National Park portion)
Greensville
King and Queen
King William
Lancaster
Louisa
Lunenburg
Mecklenburg
Nelson
Northumberland
Nottoway
Prince Edward
Richmond
Sussex

Roanoke

Survey Area

Virginia (cities):
Radford
Roanoke
Salem
Virginia (counties):
Botetourt
Craig
Montgomery
Roanoke

Area of Application. Survey area plus:

Virginia (cities):
Buena Vista
Covington
Danville
Galax
Lexington
Lynchburg
Martinsville
Virginia (counties):
Alleghany
Amherst
Appomattox
Bath
Bedford
Bland
Campbell
Carroll
Floyd
Franklin
Giles
Halifax
Henry
Highland
Patrick
Pittsylvania
Pulaski
Rockbridge
Wythe

Virginia Beach-Chesapeake

Survey Area

North Carolina:
Currituck
Pasquotank (effective for wage surveys beginning in May 2026)
Virginia (cities):
Chesapeake
Hampton
Newport News
Norfolk
Poquoson
Portsmouth
Suffolk
Virginia Beach
Williamsburg
Virginia (counties):
Gloucester

James City
York

Area of Application. Survey area plus:

Maryland:
Worcester (Only includes the Assateague Island portion)
North Carolina:
Camden
Chowan
Dare
Gates
Hertford
Pasquotank (effective until May 2026)
Perquimans
Tyrrell
Virginia (city):
Franklin
Virginia (counties):
Accomack
Isle of Wight
Mathews
Middlesex
Northampton
Southampton
Surry

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[FR Doc. 2026–03801 Filed 2–24–26; 8:45 am]

BILLING CODE 6325–39–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 26, 60, 63, 73, and 74

[NRC–2007–0670, NRC–2009–0089, and NRC–2015–0018]

RIN 3150–AI06, 3150–AI38, and 3150–AJ55

Rulemaking Activities Being Discontinued by the NRC

AGENCY: Nuclear Regulatory Commission.

ACTION: Rulemaking activities; discontinuation.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is discontinuing three rulemaking activities. The purpose of this action is to inform members of the public that these rulemaking activities are being discontinued and to provide a brief discussion of the NRC's decision to discontinue them. These rulemaking activities will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).

DATES: The rulemaking activities discussed in this document are discontinued as of February 25, 2026.

ADDRESSES: Please refer to Docket IDs NRC–2007–0670, NRC–2009–0089, and NRC–2015–0018 when contacting the NRC about the availability of information regarding 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 IDs NRC–2007–0670, NRC–2009–0089 and NRC–2015–0018. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.*
- *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.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tyler Hammock, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1381, email: *tyler.hammock@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In response to Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' the NRC conducted a review of ongoing and potential rulemaking activities and identified three rulemaking activities in various stages of development that the Commission has approved to be discontinued. The NRC will update the next edition of the Unified Agenda to indicate that these rulemakings are discontinued. These rulemaking activities will appear in the completed actions section of that edition of the Unified Agenda but will not appear in future editions. Section II of this document contains a brief discussion of each of the rulemaking activities.

II. Discontinued Rulemaking Activities

Geologic Repository Operations Area Security and Material Control and Accounting Requirements (RIN 3150–AI06; NRC–2007–0670)

On December 20, 2007 (72 FR 72522), the NRC issued a proposed rule regarding security measures for the protection of spent nuclear fuel, high-level radioactive waste, and other radioactive material at a geologic repository operations area (GROA) licensed under title 10 of the *Code of Federal Regulations* (10 CFR) part 63, ''Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada.'' The NRC proposed new requirements for training, access authorization, defensive strategies, and reporting. The proposed rule would have established general performance objectives and corresponding system capabilities for the GROA material control program, with a focus on strengthening, streamlining, and consolidating all material control and accounting regulations specific to a GROA. In addition, the proposed rule would have required an emergency plan to address radiological emergencies.

Due to a change in agency priorities in light of the scope of E.O. 14300 rulemaking activities, and a significant amount of time elapsing since the proposed rule was issued, the NRC has decided not to proceed with this rulemaking.

Geologic Repository Operations Area (GROA) Fitness-for-Duty Requirements (RIN 3150–AI38; NRC–2009–0089)

In 2008, the NRC begun plans for a rulemaking that would have amended the NRC's regulations regarding the fitness-for-duty requirements for personnel in a geologic repository operations area. The rule would have imposed fatigue provisions on security personnel and reinstated the alcohol and drug provisions of the fitness-for-duty requirements at a geologic repository operations area. The scope of the rulemaking would have affected fitness-for-duty programs at geological repository operations areas. Due to a change in agency priorities in light of the scope of E.O. 14300 rulemakings, the NRC has decided not to proceed with this rulemaking.

Enhanced Weapons for Spent Fuel Storage Installations and Transportation—Section 161A Authority (RIN 3150–AJ55; NRC–2015–0018)

In 2015, the NRC began plans for a rulemaking that would have amended the NRC's regulations to implement the authority in Section 161A of the Atomic Energy Act of 1954, as amended, related to access to enhanced weapons and associated firearms background checks for the protection of spent nuclear fuel. The rule would have designated additional classes of facilities and

activities appropriate for Section 161A authority, as a follow-on to the original Enhanced Weapons rule (88 FR 15864). Due to lack of expressed interest from additional classes of NRC licensees interested in obtaining enhanced weapons authority, the staff has decided to terminate rulemaking activities for the follow-on rule. If in the future the NRC receives a license application for a class of facility not already eligible for enhanced weapons authority, the Commission may grant such authority via order or license condition. Additionally, due to a change in agency priorities in light of the scope of E.O. 14300 rulemakings, the NRC has decided not to proceed with this rulemaking.

III. Conclusion

The NRC is no longer pursuing the three rulemaking activities for the reasons discussed in this document. In the next edition of the Unified Agenda, the NRC will update the entry for these rulemaking activities and reference this document to indicate that they are no longer being pursued. These rulemaking activities will appear in the completed actions section of that edition of the Unified Agenda but will not appear in future editions. If the NRC decides to pursue similar or related rulemaking activities in the future, it will inform the public through new rulemaking entries in the Unified Agenda.

Dated: February 23, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–03791 Filed 2–24–26; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF96

Post-Election Training for New Board Members

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) solicits public comment on a proposal to eliminate the regulatory requirement that each director of a federal credit union (FCU) attain a working familiarity with finance and accounting within 6 months after election or appointment. The Board believes the regulation is unnecessarily prescriptive.

DATES: Comments must be received by April 27, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (*Please send comments by one method only*):

- *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–0430. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ariel Pereira, Senior Attorney, Office of General Counsel, at (703) 518–6540, or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

In a final rule published on December 28, 2010, the NCUA established § 701.4 to document and clarify the fiduciary duties and responsibilities of FCU directors.[1] This regulation was created to address concerns about director accountability and to ensure directors act in the best interests of the FCU's membership. Among other requirements, the final rule set standards for financial literacy for directors. Specifically, § 701.4(b)(3) requires that each director, at the time of election or appointment, or within a reasonable time thereafter, not to exceed 6 months, have at least a working familiarity with basic finance and accounting practices, including the ability to read and understand the FCU's balance sheet and income statement and to ask, as appropriate, substantive questions of management and internal and external auditors.

B. Legal Authority

The Board is issuing this proposed rule pursuant to its authority under the Federal Credit Union Act (FCU Act).[2] Under the FCU Act, the NCUA is the chartering and supervisory authority for federal credit unions (FCUs) and the federal supervisory authority for federally insured credit unions (FICUs). The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe regulations for the administration of the FCU Act.[3] Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA to issue regulations necessary or appropriate to carry out its role as share insurer for all FICUs.[4] The FCU Act also includes an express grant of authority for the Board to subject federally chartered central, or corporate, credit unions to such rules, regulations, and orders as the Board deems appropriate.[5]

II. Proposed Rule

While the Board continues to believe that directors must have a working familiarity with basic finance and accounting practices, it proposes to eliminate § 701.3(b)(3). Upon reconsideration, the Board believes that the regulation is overly prescriptive. The members of an FCU are in the best position to elect qualified individuals to the board. This policy determination is supported by the fact that the Federal Credit Union Act, while vesting each FCU board with ''general direction and control'' of the credit union at 12 U.S.C. 1761b, does not direct the NCUA to establish specific qualifications for directors.

Under the CAMELS Rating System, the NCUA will continue to assess ''the capabilities of the board of directors and management, in their respective roles, to identify, measure, monitor, and control

[1] 75 FR 81378 (Dec. 28, 2010).

[2] 12 U.S.C. 1751 *et seq.*

[3] 12 U.S.C. 1766(a).

[4] 12 U.S.C. 1789.

[5] 12 U.S.C. 1766(a).

the risks of a credit union's activities and to ensure a credit union's safe, sound, and efficient operation in compliance with applicable laws and regulations.'' [6]

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and interim-final rules that request comment despite invoking ''good cause'' to forgo such notice and public procedure. The Board, however, has elected to address the Act's requirement in these types of documents in the interests of administrative consistency and transparency.

In summary, the Board solicits public comment on a proposal to eliminate the regulatory requirement that each FCU director attain a working familiarity with finance and accounting within 6 months after election or appointment. The Board believes the regulation is unnecessarily prescriptive and that the FCU board itself is best suited to manage the ongoing education of its directors. The NCUA will continue to assess the competency of FCU boards using existing supervision tools under a risk-based examination approach.

The proposal and the required summary can be found at *https://www.regulations.gov.*

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.[7] Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[8] This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866. Further, this proposed rule would eliminate the prescriptive regulatory requirement that each FCU director attain a working familiarity with finance and accounting within 6 months after election or appointment and is consistent with Executive Order 13563.

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[9] This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act [10] generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.[11] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[12] The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed rule would eliminate the requirement that FCU directors attain a working familiarity with finance and accounting within 6 months after election or appointment. As an initial matter, the NCUA notes that the proposed rule would relieve FCUs of current compliance costs and is deregulatory in nature.

It is probable that many new board members already have the required knowledge in finance and accounting at the time of election or appointment to an FCU board. Indeed, it is likely that such familiarity was a factor in their selection to the board. Therefore, to the extent that FCUs currently incur any costs to comply with the education requirements, such costs are unlikely to be significant because they are limited to the subset of new directors that lack the required familiarity. Accordingly, the economic impacts associated with rescinding this provision is equally unlikely to be significant.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the proposed rule do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests.[13] The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule applies solely to FCUs and therefore would not have a substantial direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA welcomes comments on ways to eliminate, or at least minimize, any potential impact in this area.

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[6] NCUA, *Letter to Credit Unions 22–CU–05, CAMELS Rating System* (March 2022), *https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/camels-rating-system.*

[7] 58 FR 51735 (Oct. 4, 1993).

[8] 76 FR 3821 (Jan. 21, 2011).

[9] 90 FR 9065 (Feb. 6, 2025).

[10] 5 U.S.C. 601 *et seq.*

[11] 5 U.S.C. 605(b).

[12] 80 FR 57512 (Sept. 24, 2015).

[13] 64 FR 43255 (Aug. 10, 1999).

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.[14] The regulatory requirements that are the subject of this proposed rule are exclusively concerned with the education of FCU directors. The potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the Board proposes to amend 12 CFR part 701, as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.4 [Amended]

■ 2. Amend § 701.4 by:
■ a. Removing paragraph (b)(3); and
■ b. Redesignating paragraph (b)(4) as paragraph (b)(3).

[FR Doc. 2026–03753 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF99

Refund of Interest

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is issuing for public comment a proposal to rescind its regulation that addresses the refund of interest to members. This regulation is redundant, as it restates the authority already granted to a federal credit union's (FCU's) board of directors by the Federal Credit Union Act (FCU Act) section 113(9).

DATES: Comments must be received by April 27, 2026

ADDRESSES: Comments may be submitted in one of the following ways. (*Please send comments by one method only*):

- *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–0433. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov*, you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ian Marenna, Associate General Counsel Office of General Counsel, at (703) 518–6540, or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

Section 113(9) of the FCU Act authorizes an FCU's board of directors to issue interest refunds to members of record at the close of business on the last day of any dividend period from income earned and received in proportion to the interest paid by them during that dividend period.[1] Section 701.24 codifies section 113(9) of the FCU Act in the NCUA's regulations and permits an FCU's board of directors to authorize an interest refund to members from income earned during a dividend period.[2] The regulation allows the refund percentage to vary by the type of extension of credit and interest rate charged [3] and permits an FCU board to exclude certain categories of loans, such as delinquent loans, from the refund.[4] Section 701.24 only permits a refund of interest to be made for a dividend period if dividends on share accounts have been declared and paid for that period.[5] Section 701.24 was last amended in 1988.[6]

II. Proposed Rule

The Board is proposing to eliminate § 701.24 because it is redundant: it restates the authority already granted directly to an FCU's board of directors by section 113(9) of the FCU Act. Section 113(9) is a clear and self-executing grant of power that authorizes a board to provide for interest refunds from income earned. The Board believes that the removal of § 701.24 simplifies the regulatory code by eliminating unnecessary text and reduces regulatory burden by limiting the number of sources that FCUs must check to ensure compliance with laws and regulations. The Board interprets section 113(9) of the FCU Act to allow an FCU's board of directors to vary the interest refund according to the type of extension of credit and the interest rate charged, and to make certain exclusions from a loan interest refund. Therefore, § 701.24 is unnecessary.

The Board solicits comments on all aspects of this proposal. The Board is especially interested in comments addressing whether the removal of § 701.24 would provide regulatory relief and whether any of the current regulation should be preserved.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice

[14] Public Law 105–277, 112 Stat. 2681 (1998).

[1] 12 U.S.C. 1761b(9).
[2] 12 CFR 701.24.
[3] *Id.* (b).
[4] *Id.* (c).
[5] *Id.* (a).
[6] 53 FR 19747 (May 31, 1988).

of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the proposal would eliminate § 701.24 of the NCUA's regulations, which governs the refund of interest to members. This regulation is redundant, as it restates the authority already granted directly to an FCU's board of directors by section 113(9) of the FCU Act.

The proposal and the required summary can be found at *https://www.regulations.gov.*

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.[7] Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[8] This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866. Further, this proposed rule to remove an unnecessary provision is consistent with Executive Order 13563.

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[9] This proposed rule is expected to be a deregulatory action under Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act[10] generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.[11] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[12] The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions. The proposed rule would eliminate § 701.24 because it restates the authority already granted to an FCU's board of directors by section 113(9) of the FCU Act. Its removal simplifies the regulatory code by eliminating unnecessary text. Therefore, the Board certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes described in this notice do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This proposed rule would only impact FCUs. This proposed rule would eliminate § 701.24, as it is redundant and only restates the authority already granted directly to an FCU's board of directors by section 113(9) of the FCU Act. Its removal simplifies the regulatory code by eliminating unnecessary text and thus would not have a direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.[13] The proposed rule would eliminate § 701.24 because it is redundant and only restates the authority already granted directly to an FCU's board of directors by section 113(9) of the FCU Act. Its removal simplifies the regulatory code by eliminating unnecessary text. While the proposed rescission is intended to reduce regulatory burden generally to allow FCUs to focus on their provision of financial services to members, any potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Remove and reserve § 701.24.

[7] 58 FR 51735 (Oct. 4, 1993).

[8] 76 FR 3821 (Jan.21, 2011).

[9] 90 FR 9065 (Feb. 6, 2025).

[10] 5 U.S.C. 601 *et seq.*

[11] 5 U.S.C. 605(b).

[12] 80 FR 57512 (Sept. 24, 2015).

[13] Public Law 105–277, 112 Stat. 2681 (1998).

§ 701.24 [Removed and reserved]

[FR Doc. 2026–03756 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF86

Statutory Liens

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is publishing this proposed rule to remove a provision of NCUA regulations regarding federal credit unions' (FCUs) statutory lien authority. The Board believes it is redundant to continue to include a definition of the term ''except as otherwise provided by law or except as otherwise provided by federal law'' when it is axiomatic that a law that supersedes this regulation would be controlling. The provision does not provide any assistance to FCUs in determining whether such statutory or case law exists, therefore it has no material value.

DATES: Comments must be received on or before April 27, 2026.

ADDRESSES: You may submit written comments by any of the following methods identified by RIN (Please send comments by one method only):

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for Docket Number NCUA–2026–0435.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: All public comments are available on the Federal eRulemaking Portal at *https://www.regulations.gov* as submitted, except when impossible for technical reasons. Public comments will not be edited to remove any identifying or contact information. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Gira Bose, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Section 701.39 of the NCUA's regulations implements the statutory lien authority granted to FCUs under the Federal Credit Union Act (FCU Act).[1] The regulation, which converted a prior policy statement into a regulation in 1999, states that an FCU has the power to impress and enforce a lien against a member's shares and dividends to satisfy any outstanding financial obligation owed to the credit union.[2]

This proposed rule would amend the regulation by removing the definition of the term ''[e]xcept as otherwise provided by law or except as otherwise provided by federal law.'' [3]

Section 701.39(a)(1) signals the possible existence of superseding federal and/or state law requirements and alerts credit unions of their responsibility to ''ascertain whether such statutory or case law exists and is applicable.'' [4]

The history of § 701.39 shows that, as originally proposed in 1998, the regulation contained an express provision that would have preempted state laws governing the right of a creditor to impress and enforce a lien, as well as the common law right of set-off. Commenters countered that the proposed language was overbroad, sweeping within its ambit state laws that may benefit credit unions and on which they should be free to rely.[5] Commenters suggested that the final rule specify which state laws it preempts and which ones it does not preempt. The agency did not take up that suggestion but, as a compromise and to eliminate ambiguity, the final rule deleted the blanket preemption provision. In its place, the agency adopted the qualifying language, ''*except as otherwise provided by law or except as otherwise provided by federal law.*''

B. Legal Authority

Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for federally insured credit unions. The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and federally insured credit unions. Section 120 of the FCU Act is a general grant of regulatory authority, and it authorizes the Board to prescribe rules and regulations for the administration of the FCU Act. Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure the credit union industry and the Share Insurance Fund remain safe and sound.

II. Proposed Rule

In reconsidering the regulation, the Board believes that this definition is not helpful. The fact that an FCU must determine which laws apply to its operations and must be aware that some legal requirements supersede others, is a universal consideration and not one that is specific to this regulation. Thus, the Board proposes to repeal paragraph 701.39(a)(1).

The Board invites feedback on its proposal to repeal paragraph 701.39(a)(1), including whether commenters believe that the provision is helpful and should be retained.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the Board is publishing this proposed rule to remove a paragraph from section 701.39 regarding FCUs' statutory lien authority. The Board believes it is redundant to continue to include a definition of the term ''*except as otherwise provided by law or except as otherwise provided by federal law,*'' when it is accepted that, when a law that supersedes a regulation would be controlling. The provision does not provide any assistance to FCUs in determining whether such statutory or caselaw exists, therefore it has no material value.

The proposal and the required summary can be found at *https://www.regulations.gov.*

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), as amended by Executive Order 14215, a determination must be made whether a

[1] 12 U.S.C. 1757(11).

[2] 64 FR 56956 (Oct. 22, 1999).

[3] 12 CFR 701.39(a)(1).

[4] *Id.*

[5] 64 FR 56956 (Oct. 22, 1999).

regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866. Executive Order 13563 (''Improving Regulations and Regulatory Review'') directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. The proposed rule eliminates a nonsubstantive reference in § 701.39 regarding statutory lien authority. This proposed rule is consistent with Executive Order 13563.

Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[6] If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.[7] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[8] The Board fully considered the potential economic impacts of the regulatory amendment on small credit unions.

The proposed rule eliminates a nonsubstantive reference in § 701.39 regarding statutory liens. Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the change in the proposed rule does not create a new information collection or revise an existing information collection as defined by the PRA.

E. Analysis on Executive Order 13132 on Federalism

Executive Order 13132 encourages certain regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule is intended to eliminate an unnecessary reference without making any substantive change. The regulation applies only to FCUs. Thus, it is not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999. The proposed rule amends the regulation regarding an FCU's authority to impose a statutory lien on a member but makes no substantive change; thus, this proposed rule is not expected to have any effect on family well-being.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the Board proposes to amend 12 CFR part 701, as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.39 [Amended]

■ 2. Amend § 701.39 by removing paragraph (a)(1) and redesignating paragraphs (a)(2) through (5) as paragraphs (a)(1) through (4).

[FR Doc. 2026–03758 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF98

Compensation in Connection With Loans to Members and Lines of Credit to Members

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is issuing for public comment a proposal to amend the NCUA's regulation that limits a federally insured credit union (FICU) official and employee compensation in connection with loans to members and lines of credit to members. These regulations have generated confusion and are unduly restrictive. To provide clearer and more flexible standards, the proposed rule would expressly permit incentive and bonuses to employees, including senior management, to incorporate lending metrics as part of compensation based on a credit union's overall financial performance.

DATES: Comments must be received by April 27, 2026.

[6] 5 U.S.C. 601 *et seq.*

[7] 5 U.S.C. 605(b).

[8] 80 FR 57512 (Sept. 24, 2015).

ADDRESSES: Comments may be submitted in one of the following ways. (*Please send comments by one method only*):

- *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–0431. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ian Marenna, Associate General Counsel Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Board recognizes that the NCUA's regulations in this area, which were last updated over 30 years ago, are unduly restrictive, especially as applied to senior executive compensation plans.[1] Accordingly, in April 2019,[2] the Board issued an advance notice of proposed rulemaking (ANPR) seeking comment on how to update the regulations so that FICUs can offer competitive compensation plans without encouraging inappropriate risks, incentivizing bad loans, or negatively affecting safety and soundness.

Now, as part of its deregulatory efforts under pre-existing procedures and in accordance with Executive Order 14219, the Board is proposing to update the regulation to reduce regulatory burden by providing greater clarity and flexibility as to the compensation plans FICUs can offer employees. These changes are intended to reduce compliance burdens without diminishing statutory protections or the NCUA's supervisory authority.

Currently, § 701.21(c)(8)(i) of the NCUA's regulations establishes a blanket prohibition on the direct or indirect receipt of any commission, fee, or other compensation by any FICU official or employee, or an immediate family member of either, in connection with any loan made by their FICU.[3] However, § 701.21(c)(8)(iii) carves out four exceptions to this blanket prohibition. Specifically, § 701.21(c)(8)(iii) permits:

(A) Payment, by a credit union, of salary to employees;

(B) Payment, by a credit union, of an incentive or bonus to an employee based on the credit union's overall financial performance;

(C) Payment, by a credit union, of an incentive or bonus to an employee, other than a senior management employee, in connection with a loan or loans made by the credit union, provided that the board of directors of the credit union establishes written policies and internal controls in connection with such incentive or bonus and monitors compliance with such policies and controls at least annually; and

(D) Receipt of compensation from a person outside a credit union by a volunteer official or non-senior-management employee of the credit union, or an immediate family member of a volunteer official or employee of the credit union, for a service or activity performed outside the credit union, provided that no referral has been made by the credit union or the official, employee, or family member.

Section 701.21(c)(8) applies directly to federal credit unions (FCUs) and is applied to federally insured, state-chartered credit unions (FISCUs) by § 741.203(a).[4]

FICUs have demonstrated confusion about how to interpret the term ''overall financial performance'' in § 701.21(c)(8)(iii)(B). As noted, § 701.21(c)(8) contains a general prohibition against most credit union employees and officials receiving compensation made ''in connection with any loan'' a FICU makes, but provides exceptions, including one that permits incentive compensation to employees based on the FICU's overall financial performance. FICUs have expressed uncertainly about whether the NCUA permits loan metrics such as aggregate loan growth to be a factor in assessing overall financial performance. They also have asserted that the regulation is subject to varying interpretations and levels of enforcement across the NCUA's regions.

The NCUA received 27 comments on the ANPR, representing a variety of perspectives on how the NCUA should improve the current regulations. Generally, commenters overwhelmingly supported changes, additional clarity, or both in this area, describing the current regulation as outdated and unclear. The commenters differed in their preferred approaches, with some favoring changes to the current regulation and others advocating flexible guidance. Under either approach, commenters generally favored a principles-based approach. Several commenters were concerned about the NCUA defining ''overall financial performance'' prescriptively and preferred guidance or commentary to clarify that credit unions may consider lending as part of a broad and balanced set of organizational goals and performance measures. Only one commenter opposed modernizing the regulation, citing safety and soundness and consumer protection concerns. This commenter stated that loan-related incentives are risky and opined that loan incentives can easily overrun any established guardrails.

Based on a review of the regulation and the comments and the NCUA's own experience in implementing the regulation, the NCUA determined limitations on compensation tied to lending are still necessary. Thus, § 701.21(c)(8) remains a general prohibition with defined exceptions. However, to provide FICUs with further clarity and increased flexibility to provide compensation plans in alignment with modern practices, the proposed rule would clarify employees,

[1] 60 FR 51886 (Oct. 4, 1995).

[2] 84 FR 16796 (Apr. 23, 2019).

[3] 12 CFR 701.21(c)(8)(i).

[4] 12 CFR 741.203(a) (''Any credit union which is insured pursuant to title II of the Act must: (a) Adhere to the requirements stated in . . . § 701.21(c)(8) of this chapter concerning prohibited fees. . . . Federally insured state chartered credit unions in a given state are exempt from these requirements if the state supervisory authority for that state adopts substantially equivalent regulations as determined by the NCUA Board or. . . . In nonexempt states, all required NCUA reviews and approvals will be handled in coordination with the state credit union supervisory authority[.]'').

including senior management, can receive incentives or bonuses related to lending metrics as part of compensation, provided they are based on a FICU's overall financial performance. The proposal would achieve this by adopting a regulatory definition of ''overall financial performance'' that supersedes the NCUA's current understanding of the term and simultaneously provides FICUs with more flexibility and a clearer framework.

The proposed definition would provide broader standards that would allow FICUs to consider lending as part of a broad and balanced set of organizational goals and performance measures.

B. Legal Authority

The Board is issuing this proposal pursuant to its authority under the Federal Credit Union Act (FCU Act). Under the FCU Act, the NCUA is the chartering and supervisory authority for federal credit unions and the federal supervisory authority for FICUs.[5] The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and all FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.[6] Section 207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.[7] Section 209 of the FCU Act is a plenary grant of regulatory authority to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.[8] Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the National Credit Union Share Insurance Fund remain safe and sound.

II. Proposed Rule

Section 701.21(c)(8) generally prohibits most credit union employees and officials from receiving compensation made ''in connection with any loan'' a FICU makes, but provides exceptions, including one that permits incentive compensation to employees based on the FICU's overall financial performance. The Board is proposing to amend § 701.21(c)(8) by adopting a broad definition of ''overall financial performance'' that provides regulatory clarity and additional flexibility for the types of bonus or incentive payments that can be made to a FICU employee, including a senior management employee, based on the FICU's overall financial performance. Specifically, the Board proposes to adopt the following definition:

> Overall financial performance means a quantifiable metric or set of metrics, set by a credit union's board of directors, used to measure a credit union's achievement of targeted performance goals. No compensation plan may permit any unsafe or unsound practice or any unsafe or unsound reliance on individual metrics which may include, but not be limited to, lending-related goals and metrics. No compensation plan may permit compensation in conflict with other applicable laws.

In proposing this definition, the Board is aiming to clarify that FICUs have the flexibility to provide compensation plans that incorporate lending as part of a broad and balanced set of organizational goals and performance measures that reflect the FICU's overall financial performance. This could include, for example, aggregate loan growth or loan performance metrics such as loan delinquency or loss rates. The Board recognizes that FICUs need flexibility to adapt compensation to reflect their organizational goals and market demands. The proposed definition is intended to allow FICUs to offer competitive compensation plans without encouraging inappropriate risks, incentivizing bad loans, or negatively affecting safety and soundness.

The Board considered whether to include examples of metrics in the definition of overall financial performance but felt that a broad and principles-based definition would provide FICUs the most latitude to execute their business judgment as to their own financial performance goals and the appropriate compensation for meeting them. While the Board is proposing this principles-based definition, the Board does stress that FICUs are always expected to operate in a safe and sound manner and in compliance with all applicable laws. Accordingly, the proposed definition explicitly states that no compensation plan may permit any unsafe or unsound practice or any unsafe or unsound reliance on individual metrics. In reviewing compensation plans based on a FICU's overall financial performance, the NCUA would expect FICUs to demonstrate that their boards have fully considered how the compensation plans incentivize the goals of the FICU and that the metrics do not incentivize any unsafe or unsound practices, either individually or in the aggregate. The proposed definition also states that no compensation plan may permit compensation in conflict with other applicable laws.

The Board is also proposing to amend the exception provided in § 701.21(c)(8)(iii)(B) for providing an employee with compensation based on the FICU's overall financial performance to explicitly include senior management employees.

The Board solicits comments on all aspects of this proposal. The Board is particularly interested in input as to whether reference to lending-related metrics should be included in the definition of overall financial performance.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, to provide more flexible standards that are more in line with modern practices while still prioritizing safety and soundness, the proposed rule includes a definition of overall financial performance that clarifies the metrics by which all credit union employees may be compensated.

The proposal and the required summary can be found at *https://www.regulations.gov*.

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.[9] Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[10] This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is

[5] 12 U.S.C. 1752–1775.

[6] 12 U.S.C. 1766(a).

[7] 12 U.S.C. 1787.

[8] 12 U.S.C. 1789.

[9] 58 FR 51735 (Oct. 4, 1993).

[10] 76 FR 3821 (Jan. 21, 2011).

not a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866.

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[11] This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act[12] generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.[13] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[14] The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed changes would reduce regulatory burdens and confusion by providing a definition of overall financial performance that clarifies the metrics by which all credit union employees may be compensated.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes addressed in this notice do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposed clarification would provide regulatory clarity and simplify administration of the NCUA's regulations and thus would not have a direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.[15] The proposed rule would provide regulatory clarity by adding a definition of overall financial performance. While the proposed definition is intended to reduce regulatory burden by providing regulatory clarity to allow FCUs greater flexibility to compensate employees, any potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Amend § 701.21(c)(8)(ii) to add the definition of ''Overall Financial Performance'' in alphabetical order to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(8) * * *

(ii) * * *

Overall Financial Performance means a quantifiable metric or set of metrics, set by a credit union's board of directors, used to measure a credit union's achievement of targeted performance goals which may include, but not be limited to, lending-related goals and metrics. No compensation plan may permit any unsafe or unsound practice or any unsafe or unsound reliance on individual metrics. No compensation plan may permit compensation in conflict with other applicable laws.

* * * * *

■ 3. Revise § 701.21(c)(8)(iii)(B) to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(8) * * *

(iii) * * *

(B) * * *

Payment by a Federal credit union of an incentive or bonus to an employee, including a senior management employee, based on the credit union's overall financial performance.

* * * * *

[FR Doc. 2026–03754 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AF83

Credit Union Service Contracts

AGENCY: National Credit Union Administration (NCUA).

[11] 90 FR 9065 (Feb. 6, 2025).

[12] 5 U.S.C. 601 *et seq.*

[13] 5 U.S.C. 605(b).

[14] 80 FR 57512 (Sept. 24, 2015).

[15] Public Law 105–277, 112 Stat. 2681 (1998).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) is proposing to revise its regulations governing the organization and operation of federal credit unions (FCUs) by eliminating a provision related to credit union service contracts. The Board intends to reduce administrative costs and compliance complexity with this revision, enabling FCUs to serve their members more efficiently.

DATES: Comments must be received by April 27, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (*Please send comments by one method only*):

- *Federal eRulemaking Portal: https://www.regulations.gov*. The docket number for this proposed rule is NCUA–2026–0434. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Ackmann, Senior Attorney, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The NCUA originally issued rules related to FCUs entering service contracts in the 1970s.[1] In 1982, the rules governing service centers and other FCU contracting activities were combined into one section with the purpose of enhancing the scope of FCU contractual agreements.[2] Section 701.26 has remained largely unchanged since 1982 with one exception. A 1998 amendment removed a provision that treated advance payments to a vendor for more than 3 months of service as an investment in a credit union service organization, a change made to reduce regulatory burden and provide FCUs with greater flexibility in managing vendor contracts.[3] Section 701.26 has not been amended since 1998.

B. Legal Authority

Section 107(1) of the FCU Act gives an FCU the power to enter into contracts.[4] Additionally, the incidental powers provision of the Federal Credit Union Act (FCU Act) expressly grants FCUs the power ''to exercise such incidental powers as shall be necessary or requisite to enable it to carry on effectively the business for which it is incorporated.'' [5] Accordingly, FCUs have broad authority to enter into contractual agreements to perform or engage in activities that are expressly authorized by the FCU Act or are incidental to the business of credit unions.

Additionally, the FCU Act includes a general grant of regulatory authority and it authorizes the Board to prescribe regulations for the administration of the FCU Act.[6] Therefore, the Board has authority to regulate FCU contractual agreements.

Part 701 of the NCUA's regulations codifies these FCU Act authorities and governs the organization and structure of FCUs, including a wide range of operational activities. The part establishes the framework for essential functions such as lending, governance, member services, and ensuring that FCUs operate in a safe and sound manner.

Section 701.26 addresses authority for an FCU to enter contracts for assets or services that relate to its daily operations. The regulation covers contracts with third-party vendors and other organizations, including credit unions, that offer services to credit unions. The regulation also allows one FCU to represent one or more other credit unions or organizations in contractual arrangements with a third party and authorizes the sharing of fixed assets.[7] Agreements must be in writing and must advise all parties subject to the agreement that the goods and services provided are subject to examination by the NCUA to the extent permitted by law. Section 701.26 does not give FCUs the authority to provide services directly to other credit unions but reflects authority to contract for assets or services that may be offered to credit unions through shared service arrangements. That is, § 701.26 does not address FCUs directly offering services to other credit unions.

II. Proposed Rule

The Board now proposes to remove § 701.26. The authority for an FCU to enter into contracts for operational services is inherent in its charter and its general powers under the FCU Act. The regulation's principal requirement—that such agreements be in writing—is a standard business practice, which exists regardless of whether it is mentioned in the NCUA's regulations. The Board continues to expect FCUs to adhere to standard business practices and maintain safe and sound practices regarding third-party contracts, including that all contracts should be written.[8] Thus, the regulation is superfluous, and its removal will streamline the NCUA's regulations.

The Board notes that § 701.26 provides that all subject agreements must advise parties of the NCUA's examination authority. The Board believes this provision is unnecessary because the NCUA's examination authority is generally limited to the products, services, and operations of the credit union, not vendors that may supply products and services. The NCUA will examine any such products and services in relation to the credit union offering them. One exception is related to the NCUA's access to credit union service organization books and records that is included in part 712, but the Board does not otherwise require credit union vendors to provide the NCUA access to their books and

[1] 39 FR 44422 (Dec. 24, 1974).
[2] 47 FR 30460 (July 14, 1982).
[3] 63 FR 10756 (Mar. 5, 1998).
[4] 12 U.S.C. 1757(1).
[5] 12 U.S.C. 1757(17).
[6] 12 U.S.C. 1766(a).
[7] Examples of where an FCU may represent another credit union or organization include sharing of management services, loan operations, and negotiations with vendors for shared services or products. 47 FR 30460 (July 14, 1982).
[8] SL No. 07–01 (2007), available at *https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/evaluating-third-party-relationships-0.*

records.[9] Accordingly, the Board does not believe the removal of this requirement would result in a substantive change to current NCUA policy.

The Board solicits comments on all aspects of the proposed rule. Additionally, the Board solicits comments on the authority under § 701.26 for FCUs, in joint operations and other resource sharing situations, to act as a representative of another credit union or organization. The Board has found that such FCU representation to be authorized under the incidental powers provision of the FCU Act. The authority, however, is not reflected in part 721.[10] The Board solicits comment on whether it is necessary to amend part 721 to reflect this authority. The Board may amend part 721 in finalizing this proposed rule if it finds an amendment necessary for clarity.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as *regulations.gov*).

In summary, the Board is proposing a rule to streamline its regulations governing the organization and operation of FCUs by eliminating a provision related to credit union service contracts. The intended effect is to reduce administrative costs and compliance complexity, enabling credit unions to serve their members more efficiently.

The proposal and the required summary can be found at *https://www.regulations.gov.*

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order.[11] Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[12] This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866.

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[13] This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification. For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets. The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions. The proposed rule only removes an existing regulatory provision related to FCU contracting. The regulation's requirement—that such agreements be in writing—is a standard business practice, which exists regardless of whether it is mentioned in the NCUA's regulations. The Board considers the regulation to be superfluous, and its removal would streamline the NCUA's regulations, thereby reducing burden.

Accordingly, the NCUA certifies the proposed rule would not impose a significant economic impact on a substantial number of small credit unions.

D. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the proposed rule do not create a new information collection or revise an existing information collection as defined by the PRA.

E. Analysis on Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. The proposed changes would only apply to and affect FCUs and would not affect state-chartered credit unions. The proposed rule would have no effect on states or on the distribution of power and responsibilities among the various levels of government. Therefore, the Board affirms it will not affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999. The proposed rule relates to FCUs' contractual requirements, and any effect on family well-being is expected to be indirect.

List of Subjects in 12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital

[9] 12 CFR 712.3(d).

[10] 12 CFR pt. 721. Section 701.26 does not give FCUs the authority to provide services directly to other credit unions. 54 FR 48110 (Nov. 21, 1989). FCUs are authorized to provide their services directly to other credit unions under various express powers and the incidental powers clause of the FCU Act. For example, correspondent services are services or functions provided by an FCU to another credit union that the FCU is authorized to perform for its own members or as part of its operation. Correspondent services are expressly included in part 721. The existing provision related to correspondent services is a separate and distinct activity from the authority granted in § 701.26. 66 FR 40845 (Aug. 6, 2001).

[11] 58 FR 51735 (Oct. 4, 1993).

[12] 76 FR 3821 (Jan. 21, 2011).

[13] 90 FR 9065 (Feb. 6, 2025).

status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons set forth in the preamble, the NCUA Board proposes to amend 12 CFR part 701 to read as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.26 [Removed and reserved]

■ 2. Remove and reserve § 701.26.

[FR Doc. 2026–03757 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 746

RIN 3133–AF95

Purchase, Sale, and Pledge of Eligible Obligations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) solicits public comment on a proposal to streamline its regulations governing the purchase, sale, and pledge of eligible obligations. The Board proposes to remove the prescriptive lists of items that must be addressed in the written policies adopted by a federal credit union (FCU). Although FCUs would still be required to maintain written policies, removing the mandated items will enable a more efficient and principles-based approach. The Board also proposes to remove detailed requirements regarding conflicts of interest and compensation. These regulatory provisions are unnecessary since FCUs are already governed by broader conflict of interest provisions in their bylaws and by the fiduciary duties of their officials.

DATES: Comments must be received by April 27, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (*Please send comments by one method only*):

- *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–0432. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Mailed and hand-delivered comments must be received by the close of the comment period.

Public inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ariel Pereira and John Brolin, Senior Attorneys, Office of General Counsel, at (703) 518–6540, or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

In a final rule published on May 9, 1977, the NCUA established the regulations currently codified in 12 CFR 701.23.[1] Section 701.23 implements section 107(13) of the Federal Credit Union Act (FCU Act), which authorizes CUs to purchase, sell, and pledge eligible obligations to provide greater flexibility in meeting member demand and improving liquidity.[2] A 1981 final rule further enhanced this flexibility by excluding adjustable-rate mortgage loans from certain asset limitations and clarifying an FCU's right to enforce ''due on sale'' clauses, thereby promoting safe and sound participation in the secondary mortgage market.[3] The regulations have been periodically amended since then. Section 701.23 was most recently amended through a 2023 final rule that provided additional flexibility for federally insured credit unions (FICUs) to use advanced technologies and opportunities offered by the financial technology sector.[4]

B. Legal Authority

The Board is issuing this proposed rule pursuant to its authority under the FCU Act. Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the federal supervisory authority for FICUs. The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe regulations for the administration of the FCU Act.[5] Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA to issue regulations necessary or appropriate to carry out its role as share insurer for all FICUs.[6] The FCU Act also includes an express grant of authority for the Board to subject federally chartered central, or corporate, credit unions to such rules, regulations, and orders as the Board deems appropriate.[7]

II. Proposed Rule

Section 701.23 governs the purchase of whole or partial loans from various sources, including the eligible obligations of an FCU's own members, student loans, and real estate-secured loans. It establishes requirements for written policies, board approval, and limitations on the aggregate amount of purchased obligations. While section 107(13) of the FCU Act requires the Board to prescribe ''rules and regulations'' for the purchase, sale, and pledge of eligible obligations, the Board has determined that several provisions of § 701.23 are not statutorily required and impose an unnecessary regulatory burden. The Board is therefore

[1] 44 FR 27071 (May 9, 1979). The regulation was originally codified in § 701.21–8 but was subsequently redesignated as § 701.23 as part of the Board's comprehensive 1984 revision of its lending regulations (49 FR 30683, Aug. 1, 1984).

[2] 12 U.S.C. 1757(13).

[3] 46 FR 38678 (July 29, 1981).

[4] 88 FR 67570 (Sept. 29, 2023).

[5] 12 U.S.C. 1766(a).

[6] 12 U.S.C. 1789.

[7] 12 U.S.C. 1766(a).

proposing to amend § 701.23 by revising paragraphs (b)(6), (c), and (d), and removing paragraph (g).

Paragraph (b)(6) provides that the purchases of eligible obligations and notes of liquidating credit unions must comply with the purchasing FCU's internal written purchase policies. The paragraph goes on to mandate a detailed list of requirements for an FCU's internal written purchase policies. These requirements, which cover due diligence, risk management, underwriting, portfolio concentration limits, and legal review, create a rigid, one-size-fits-all framework that is unduly burdensome, particularly for smaller FCUs. The Board believes that an FCU's board is in the best position to develop policies that are appropriately scaled for its activities.

The Board proposes to revise § 701.23(b)(6) by removing the prescriptive list of items that must be addressed in the FCU's written policies. Although FCUs would still be required to maintain written policies, removing the mandated items would foster a more efficient, principles-based approach, allowing boards to exercise their business judgment while remaining accountable for safe and sound operations. The FCU Act requires the Board to issue rules, but does not require the Board to mandate a detailed framework for internal credit union policies.

Paragraph (c) of § 701.23 establishes similarly prescriptive elements that must be addressed in an FCU's written policies on the sale of eligible obligations. Paragraph (d) does the same for the required written policy to address the pledging of eligible obligations. The Board proposes to also amend these paragraphs for the same reasons as those discussed regarding § 701.23(b). Mandating board approval and specific written agreement terms for these transactions codifies what are already standard and prudent business practices. Removing these provisions reduces administrative burden and without lifting the requirement that FCUs manage their own operations responsibly, tailoring their processes to their specific needs and risk profiles, and subject to examiner oversight.

The Board also proposes to remove paragraph (g) of § 701.23, which establishes a detailed code of conduct regarding conflicts of interest and compensation. The regulation's broad prohibition on compensation, followed by a narrow list of exceptions, is inflexible and may hinder legitimate incentive structures. FCUs are already governed by broader conflict of interest provisions in their bylaws and by the fiduciary duties of their officials. The FCU Act does not require the Board to establish such a detailed compensation framework. Removing this paragraph allows credit union boards to establish their own reasonable policies, provided all transactions are conducted at arm's length and in the best interest of the credit union.

As a result of the removal of the existing paragraph (g), current § 701.23(h) would be redesignated as § 701.23(g). The proposed rule would make a conforming change to the appeals procedures regulation in 12 CFR part 746 to reflect this redesignation. Specifically, the current reference to ''701.23(h)'' in § 746.201(c) would be revised to read ''701.23(g).'' No substantive effect is intended by this technical conforming amendment.

The Board invites public comments on the proposed amendments. The Board specifically requests comment on whether removing these prescriptive policy requirements, procedural mandates, and the expanded authority process could create safety and soundness concerns or lead to imprudent risk-taking by FCUs.

III. Regulatory Procedures

A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [8] (Act) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 [9] (commonly known as *regulations.gov*). The Act, under its terms, applies to notices of proposed rulemaking and does not expressly include other types of documents that the Board publishes voluntarily for public comment, such as notices and interim-final rules that request comment despite invoking ''good cause'' to forgo such notice and public procedure. The Board, however, has elected to address the Act's requirement in these types of documents in the interests of administrative consistency and transparency.

The Board solicits public comments on a proposal to streamline its regulations governing the purchase, sale, and pledge of eligible obligations. The Board proposes to remove the prescriptive lists of items that must be addressed in an FCU's written policies. Although FCUs would still be required to maintain written policies, removing the mandated items will enable a more efficient and principles-based approach. The Board also proposes to remove detailed requirements regarding conflicts of interest and compensation. FCUs are already governed by broader conflict of interest provisions in their bylaws and by the fiduciary duties of their officials.

The proposal and the required summary can be found at *https://www.regulations.gov.*

B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the executive order.[10] Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[11] This proposed rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866. Further, this proposed rule will reduce the burden of prescriptive lists of items that must be addressed in FCU written policies and is consistent with Executive Order 13563.

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[12] This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

C. The Regulatory Flexibility Act

The Regulatory Flexibility Act [13] generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the agency makes such a certification, it shall publish the certification at the

[8] 5 U.S.C. 553(b)(4).

[9] 44 U.S.C. 3501 note.

[10] 58 FR 51735 (Oct. 4, 1993).

[11] 76 FR 3821 (Jan. 21, 2011).

[12] 90 FR 9065 (Feb. 6, 2025).

[13] 5 U.S.C. 601 *et seq.*

time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.[14] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[15] The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The Board proposes to remove the prescriptive lists of items that must be addressed in an FCU's written policies regarding the sale, purchase, and pledge of eligible obligations. While the current requirement to maintain written policies might impose some economic costs on FCUs, they are unlikely significant. Although FCUs would still be required to maintain these written policies, they would no longer be subject to any additional costs they may have incurred in addressing the items currently specified in the regulations. Given that the economic costs of maintaining the current written policies is insignificant, the economic impact of removing the prescribed lists is equally unlikely to have a significant economic impact.

The Board also proposes to remove detailed requirements regarding conflicts of interest and compensation. The permissibility of incentive structures currently prohibited under the current regulations may have some economic impact. However, the Board does not anticipate that such impacts would be significant because FCUs will remain governed by broader conflict of interest provisions in their bylaws and by the fiduciary duties of their officials.

Accordingly, the NCUA certifies the proposed rule would not have a significant economic impact on a substantial number of small credit unions.

D. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The information collection requirements contained in part 701.23 are approved by OMB under OMB Control Number 3133–0127 with a current expiration date of February 28, 2027.

The proposed rule would revise the following information collection requirement(s): Detailed code of conduct regarding conflicts of interest and compensation—701.23(g).

Upon the publication of the final rule in the **Federal Register**, as applicable, the NCUA will submit a request to OMB to revise OMB Control Number 3133–0127. The proposed rescission of these regulations, along with the information collection requirement(s) contained therein and the revision of OMB Control Number 3133–0127, would reduce public information collection burden by an estimated 686 annual burden hours.

If you want to comment on the proposed rescission of the information collection requirements that would result from this proposed rule, please send your comments and suggestions on this proposed action as previously described in the **DATES** and **ADDRESSES** sections.

E. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests.[16] The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This proposed rule applies solely to FCUs and therefore would not have a substantial direct effect on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[17] The regulatory requirements that are the subject of this proposed rule are exclusively concerned with FCU policies regarding the sale, purchase, and pledge of eligible obligations. The potential positive effect on family well-being, including financial well-being is, at most, indirect.

List of Subjects

12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination, Signs and symbols, Surety bonds.

12 CFR Part 746

Administrative practice and procedure, Claims, Credit unions, Investigations.

By the National Credit Union Administration Board, this 20th day of February, 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR parts 701 and 746, as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1785, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Amend § 701.23 by:
■ a. Revising paragraphs (b)(6), (c), and (d)(1);
■ b. Removing paragraph (g); and
■ c. Redesignating paragraph (h) as paragraph (g), to read as follows:

§ 701.23 Purchase, sale, and pledge of eligible obligations.

* * * * *

(b) * * *

(6) *Written purchase policies.* Purchases of eligible obligations and notes of liquidating credit unions must comply with the purchasing Federal credit union's internal written purchase policies.

(c) *Sale.* A Federal credit union may sell, in whole or in part, to any source, eligible obligations of its members, eligible obligations purchased in accordance with paragraph (b)(1)(ii) of this section, student loans purchased in accordance with paragraph (b)(1)(iii) of this section, and real estate loans purchased in accordance with paragraph (b)(1)(iv) of this section, within the limitations of the board of directors' written sale policies.

(d) *Pledge.* (1) A Federal credit union may pledge, in whole or in part, to any source, eligible obligations of its members, eligible obligations purchased in accordance with paragraph (b)(1)(ii)

[14] 5 U.S.C. 605(b).

[15] 80 FR 57512 (Sept. 24, 2015).

[16] ''Federalism,'' E.O. 13132 (Aug. 10, 1999).

[17] Public Law 105–277, 112 Stat. 2681 (1998).

of this section, student loans purchased in accordance with paragraph (b)(1)(iii) of this section, and real estate loans purchased in accordance with paragraph (b)(1)(iv) of this section, within the limitations of the board of directors' written pledge policies.

* * * * *

PART 746—APPEALS PROCEDURES

■ 3. The authority citation for part 746 continues to read as follows:

Authority: 12 U.S.C. 1766, 1787, and 1789.

§ 746.201 [Amended]

■ 4. In § 746.201, revise the reference to ''701.23(h)(3)'' to read ''701.23(g)(3).''

[FR Doc. 2026–03755 Filed 2–24–26; 8:45 am]

BILLING CODE 7535–01–P

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1002

[Docket No. CFPB–2025–0039]

RIN 3170–AB54

Equal Credit Opportunity Act (Regulation B)

Correction

In proposed rule document 2025–19864, appearing on pages 50901–50923 in the issue of Thursday, November 13, 2025, make the following correction to conform with the rule document as it was submitted by the Bureau on November 7, 2025:

The regulatory text beginning on page 50920, in the third column, in the 3rd line, should read as follows:

List of Subjects in 12 CFR Part 1002

Banks, Banking, Civil rights, Consumer protection, Credit, Credit unions, Marital status discrimination, National banks, Penalties, Religious discrimination, Reporting and recordkeeping requirements, Savings associations, Sex discrimination.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau proposes to amend Regulation B, 12 CFR part 1002, as set forth below:

PART 1002—EQUAL CREDIT OPPORTUNITY ACT (REGULATION B)

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 1691b. Subpart B is also issued under 15 U.S.C. 1691c–2.

SUBPART A—GENERAL

■ 2. Amend § 1002.4 by revising paragraph (b) to read as follows:

§ 1002.4 General rules.

* * * * *

(b) Discouragement. A creditor shall not make any oral or written statement, in advertising or otherwise, directed at applicants or prospective applicants that the creditor knows or should know would cause a reasonable person to believe that the creditor would deny, or would grant on less favorable terms, a credit application by the applicant or prospective applicant because of the applicant or prospective applicant's prohibited basis characteristic(s). For purposes of this paragraph (b), oral or written statements are spoken or written words, or visual images such as symbols, photographs, or videos.

* * * * *

■ 3. Amend § 1002.6 by revising paragraph (a) to read as follows:

§ 1002.6 Rules concerning evaluation of applications.

(a) General rule concerning use of information. Except as otherwise provided in the Act and this part, a creditor may consider any information obtained, so long as the information is not used to discriminate against an applicant on a prohibited basis. The Act does not provide that the ''effects test'' applies for determining whether there is discrimination in violation of the Act.

* * * * *

■ 4. In § 1002.8, revise paragraphs (a)(3)(i) and (ii), the heading of paragraph (b), and paragraphs (b)(2) and (c), and add paragraphs (b)(3) and (4), to read as follows:

§ 1002.8 Special purpose credit programs.

(a) * * *

(3) * * *

(i) * * *

(A) Identifies the class of persons that the program is designed to benefit;

(B) Sets forth the procedures and standards for extending credit pursuant to the program;

(C) Provides evidence of the need for the program;

(D) Explains why, under the organization's standards of creditworthiness, the class of persons would not receive such credit in the absence of the program; and

(E) When the persons in the class are required to share one or more common characteristics that would otherwise be a prohibited basis, explains why meeting the special social needs addressed by the program:

(1) Necessitates that its participants share the specific common characteristics that would otherwise be a prohibited basis; and

(2) Cannot be accomplished through a program that does not use otherwise prohibited bases as participant eligibility criteria; and

(ii) The program is established and administered to extend credit to a class of persons who, under the organization's standards of creditworthiness, would not receive such credit.

(b) Controlling provisions—

* * * * *

(2) Common characteristics. A program described in paragraphs (a)(2) or (a)(3) of this section qualifies as a special purpose credit program only if it was established and is administered so as not to discriminate against an applicant on any prohibited basis; however, except as provided in paragraphs (b)(3) and (b)(4) of this section, all program participants may be required to share one or more common characteristics that would otherwise be a prohibited basis so long as the program was not established and is not administered with the purpose of evading the requirements of the Act or this part.

(3) Prohibited common characteristics. A special purpose credit program described in paragraph (a)(3) of this section shall not use the race, color, national origin, or sex, or any combination thereof, of the applicant, as a common characteristic or factor in determining eligibility for the program.

(4) Otherwise prohibited bases in for-profit programs. Subject to paragraph (b)(3) of this section, a special purpose credit program described in paragraph (a)(3) of this section may require its participants to share one or more common characteristics that would otherwise be a prohibited basis only if the for-profit organization provides evidence for each participant who receives credit through the program that in the absence of the program the participant would not receive such credit as a result of those specific characteristics.

(c) Special rule concerning requests and use of information. If participants in a special purpose credit program described in paragraph (a) of this section are required to possess one or more common characteristics that would otherwise be a prohibited basis and if the program otherwise satisfies the requirements of paragraphs (a) and (b) of this section, a creditor may request and consider information regarding the common characteristic(s)

in determining the applicant's eligibility for the program.

* * * * *

■ 5. Amend § 1002.15 by revising paragraph (d)(1)(ii) to read as follows:

§ 1002.15 Incentives for self-testing and self-correction.

(d) * * *

(1) * * *

(ii) By a government agency or an applicant in any proceeding or civil action in which a violation of the Act or this part is alleged.

* * * * *

■ 6. In Supplement I to part 1002:

■ a. Under Section 1002.2—Definitions, revise Paragraph 2(p)(4), including the heading.

■ b. Under Section 1002.4—General Rules, revise Paragraph 4(b), including the heading.

■ c. Under Section 1002.6—Rules Concerning Evaluation of Applications, revise 6(a)—General rule concerning use of information, by revising Paragraph (6)(a)(2).

■ d. Under Section 1002.8—Special Purpose Credit Programs, revise 8(a)—Standards for programs by revising Paragraph (8)(a)(5), revise 8(b)—Rules in other sections by revising the heading and adding Paragraph (8)(b)(2), revise 8(c)—Special rule concerning requests and use of information by revising Paragraph (8)(c)(2).

The revisions and additions read as follows:

Supplement I to Part 1002—Official Interpretations

* * * * *

Section 1002.2—Definitions

* * * * *

2(p) Empirically derived and other credit scoring systems.

* * * * *

4. Disparate treatment. An empirically derived, demonstrably and statistically sound, credit scoring system may include age as a predictive factor (provided that the age of an elderly applicant is not assigned a negative factor or value). Besides age, no other prohibited basis may be used as a variable. Generally, credit scoring systems treat all applicants objectively and thus avoid problems of disparate treatment. In cases where a credit scoring system is used in conjunction with individual discretion, disparate treatment could conceivably occur in the evaluation process.

* * * * *

Section 1002.4—General Rules

* * * * *

Paragraph 4(b).

1. Discouragement. Generally, the regulation's protections apply only to persons who have requested or received an extension of credit. In keeping with the purpose of the Act—to promote the availability of credit on a nondiscriminatory basis—§ 1002.4(b) prohibits creditors from making oral or written statements directed at applicants or prospective applicants that the creditor knows or should know would cause a reasonable person to believe that the creditor would deny their credit application, or would grant it on less favorable terms, because of their prohibited basis characteristic(s). For purposes of § 1002.4(b), encouraging statements directed at one group of consumers cannot discourage other consumers who were not the intended recipients of the statements.

i. Statements prohibited by § 1002.4(b) include:

A. A statement that the applicant should not bother to apply, after the applicant states that he is retired.

B. Statements directed at the general public that express a discriminatory preference or a policy of exclusion against consumers based on one or more prohibited basis characteristics in violation of the Act.

C. The use of interview scripts that discourage applications on a prohibited basis.

ii. Statements not prohibited by § 1002.4(b) include:

A. Statements directed at one group of consumers, encouraging that group of consumers to apply for credit.

B. Statements in support of local law enforcement.

C. Statements recommending that, before buying a home in a particular neighborhood, consumers investigate, for example, the neighborhood's schools, its proximity to grocery stores, and its crime statistics.

D. Statements encouraging consumers to seek out resources to develop their financial literacy.

* * * * *

Section 1002.6—Rules Concerning Evaluation of Applications

6(a) General rule concerning use of information. 1. General. When evaluating an application for credit, a creditor generally may consider any information obtained. However, a creditor may not consider in its evaluation of creditworthiness any information that it is barred by § 1002.5 from obtaining or from using for any purpose other than to conduct a self-test under § 1002.15.

2. Disparate treatment. The Act prohibits practices that discriminate on a prohibited basis regarding any aspect of a credit transaction. The Act does not provide for the prohibition of practices that are facially neutral as to prohibited bases, except to the extent that facially neutral criteria function as proxies for protected characteristics designed or applied with the intention of advantaging or disadvantaging individuals based on protected characteristics.

* * * * *

Section 1002.8—Special Purpose Credit Programs

8(a) Standards for programs.

1. Determining qualified programs. The Bureau does not determine whether individual programs qualify for special purpose credit status, or whether a particular program benefits an ''economically disadvantaged class of persons.'' The agency or creditor administering or offering the loan program must make these decisions regarding the status of its program.

2. Compliance with a program authorized by Federal or state law. A creditor does not violate Regulation B when it complies in good faith with a regulation promulgated by a government agency implementing a special purpose credit program under § 1002.8(a)(1). It is the agency's responsibility to promulgate a regulation that is consistent with Federal and state law.

3. Expressly authorized. Credit programs authorized by Federal or state law include programs offered pursuant to Federal, state, or local statute, regulation or ordinance, or pursuant to judicial or administrative order.

4. Creditor liability. A refusal to grant credit to an applicant is not a violation of the Act or regulation if the applicant does not meet the eligibility requirements under a special purpose credit program.

5. Determining need. In designing a special purpose credit program under § 1002.8(a)(3), a for-profit organization must determine that the program will benefit a class of people who would otherwise be denied credit. This determination can be based on a broad analysis using the organization's own research or data from outside sources, including governmental reports and studies. For example, a creditor might design new products to reach consumers who would not meet its traditional standards of creditworthiness due to such factors as credit inexperience or the use of credit sources that may not report to consumer reporting agencies. Or, a bank could review Home Mortgage Disclosure Act

data along with demographic data for its assessment area.

6. Elements of the program. The written plan must contain information that supports the need for the particular program. The plan also must either state a specific period of time for which the program will last, or contain a statement regarding when the program will be reevaluated to determine if there is a continuing need for it.

8(b) Controlling provisions.

1. Applicability of rules. A creditor that rejects an application because the applicant does not meet the eligibility requirements (common characteristic or financial need, for example) must nevertheless notify the applicant of action taken as required by § 1002.9.

2. Use of common characteristics. Section 1002.8(b)(2) permits a creditor to determine eligibility for a special purpose credit program using one or more common characteristics that would otherwise be a prohibited basis only so long as that section's requirements, the requirements of § 1002.8(b)(3) and (4), and the other requirements of this part are satisfied. Under § 1002.8(b)(2), once the characteristics of the program's class of participants are established, the creditor is prohibited from discriminating among potential participants on a prohibited basis.

8(c) Special rule concerning requests and use of information.

1. Request of prohibited basis information. This section permits a creditor to request and consider certain information that would otherwise be prohibited by §§ 1002.5 and 1002.6 to determine an applicant's eligibility for a particular program.

2. Example. An example of a program under which the creditor can ask for and consider information about a prohibited basis is an energy conservation program to assist the elderly, for which the creditor must consider the applicant's age.

[FR Doc. C1–2025–19864 Filed 2–24–26; 8:45 am]

BILLING CODE 0099–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1340; Project Identifier MCAI–2024–00430–T]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 190–100 ECJ airplanes. This proposed AD was prompted by a manufacturing quality escape concerning certain overheat detection system (ODS) sensing elements. This proposed AD would require a detailed inspection of certain ODS sensing elements of the airplane bleed lines and replacement, if necessary. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 13, 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–2026–1340; 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 Agência Nacional de Aviação Civil (ANAC) material identified in this proposed AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.* It is also available at *regulations.gov* under Docket No. FAA–2026–1340.
- 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: Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3959; email: *Nicole.S.Tsang@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–2026–1340; Project Identifier MCAI–2024–00430–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important

that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3959; email: *Nicole.S.Tsang@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

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2024–07–01, effective July 31, 2024 (ANAC AD 2024–07–01) (also referred to as the MCAI), to correct an unsafe condition for certain Embraer S.A. Model ERJ 190–100 ECJ airplanes. The MCAI states that a quality escape occurred during manufacturing concerning certain ODS sensing elements produced before January 31, 2021. A defective sensing element may not be able to detect a thermal bleed leak, which is a latent failure. This condition, if not addressed, could lead to an undetected thermal bleed leak that could start an ignition source in the fuel tank, damaging some electronic boxes and exposing the wing structure to high temperature gradients and unexpected thermal loads.

The FAA has determined that this condition could result in reduced structural integrity of the airplane.

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* under Docket No. FAA–2026–1340.

Material Incorporated by Reference Under 1 CFR Part 51

ANAC AD 2024–07–01 specifies procedures for a detailed inspection of certain ODS sensing elements of the airplane bleed lines and replacement, if necessary. ANAC AD 2024–07–01 also prohibits the installation of an affected ODS sensing element unless the affected part passed an inspection, indicated by a marking on one face of the connector hex nut.

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 ANAC AD 2024–07–01 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2024–07–01 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2024–07–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by ANAC AD 2024–07–01 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–1340 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 8 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
108 work-hours × $85 per hour = $9,180	$0	$9,180	$73,440

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

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:

Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.): Docket No. FAA–2026–1340; Project Identifier MCAI–2024–00430–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. (Type Certificate previously held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.) Model ERJ 190–100 ECJ airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2024–07–01, effective July 31, 2024 (ANAC AD 2024–07–01).

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection; 36, Pneumatic.

(e) Unsafe Condition

This AD was prompted by a manufacturing quality escape concerning certain overheat detection system (ODS) sensing elements. The FAA is issuing this AD to address defective sensing elements. The unsafe condition, if not addressed, could lead to an undetected thermal bleed leak that could start an ignition source in the fuel tank, damaging some electronic boxes and exposing the wing structure to high temperature gradients and unexpected thermal loads, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2024–07–01.

(h) Exceptions to ANAC AD 2024–07–01

(1) Where ANAC AD 2024–07–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (b)(1) and (c)(1) of ANAC AD 2024–07–01 specify to inspect ODS sensing elements at various locations, this AD requires adding ''in accordance with Embraer Service Bulletin 190LIN–36–0013, Revision 03, dated April 20, 2024; or later revisions approved by ANAC''.

(3) Where paragraphs (b) and (c) of ANAC AD 2024–07–01 specify on-condition actions based on the results of the ODS sensing element inspections required by paragraphs (b)(1) and (c)(1) of ANAC AD 2024–07–01, this AD requires performing all applicable on-condition actions before further flight after each inspection.

(4) This AD does not adopt paragraph (f) of ANAC AD 2024–07–01.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains steps in the Accomplishment Instructions or figures that are labeled as RC, the instructions in RC steps, including subparagraphs under an RC step and any figures identified in an RC step, must be done to comply with this AD; any steps including substeps under those steps, that are not identified as RC are recommended. The instructions in steps, including substeps under those steps, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep.

(j) Additional Information

For more information about this AD, contact Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3959; email: *Nicole.S.Tsang@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) Agência Nacional de Aviação Civil (ANAC) AD 2024–07–01, effective July 31, 2024.

(ii) [Reserved]

(3) For ANAC material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br*. You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp*.

(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 23, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03783 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1338; Project Identifier MCAI–2025–00316–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD)

2014–16–22 and AD 2017–25–13, which apply to certain Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes and Model A340–200, A340–300, A340–500, and A340–600 series airplanes; and AD 2024–25–11, which applies to certain Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes; and Model A330–841 and A330–941 airplanes. AD 2014–16–22, AD 2017–25–13, and AD 2024–25–11 require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2014–16–22, AD 2017–25–13, and AD 2024–25–11, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain actions in AD 2024–25–11 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. 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 13, 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–2026–1338; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–1338.
- 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: 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:

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–2026–1338; Project Identifier MCAI–2025–00316–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *Frank.Carreras@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–25–11, Amendment 39–22913 (90 FR 8663, January 31, 2025) (AD 2024–25–11) for certain Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes; and Model A330–841 and A330–941 airplanes. AD 2024–25–11 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2024–0014, dated January 10, 2024 (EASA AD 2024–0014) (which corresponds to FAA AD 2024–25–11), to correct an unsafe condition.

AD 2024–25–11 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2024–25–11 to address the failure of system components. The unsafe condition, if not addressed, could reduce the controllability of the airplane. AD 2024–25–11 specifies that accomplishing certain tasks as required by AD 2024–25–11 terminates all requirements of AD 2014–16–22, Amendment 39–17946 (79 FR 49442, August 21, 2014) (AD 2014–16–22), and AD 2017–25–13, Amendment 39–19127 (82 FR 59960, December 18, 2017) (AD 2017–25–13) for Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes only.

AD 2014–16–22 and AD 2017–25–13 apply to Airbus SAS Model A340–200, A340–300, A340–500, and A340–600 series airplanes, as well as Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes. EASA issued AD 2019–0048, dated March 11, 2019 (EASA AD 2019–0048), which applies to Airbus SAS Model A340–200, A340–300, A340–500, and A340–600 series airplanes. EASA AD 2019–0048 terminates the requirements of EASA AD 2013–0201, dated September 4, 2013 (which corresponds to FAA AD 2014–16–22) and EASA AD 2017–0044, dated March 9, 2017 (which corresponds to FAA AD 2017–25–13). EASA superseded AD 2019–0048 with EASA AD 2021–0251R1, dated October 12, 2022 (EASA AD 2021–0251R1), which was later superseded by EASA AD 2024–0015, dated January 10, 2024 (EASA AD 2024–0015). The FAA has added EASA AD 2024–0015 to the required airworthiness action list (RAAL) for the Model A340 airplanes.

There currently are no Model A340 airplanes on the U.S. registry. However, if a U.S. operator imports a Model A340 airplane, they will then be required to show compliance with EASA AD 2024–0015 as specified in the RAAL.

This proposed AD would therefore supersede AD 2014–16–22 and AD 2017–25–13.

Actions Since AD 2024–25–11 Was Issued

Since the FAA issued AD 2024–25–11, EASA superseded AD 2024–0014 and issued EASA AD 2025–0057, dated March 17, 2025 (EASA AD 2025–0057) (also referred to as the MCAI), for all Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes; and Model A330–841 and A330–941 airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after October 1, 2024, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

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* under Docket No. FAA–2026–1338.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0057. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require EASA AD 2024–0014, dated January 10, 2024, which the Director of the Federal Register approved for incorporation by reference as of March 7, 2025 (90 FR 8664, January 31, 2025).

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 retain certain requirements of AD 2024–25–11. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2025–0057 already described, as proposed for incorporation by reference. Any differences with EASA AD 2025–0057 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the Incorporation by Reference (IBR) of EASA AD 2024–0014 and incorporate EASA AD 2025–0057 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0014 and EASA AD 2025–0057 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0014 or EASA AD 2025–0057 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 proposed AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0014 or EASA AD 2025–0057. Material required by EASA AD 2024–0014 and EASA AD 2025–0057 for compliance will be available at regulations.gov by searching for and locating Docket No. FAA–2026–1338 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional AD Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 145 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2024–25–11 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 proposed 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

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) 2014–16–22, Amendment 39–17946 (79 FR 49442, August 21, 2014); AD 2017–25–13, Amendment 39–19127 (82 FR 59960, December 18, 2017); and AD 2024–25–11, Amendment 39–22913 (90 FR 8663, January 31, 2025); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2026–1338; Project Identifier MCAI–2025–00316–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 13, 2026.

(b) Affected ADs

This AD replaces the ADs specified in paragraphs (b)(1) through (3) of this AD.

(1) AD 2014–16–22, Amendment 39–17946 (79 FR 49442, August 21, 2014) (AD 2014–16–22).

(2) AD 2017–25–13, Amendment 39–19127 (82 FR 59960, December 18, 2017) (AD 2017–25–13).

(3) AD 2024–25–11, Amendment 39–22913 (90 FR 8663, January 31, 2025) (AD 2024–25–11).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (5) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 1, 2024.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A330–841 airplanes.

(5) Model A330–941 airplanes.

(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 or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the failure of system components. The unsafe condition, if not addressed, could reduce the controllability of the airplane.

(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 (j) of AD 2024–25–11, 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 2024–0014, dated January 10, 2024 (EASA AD 2024–0014). 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 2024–0014, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2024–25–11, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0014.

(2) Paragraph (3) of EASA AD 2024–0014 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 March 7, 2025 (the effective date of AD 2024–25–11).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0014 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (3) of EASA AD 2024–0014, or within 90 days after March 7, 2025 (the effective date of AD 2024–25–11), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0014.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0014.

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

This paragraph restates the requirements of paragraph (l) of AD 2024–25–11, 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 2024–0014.

(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 2025–0057, dated March 17, 2025 (EASA AD 2025–0057). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2025–0057

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0057.

(2) Paragraph (3) of EASA AD 2025–0057 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 the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0057 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (3) of EASA AD 2025–0057, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2025–0057.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0057.

(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 provisions of the ''Ref. Publications'' section of EASA AD 2025–0057.

(m) 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 (n) 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.

(n) Additional Information

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

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2025–0057, dated March 17, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on March 7, 2025 (90 FR 8663, January 31, 2025).

(i) EASA AD 2024–0014, dated January 10, 2024.

(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 20, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03747 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2280; Project Identifier MCAI–2025–01562–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 airplanes. This proposed AD was prompted by a determination that double overcoating sealant was not applied during production on certain fasteners in the center wing box (CWB) and belly faring junction for both left-hand (LH) and right-hand (RH) sides, and certain fasteners are also susceptible to rotation. This proposed AD would require replacing each affected part and applying additional head nut cap protection. 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 13, 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–2026–2280; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- 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: Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone (206) 231–3553; email *Takahisa.Kobayashi@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–2026–2280; Project Identifier MCAI–2025–01562–T'' at the beginning of your comments. The most

helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: (206) 231–3553; email *takahisa.kobayashi@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0210, dated September 24, 2025 (EASA AD 2025–0210) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 airplanes The MCAI states that during production some fasteners located at the junction between the CWB lower panel and the belly fairing fittings on both LH and RH sides may have been installed without double overcoating sealant; in addition, some fasteners EN6115 code B have been installed, which are susceptible to rotation. This condition, if not corrected, could lead to loss of fastener clamping and crack of nut sealant cover, possibly resulting, in the case of a lightning strike, in a risk of a fuel tank explosion and consequent loss of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2280.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0210 specifies procedures for replacing fasteners installed at Frame (FR) 46 and FR 49 on the LH and RH sides of the CWB and for applying additional head nut cap protection (*e.g.,* applying sealant and corrosion inhibiting fastener head protection). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0210 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0210 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0210 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0210 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 2025–0210. Material required by EASA AD 2025–0210 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–2280 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 5 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
64 work-hours × $85 per hour = $5,440	$480	$5,920	$29,600

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–2280; Project Identifier MCAI–2025–01562–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0210, dated September 24, 2025 (EASA AD 2025–0210).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that double overcoating sealant was not applied during production on certain fasteners in the center wing box and belly faring junction for both left-hand and right-hand sides, and certain fasteners are susceptible to rotation. The FAA is issuing this AD to address incorrect fastener installation. This unsafe condition, if not addressed, could result in loss of fastener clamping and crack of nut sealant cover, possibly resulting, in the case of a lightning strike, in a risk of a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0210, dated September 24, 2025.

(h) Exceptions to EASA AD 2025–0210

(1) Where EASA AD 2025–0210 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the definition of ''Affected part'' in EASA AD 2025–0210 specifies ''as specified in the SB'', this AD requires replacing that text with ''as specified in Airbus Service Bulletin A350–57–P094, dated June 17, 2025''.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0210.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Additional Information

For more information about this AD, contact Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: (206) 231–3553; email *takahisa.kobayashi@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0210, dated September 24, 2025.

(ii) [Reserved]

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

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

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

Issued on February 23, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03794 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2281; Project Identifier MCAI–2025–00915–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022–02–11, which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2022–02–11 requires repetitive rototest inspections of the holes at the door stop fittings for any cracking and repair if necessary. Since the FAA issued AD 2022–02–11, it was determined that additional airplane models must be added to the applicability and the terminating action for repaired affected areas must be clarified. This proposed AD would continue to require the actions in AD 2022–02–11 and expand 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 13, 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–2026–2281; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–2281.
- 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: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *dan.rodina@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–2026–2281; Project Identifier MCAI–2025–00915–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *dan.rodina@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 2022–02–11, Amendment 39–21908 (87 FR 7033, February 8, 2022) (AD 2022–02–11), for certain Airbus SAS Model A318–111, –112, –121, and –122 airplanes; A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2022–02–11 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2018–0289R1, dated February 10, 2021 (EASA AD 2018–0289R1), to correct an unsafe condition.

AD 2022–02–11 requires repetitive rototest inspections of the holes at the door stop fittings for any cracking and repair if necessary. The FAA issued AD 2022–02–11 to address cracking of the web holes at the door stop fittings, which could affect the structural integrity of the airplane.

Actions Since AD 2022–02–11 Was Issued

Since the FAA issued AD 2022–02–11, EASA superseded EASA AD 2018–0289R1 and issued EASA AD 2025–0111, dated May 14, 2025 (EASA AD 2025–0111) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are

not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states, after issuance of EASA AD 2018–0289R1, Airbus revised the inspection and modification service bulletins. The inspection service bulletin now refers to newly developed structural repair manual tasks as corrective action for certain findings for current engine option (CEO) airplanes, with no need for specific repair instructions from Airbus. Further, it was decided, for new engine option (NEO) airplanes, the applicable airworthiness limitations item tasks should be replaced with the applicable inspection and modification service bulletins. EASA AD 2025–0111 retains the requirements of EASA AD 2018–0289R1, expands the applicability to the NEO fleet, and provides clarification on the terminating action for repaired affected areas.

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* under Docket No. FAA–2026–2281.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2022–02–11, this proposed AD would retain all of the requirements of AD 2022–02–11. Those requirements are referenced in EASA AD 2025–0111, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0111, which specifies procedures for performing repetitive rototest inspections of the door stop fitting holes at positions 1 and 7 at fuselage frame (FR) 16 and FR20 on left- and right-hand sides, respectively, for any cracking and repair if necessary.

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 retain all requirements of AD 2022–02–11. This proposed AD would require accomplishing the actions specified in EASA AD 2025–0111 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0111 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0111 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0111 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 2025–0111. Material required by EASA AD 2025–0111 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–2281 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,979 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 2022–02–11 (1,363 CEO airplanes).	Up to 33 work-hours × $85 per hour = $2,805.	$0	Up to $2,805	Up to $3,823,215.
Repetitive inspections (616 NEO airplanes).	Up to 34 work-hours × $85 per hour = $2,890.	$0	Up to $2,890	Up to $1,780,240.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
51 work-hours × $85 per hour = $4,335	$350	$4,685

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–02–11, Amendment 39–21908 (87 FR 7033, February 8, 2022); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2026–2281; Project Identifier MCAI–2025–00915–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 13, 2026.

(b) Affected ADs

This AD replaces AD 2022–02–11, Amendment 39–21908 (87 FR 7033, February 8, 2022) (AD 2022–02–11).

(c) Applicability

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0111, dated May 14, 2025 (EASA AD 2025–0111).

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report that cracks were detected on frame (FR) 16 and FR20 web holes and passenger door intercostal fitting holes at the door stop fitting locations, and a determination that a certain compliance time must be clarified. This AD was also prompted by a determination that additional airplane models must be added to the applicability and the terminating action for repaired affected areas must be clarified. The FAA is issuing this AD to address cracking of the web holes at the door stop fittings. The unsafe condition, if not addressed, could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0111.

(h) Exceptions to EASA AD 2025–0111

(1) Where EASA AD 2025–0111 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where table 1 of EASA AD 2025–0111 specifies a compliance time of ''Before exceeding 30[,]000 FC since aeroplane first flight,'' this AD requires, for the inspection at frame 16 only, using a compliance time of ''Before exceeding 30,000 flight cycles since airplane's first flight, or within 30 days after March 15, 2022 (the effective date of AD 2022–02–11), whichever occurs later.''

(3) Where table 1 of EASA AD 2025–0111 refers to a compliance time ''after 31 May 2017 [reference date for the compliance time included in ALS Part 2 rev. 6]'', this AD requires using a compliance time after ''May 31, 2018 (the effective date of task 531103–01–1 in ''ALS Part 2 rev. 6'').''

(4) Where paragraph (3) of EASA AD 2025–0111 specifies ''repaired in accordance with Airbus approved repair instructions, accomplish the next due inspection of each repaired affected area in accordance with, and within the compliance time as specified in, Airbus approved repair instructions, as applicable'', this AD requires replacing that text with ''repaired 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), provided the DOA approval includes the DOA-authorized signature: Accomplish the next due inspection of each repaired area in accordance with, and within the compliance time specified in, the applicable approved repair instructions''.

(5) Where paragraph (4) of EASA AD 2025–0111 specifies ''cracks are detected'', this AD requires replacing that text with ''any crack is detected''.

(6) Where the applicable inspection service bulletin referenced in EASA AD 2025–0111 specifies to report findings and completion of all inspections, as applicable, this AD requires reporting only if the cracked intercostal(s) have been replaced using repair

instruction R53113118, R53113626, or R53113627, as applicable. Report results at the applicable time specified in paragraph (6)(7)(i) or (ii) of this AD. If operators have reported findings as part of obtaining any corrective actions approved by Airbus SAS's EASA DOA, operators are not required to report those findings as specified in this paragraph.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(7) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0111.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(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 DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

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

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *dan.rodina@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0111, dated May 14, 2025.

(ii) [Reserved]

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

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

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

Issued on February 23, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03793 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1339; Project Identifier AD–2025–01162–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes. This proposed AD was prompted by reports of cracks found on the main landing gear (MLG) support beam lower stabilizer brace aft fitting lower flange attachment holes. This proposed AD would require repetitive inspections of the MLG support beam lower stabilizer brace aft fittings for any crack; repetitive inspections of the MLG support beams and lower stabilizer braces for any damage; repetitive inspections of the MLG support beams and the upper and lower flanges of the MLG support beam lower stabilizer brace aft fittings for any crack, or repetitive inspections of the upper and lower flange surfaces of the MLG support beam lower stabilizer brace aft fittings for any crack; and applicable on-condition corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 13, 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–2026–1339; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–1339.

FOR FURTHER INFORMATION CONTACT: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@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–2026–1339; Project Identifier AD–2025–01162–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the

reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports indicating that cracks were found on the MLG support beam lower stabilizer brace aft fitting lower flange attachment holes on five airplanes. Analysis has shown that the MLG support beam lower stabilizer brace aft fittings cracked due to fatigue. If a cracked MLG support beam lower stabilizer brace aft fitting was to break and sever from the lower stabilizer brace, the MLG could collapse. A collapsed MLG during takeoff, landing, or ground operations, if not addressed, could result in loss of control of the airplane or result in a possible breach of a fuel tank. A breached fuel tank could lead to a possible ignition source in the fuel tank and consequent fire or explosion.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025. This material specifies procedures for repetitive detailed inspections of the left and right MLG support beam lower stabilizer brace aft fittings for any crack, and repetitive detailed inspections of the left and right MLG support beams and lower stabilizer braces for any damage. This material also specifies procedures for doing either (1) repetitive open hole high frequency eddy current (HFEC) inspections of the upper and lower flanges of the left and right MLG support beam lower stabilizer brace aft fittings and MLG support beams for any crack; or (2) repetitive ultrasonic inspections of the upper and lower flange surfaces of the left and right MLG support beam lower stabilizer brace aft fittings for any crack. This material also specifies doing on-condition actions, which include replacing any cracked MLG support beam lower stabilizer brace aft fitting and accomplishing post-replacement repetitive inspections; and obtaining and following repair instructions for any cracked or damaged MLG support beam and any damaged lower stabilizer brace.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–1339.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 311 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections.	35 work-hours × $85 per hour = $2,975 per inspection cycle.	$0	$2,975 per inspection cycle	$925,225 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of one MLG support beam lower stabilizer brace aft fitting.	41 work-hour × $85 per hour = $3,485.	$13,580	$17,065

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–1339; Project Identifier AD–2025–01162–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by reports of cracks found on the main landing gear (MLG) support beam lower stabilizer brace aft fitting lower flange attachment holes. The FAA is issuing this AD to address a cracked MLG support beam lower stabilizer brace aft fitting, which could lead to collapse of the MLG during takeoff, landing, or ground operations. The unsafe condition, if not addressed, could result in loss of control of the airplane or result in a possible breach of a fuel tank. A breached fuel tank could lead to a possible ignition source in the fuel tank and consequent fire or explosion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–57A0128, dated June 2, 2025, which is referred to in Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Condition and Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025, refers to the original issue date of Requirements Bulletin 777–57A0128 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025, specifies contacting Boeing for repair instructions, this AD requires doing the repair and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

(1) For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 777–57A0128 RB, dated June 2, 2025.

(ii) [Reserved]

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

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

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

Issued on February 23, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–03782 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–2212; Airspace Docket No. 26–AGL–1]

RIN 2120–AA66

Amendment of Class D; Appleton, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace at Appleton, WI. The FAA is proposing this action to accommodate revised instrument procedures. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

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

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–2212 and Airspace Docket No. 26–AGL–1 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice (DOT/ALL–14FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class D airspace is published in paragraph 5000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class D airspace at Appleton, WI, to accommodate revised instrument procedures.

For the Appleton International Airport, Appleton, WI, Class D airspace, the proposal would increase the radius from 4.2 to 4.4 miles.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant

rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

5000 Class D Airspace.

* * * * *

AGL WI D Appleton, WI [Amended]

Appleton International Airport, WI
≤(Lat. 44°15′29″ N, long. 088°31′09″ W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4.4-mile radius of Appleton International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in Fort Worth, Texas, on February 23, 2026.

Jerry J. Creecy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2026–03728 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5142; Airspace Docket No. 25–ANM–133]

RIN 2120–AA66

Modification of Class E Airspace; Florence Municipal Airport, Florence, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace extending upward from 700 feet above the surface at Florence Municipal Airport, Florence, OR. These actions would support the safety and management of instrument flight rules (IFR) operations at the airport.

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

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5142 and Airspace Docket No. 25–ANM–133 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.*

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 would modify the Class E airspace area to better support IFR operations at Florence Municipal Airport, Florence, Oregon.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is

possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class E5 airspace designations 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025 and effective September 15, 2025. These amendments would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace extending upward from 700 feet above the surface at Florence Municipal Airport, Florence, OR. The northern boundary would be expanded and extended to better contain the CEVVY ONE DEPARTURE (Area Navigation [RNAV]) and WOLFY ONE DEPARTURE (RNAV) procedures until participating aircraft reach 1,200 feet above the surface and the RNAV (Global Positioning System [GPS]) 153 and Copter RNAV (GPS) 14 approach procedures when operating less than 1,500 feet above the surface.

Additionally, the southwestern boundary would be extended to 4.3 miles southwest to more appropriately contain the missed approach portions of the Copter RNAV (GPS) 14 and RNAV (GPS) 153 approach procedures while operating less than 1,500 above the surface.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM OR E5 Florence, OR [Amended]

Florence Municipal Airport, OR
(Lat. 43°58′58″ N, long. 124°06′41″ W)

That airspace extending upward from 700 feet above the surface within a 3-mile radius of the airport, within 2.1 miles east and 2.2 miles west of the airport's 343° bearing extending to 8.5 miles north, and within 1.5 miles northwest and 2.4 miles southeast of the airport's 246° bearing extending to 4.3 miles southwest.

* * * * *

Issued in Des Moines, Washington, on February 22, 2026.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2026–03726 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–1816; Airspace Docket No. 26–ASO–3]

RIN 2120–AA66

Amendment of Class E5 Airspace Over Elizabeth City, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E5 airspace over Elizabeth City, NC. This action will add Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Sentara Albemarle Medical Center Heliport. This addition of airspace is necessary because of new instrument approach procedures that have been developed for the heliport.

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

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–1816 and Airspace Docket No. 26–ASO–3 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the

online instructions for sending your comments electronically.

* *Mail:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11K Airspace Designations and Reporting Points and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E5 airspace in Elizabeth City, NC.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edits, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class E5 airspace designations 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes to amend 14 CFR part 71 by modifying Class E5 airspace over Elizabeth City, NC. Controlled airspace is necessary for the safety and management of IFR operations in the area for new and existing instrument approach procedures. This action proposes to add Class E5 airspace extending upward from 700 feet above the surface within a 6-mile radius of Sentara Albemarle Medical Center Heliport to the existing Elizabeth City, NC Class E5 airspace. The addition of this airspace is necessary because of new instrument approach procedures that have been developed for the heliport.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 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.

* * * * *

ASO NC E5 Elizabeth City, NC [Amended]

Elizabeth City CGAS/Regional Airport, NC
(Lat. 36°15′38″ N, long. 76°10′28″ W)
Elizabeth City VOR/DME
(Lat. 36°15′27″ N, long. 76°10′32″ W)
Sentara Albemarle Medical Center Heliport, NC
(Lat. 36°18′01″ N, long. 76°16′15″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Elizabeth City CGAS/Regional Airport, and within 8 miles east and 4 miles west of Elizabeth City VOR/DME 189° radial, extending from the VOR/DME to 9.5 miles south of the VOR/DME, and within a 6-mile radius of Sentara Albemarle Medical Center Heliport.

* * * * *

Issued in College Park, Georgia, on February 23, 2026.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–03796 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[REG–107111–25]

RIN 1545–BQ55

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–AC30

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 147

[CMS–9882–P]

RIN 0938–AV64

Private Health Insurance; Transparency in Coverage; Extension of Comment Period

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: This document extends the comment period for the proposed rule that appeared in the **Federal Register** on December 23, 2025, titled ''Transparency in Coverage''. The comment period for the proposed rule, which would end on February 23, 2026, is extended until March 2, 2026.

DATES: The comment period for the December 23, 2025 proposed rule (90 FR 60432) is extended to March 2, 2026.

ADDRESSES: You may submit comments as outlined in the December 23, 2025 proposed rule (90 FR 60432). Please choose only one of the methods listed.

FOR FURTHER INFORMATION CONTACT: Kendra May, Centers for Medicare and Medicaid Services, (301) 448–3996. Elizabeth Schumacher or Sharon Aguirre, Employee Benefits Security Administration, (202) 693–8335. Alexander Krupnick, Internal Revenue Service, Department of the Treasury, (202) 317–5500.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. The Departments will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. The Departments continue to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

In the December 23, 2025 **Federal Register** (90 FR 60432), we published a proposed rule titled ''Transparency in Coverage'' (hereinafter referred to as the TiC proposed rule). The rule proposed requirements that would amend the regulations under the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code regarding price transparency disclosure requirements for non-grandfathered group health plans and health insurance issuers offering non-grandfathered group and individual health insurance coverage. Specifically, the rule proposed improvements in the standardization, accuracy, and accessibility of public pricing disclosures in line with the goals of the Executive Order 14221. With respect to the in-network rate and out-of-network allowed amount machine-readable files, the rule proposed achieving these goals by adding new contextual files and additional data elements like product type, network name, and enrollment counts; changing the reporting level for aggregation of data; removing in-network rates for unlikely provider-to-service mappings; increasing the reporting period and lowering the claims threshold for out-of-network historical data; and reducing the reporting cadence. The rule also proposed improvement in the findability of all of the publicly disclosed machine-readable files required under the Transparency in Coverage rules, including the prescription drug file, by requiring a text file and footer with website URLs and contact information for the files. The rule also included proposals that would require pricing information that is made available through an online consumer tool and paper (upon request),

to also be made available by phone, and establish that the satisfaction of such requirement also satisfies the requirements of section 114 of the No Surprises Act (including for grandfathered group health plans and health insurance issuers offering grandfathered group and individual health insurance coverage that are not otherwise subject to the proposed rule).

In the TiC proposed rule, we solicited public comments on proposed changes and requested comments by February 23, 2026. Since publication of the proposed rules, the Departments have received questions related to the comment deadline and how to submit the comments to the Departments. To address the confusion from inconsistent communication about the comment deadline and to provide an opportunity for meaningful input by commenters the Departments are extending the comment period by an additional 7 days.

Kenneth J. Kies,

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Daniel Aronowitz,

Assistant Secretary, Employee Benefits Security Administration.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

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BILLING CODE 4831–GV–P; 4510–28–P; 4120–01–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Parts 2520 and 2560

RIN 1210–AC27

Requirement To Provide Paper Statements in Certain Cases—Amendments to Electronic Disclosure Safe Harbors

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor (Department) is proposing narrow amendments to two separate electronic disclosure safe harbors for purposes of implementing section 338 of the SECURE 2.0 Act of 2022 (SECURE 2.0). Taken together, the two existing safe harbors permit the broad use of electronic disclosure under prescribed conditions for the furnishing of required disclosures under Title I of the Employee Retirement Income Security Act of 1974 (ERISA). Section 338 of SECURE 2.0 amended section 105(a)(2) of ERISA to require retirement plans to provide paper benefit statements in certain cases. Section 338 also instructed the Department to update its electronic disclosure safe harbors in connection with the statutory changes. The proposed amendments would implement these Congressional mandates.

DATES: Comments on the proposal must be submitted on or before April 27, 2026.

ADDRESSES: You may submit written comments, identified by RIN 1210–AC27 to either of the following addresses:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attention: Requirement to Provide Paper Statements in Certain Cases—Amendments to Electronic Disclosure Safe Harbors, RIN 1210–AC27.

Instructions: All submissions received must include the agency name and Regulatory Identifier Number (RIN) for this rulemaking. Persons submitting comments electronically are encouraged not to submit paper copies. Comments will be available to the public, without charge, online at *https://www.regulations.gov* and *https://www.dol.gov/agencies/ebsa* and at the Public Disclosure Room, Employee Benefits Security Administration, Suite N–1513, 200 Constitution Avenue NW, Washington, DC 20210. We encourage commenters to include supporting facts, research, and evidence in their comments. When doing so, commenters are encouraged to provide citations to the published materials referenced, including active hyperlinks. Likewise, commenters who reference materials which have not been published are encouraged to upload relevant data collection instruments, data sets, and detailed findings as a part of their comment. Providing such citations and documentation will assist us in analyzing the comments.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records posted on the internet as received and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Saliha Z. Moore or Rebecca Davis, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

A. ERISA Disclosures

Title I of ERISA requires that pension and welfare plans furnish numerous written notices and disclosures to participants and beneficiaries. Plans must furnish some disclosures by operation of law, including disclosures required annually or upon a specific triggering event. Plans must furnish other disclosures upon request. ERISA's general standard for delivery is that plan administrators must use ''measures reasonably calculated to ensure actual receipt of the material by plan participants [and] beneficiaries.'' [1] Historically, delivery of disclosures was in person or in paper through the mail to the person's home address.

B. Periodic Pension Benefits Statements

One of ERISA's disclosures required by the operation of law is the periodic pension benefit statement. Section 105(a)(1) of ERISA requires administrators of pension benefit plans that are not one-participant retirement plans to provide periodic ''pension benefit statements'' (as described in section 105(a)(2) of ERISA) to participants and certain beneficiaries. Defined contribution plans that permit participants and beneficiaries to direct their own investments (participant-directed) must furnish pension benefit statements at least once each quarter. Defined contribution plans that do not permit participants and beneficiaries to direct their own investments (non-participant directed) must furnish pension benefit statements at least once each year. In the case of defined benefit plans, pension benefit statements generally must be provided to participants who have a nonforfeitable accrued benefit and who are employed by the plan sponsor at least once every three years. Section 105(a)(2) of ERISA requires a pension benefit statement to indicate the participant's or beneficiary's total benefits accrued, among other information.

C. The 2002 Electronic Disclosure Safe Harbor Regulation

The Department has codified two safe harbor regulations that permit plan administrators to furnish required documents through electronic media.[2]

[1] 29 CFR 2520.104b–1(b)(1).

[2] The Department of the Treasury and the Internal Revenue Service have also issued rules permitting

Continued

Together, these safe harbors allow a wide range of disclosures to be furnished electronically to participants and beneficiaries; the Department currently assumes 96.1% of participants and beneficiaries receive some of their required ERISA disclosures electronically.[3] The first electronic safe harbor was published in 2002 (the 2002 safe harbor).[4] The 2002 safe harbor establishes tailored safeguards for electronic disclosure for two categories of participants and beneficiaries. The first category is for participants whose employment duties enable them to effectively access electronically furnished disclosures as an integral part of their jobs—so called ''wired-at-work'' individuals. The other category established by the 2002 safe harbor consists of individuals who give (and do not withdraw) affirmative consent to the receipt of electronically furnished disclosures. The latter category of individuals has a right under the 2002 safe harbor to fully opt out of electronic delivery by withdrawing their consent. Although wired-at-work individuals have the right to receive a paper version of a disclosure on request, they do not have the right to opt out of electronic delivery altogether under the 2002 safe harbor.

D. The 2020 Electronic Disclosure Safe Harbor Regulation Alternative

The Department established a second regulatory safe harbor as an alternative to the 2002 safe harbor in 2020 (the 2020 safe harbor).[5] The 2020 safe harbor allows plans to adopt default electronic disclosure of covered documents for individuals who have provided a valid electronic address (*e.g.,* an email address or a smartphone number) to the plan sponsor, including individuals who are employed by the plan sponsor and have been given an employer-assigned electronic address. This safe harbor depends on the existence of a valid electronic address and does not operate based on whether individuals are wired-at-work or have given their affirmative consent. This safe harbor is designed to facilitate two specific methods of modern electronic disclosure. The first method is the ''notice-and-access'' model, an example of which is an email that notifies the recipient that information is available on continuous access website, with a hyperlink to the site. The second method is a simple email that contains the required disclosure content in the body of the email itself or as an attachment. Prior to using either method under this safe harbor, plans must send an initial paper notice to individuals informing them that they will begin to receive electronic disclosures in the future and of their right to opt out without cost. This safe harbor was developed, in part, in response to criticism that certain aspects of the 2002 safe harbor are ambiguous, cumbersome, and outdated. Unlike the 2002 safe harbor, the 2020 safe harbor is expressly limited to pension benefit plans.

E. Section 338 of SECURE 2.0

Section 338(a) of SECURE 2.0 amended section 105(a)(2) of ERISA by adding subparagraph (E), which requires, subject to two exceptions discussed below, disclosure of certain pension benefit statements on paper. Under new subparagraph (E) of section 105(a)(2) of ERISA, defined contribution plans must furnish at least one pension benefit statement on paper in any calendar year, and defined benefit plans generally must furnish at least one paper pension benefit statement every three calendar years.[6] The terms ''defined contribution plans'' and ''defined benefit plans'' refer to plans that are not one-participant retirement plans. Accordingly, participant-directed defined contribution plans that satisfy one of the Department's two safe harbors may provide three (of the required four) pension benefit statements electronically during the year. Additionally, the first exception in new subparagraph (E) of section 105(a)(2) of ERISA exempts plans from the paper requirement if the plan uses the 2002 safe harbor. The second exception exempts plans from the paper requirement if individuals request electronic delivery and statements are so delivered. The paper benefit statement requirement added by SECURE 2.0 is effective for plan years beginning after December 31, 2025.

In conjunction with this amendment of section 105(a)(2) of ERISA, an uncodified portion of section 338 of SECURE 2.0 directed the Department to make certain changes to both the 2002 and 2020 electronic disclosure safe harbor regulations. The statutory directive leaves much of the Department's safe harbor framework in place, and the changes that are being proposed are discussed below in detail.

F. 2023 Request for Information—SECURE 2.0 Reporting and Disclosure

On August 11, 2023, the Department published a Request for Information (RFI) to begin developing a public record for several provisions of SECURE 2.0, including section 338.[7] The RFI asked three questions (19–21) to gather input on options for implementing section 338 of SECURE 2.0. Several ideas and suggestions submitted were well beyond the scope of the directive in section 338. Other ideas and suggestions, however, are addressed by the framework set forth in this notice of proposed rulemaking. The responses to the RFI are available on the Department's website.[8]

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the use of electronic media to provide applicable notices and make participant elections required under the Internal Revenue Code. See generally Treas. Reg. § 1.401(a)–21.

[3] The Department estimates approximately 96.1% of participants receive disclosures electronically under the combined effects of the 2002 electronic disclosures safe harbor and the 2020 electronic safe harbor. The Department estimates that 58.3% of participants will receive electronic disclosures under the 2002 safe harbor. According to the National Telecommunications and Information Agency (NTIA), 37.4% of individuals age 25 and over have access to the internet at work. According to a Greenwald & Associates survey, 84.0% of plan participants find it acceptable to make electronic delivery the default option, which is used as the proxy for the number of participants who will not opt-out of electronic disclosure that are automatically enrolled (for a total of 31.4% receiving electronic disclosure at work). Additionally, the NTIA reports that 44.1% of individuals age 25 and over have access to the internet outside of work. According to a Pew Research Center survey, 61.0% of internet users use online banking, which is used as the proxy for the number of internet users who will affirmatively consent to receiving electronic disclosures (for a total of 26.9% receiving electronic disclosure outside of work). Combining the 31.4% who receive electronic disclosure at work with the 26.9% who receive electronic disclosure outside of work produces a total of 58.3%. The remaining 41.7% of participants are subject to the 2020 safe harbor. According to the 2022 American Community Survey, 91.2% of the population has an internet subscription. The Department estimates that 0.5% of electronic disclosures will bounce back and will need to be sent as a paper disclosure. Accordingly, for the 41.7% of participants not affected by the 2002 safe harbor, 90.7%, or an additional 37.8% (41.7% × 90.7%), are estimated to receive electronic disclosures under the 2020 safe harbor. In total, the Department estimates that 96.1% (58.3% + 37.8%) would receive electronic disclosures.

[4] 29 CFR 2520.104b–1(c).

[5] 29 CFR 2520.104b–31.

[6] Subparagraph (E) of section 105(a)(2) of ERISA as amended by SECURE 2.0 Act of 2022, § 338(a), Public Law 117–328, 136 Stat. 5373 (Dec. 29, 2022), provides in the relevant part: ''With respect to at least 1 pension benefit statement furnished for a calendar year with respect to an individual account plan under paragraph (1)(A), and with respect to at least 1 pension benefit statement furnished every 3 calendar years with respect to a defined benefit plan under paragraph (1)(B), such statement shall be furnished on paper in written form[.]'' ERISA § 105(a)(2)(E) will be applicable with respect to plan years beginning after December 31, 2025.

[7] 88 FR 54511 (Aug. 11, 2023).

[8] *https://www.dol.gov/agencies/ebsa/laws-and-regulations/rules-and-regulations/public-comments/1210-AC23.*

II. Explanation of Proposed Amendments to 2002 Electronic Disclosure Safe Harbor Regulation—29 CFR 2520.104b–1(c)

A. Section 338(b)(1) of SECURE 2.0

Section 338(b)(1) of SECURE 2.0 directs the Department to update the 2002 safe harbor with respect to plans that will use the 2002 safe harbor to furnish a pension benefit statement electronically that is otherwise required by new subparagraph (E) of section 105(a)(2) of ERISA to be furnished on paper. Specifically, the safe harbor must be updated to require that, with respect to participants who first become eligible to participate and beneficiaries who first become eligible for benefits after December 31, 2025, plans must send, prior to the electronic delivery of any pension benefit statement, a one-time initial notice on paper informing recipients ''of their right to request that all documents required to be disclosed under title I of [ERISA] be furnished on paper in written form.''

B. Initial Paper Notice Explaining Global Opt-Out Right

The proposal would implement the statutory directive in section 338(b)(1) of SECURE 2.0 by modifying paragraph (c)(1)(iv) of the 2002 safe harbor to provide that, for pension benefit plans that elect to furnish the pension benefit statement described in subparagraph (E) of section 105(a)(2) of ERISA by electronic delivery rather than on paper, the administrators of such plans must furnish to participants who first become eligible to participate, and beneficiaries who first become eligible for benefits, after December 31, 2025, a one-time initial notice on paper in written form, prior to the electronic delivery of any pension benefit statement. This one-time notice must notify applicable participants and beneficiaries of their right to request that all documents required to be disclosed by the plan under Title I of ERISA be furnished on paper in written form. This one-time notice may help emphasize to new participants and beneficiaries that the plan (subject to the conditions in the safe harbors) will furnish many disclosures electronically.

Paragraph (c)(1)(iv) of the proposal narrowly implements the directive contained in section 338(b)(1) of SECURE 2.0. For instance, the initial notice requirement and related global opt-out right in paragraph (c)(1)(iv) of the proposal covers only those individuals who first become eligible to participate and beneficiaries who first become eligible for benefits after December 31, 2025, and not those with such eligibility status before that date. In addition, the initial notice requirement is required only if a retirement plan administrator furnishes the pension benefit statement required under subparagraph (E) of section 105(a)(2) of ERISA by electronic delivery, rather than on paper, using the 2002 safe harbor as permitted by subparagraph (E)(i) of section 105(a)(2) of ERISA. Thus, if a retirement plan furnishes, on paper, the pension benefit statement described in subparagraph (E) of section 105(a)(2), the administrator of that plan would not be subject to the initial notice requirement in paragraph (c)(1)(iv) of the proposal, even if all other documents required to be disclosed under Title I of ERISA are furnished electronically using the 2002 safe harbor. The Department requests comments on the scope of paragraph (c)(1)(iv) of the proposal.

Paragraph (c)(3)(ii) of the proposal contains a modification to coordinate the safe harbor's existing advance statement requirement, which is applicable only with respect to those individuals covered under the safe harbor based on their affirmative consent to receive disclosures electronically, with the new initial notice requirement in paragraph (c)(1)(iv) of the proposal. Coordination is needed because the content of the former overlaps with the latter and absent coordination between the two provisions, the safe harbor would require two advance disclosures with duplicative information. Specifically, the new initial notice must inform individuals of their right to request that all documents required to be disclosed under Title I be furnished on paper. Similarly, the existing advance statement must include a statement that the individual can withdraw their consent to receive electronic disclosures at any time, as well as the procedures for doing so. For these individuals, withdrawing their consent to receive electronic disclosures would mean that all documents required to be disclosed under Title I would be furnished on paper, and is thus effectively the same as a request for paper disclosures. Because of this overlap, the proposal adds new paragraph (c)(3) that would permit the existing advance statement to satisfy the initial notice requirement (but only if the advance statement is furnished on paper). The Department believes that, in effect, the new initial notice will thus almost exclusively be provided to wired-at-work participants, as participants and beneficiaries who have given their affirmative consent will likely receive the advance statement on paper instead. The Department requests comments on the coordination of the new initial notice and existing advance statement in proposed paragraph (c)(3).

The proposal would make a minor conforming adjustment to the 2002 safe harbor to accommodate the addition of the new initial notice requirement in paragraph (c)(1)(iv) of the proposal. Specifically, the proposal would move the requirement currently in paragraph (c)(1)(iv) of the safe harbor into the end of paragraph (c)(1)(iii) of the proposal. The Department does not intend to effect any substantive change with this conforming adjustment.

III. Explanation of Proposed Amendments to 2020 Electronic Disclosure Safe Harbor Regulation—29 CFR 2520.104b–31

A. Section 338(b)(2)(A)–(E) of SECURE 2.0

Section 338(b)(2) of SECURE 2.0 contains several directives with respect to the Department's ''applicable guidance governing electronic disclosure'' other than the 2002 electronic disclosure safe harbor. For purposes of implementing these directives in this proposed rulemaking, the Department considers ''applicable guidance governing electronic disclosure'' as referring to the electronic disclosure safe harbor codified at 29 CFR 2520.104b–31, entitled ''Alternative method for disclosure through electronic media—Notice-and-access,'' published in May 2020.[9] Each of the directives are discussed below, and the Department's proposed implementation of each directives are laid out in the five sections below.

Section 338(b)(2)(A) of SECURE 2.0 contains the first of the directives. The provision, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that retirement plans using the safe harbor permit a participant or beneficiary ''the opportunity to request that any disclosure required to be delivered on paper under applicable guidance by the Department of Labor shall be furnished by electronic delivery.''

Section 338(b)(2)(B) of SECURE 2.0 contains the second of the directives. The provision, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that each paper statement furnished by the plan pursuant to subparagraph (E) of section 105(a)(2) of ERISA ''include an explanation of how to request that all such statements, and any other

[9] 85 FR 31884 (May 27, 2020).

document required to be disclosed under title I of the Employee Retirement Income Security Act of 1974, be furnished by electronic delivery.'' The directive also provides that each paper statement shall include contact information for the plan sponsor, including a telephone number.

Section 338(b)(2)(C) of SECURE 2.0 contains the third of the directives. The provision, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that a plan using the 2020 safe harbor ''may not charge any fee to a participant or beneficiary for the delivery of any paper statements.''

Section 338(b)(2)(D) of SECURE 2.0 contains the fourth of the directives. The provision, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that ''each document required to be disclosed that is furnished by electronic delivery under such a plan shall include an explanation of how to request that all such documents be furnished on paper in written form.''

Section 338(b)(2)(E) of SECURE 2.0 contains the fifth of the directives. The provision, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that ''a plan is permitted to furnish a duplicate electronic statement in any case in which the plan furnishes a paper pension benefit statement.''

B. Exclusion of Paper Benefit Statements From Scope of Safe Harbor

Paragraph (c) of the current 2020 safe harbor defines the full list of documents covered by that safe harbor. All these documents may be furnished by the electronic methods described in the safe harbor if all other conditions of the safe harbor are satisfied. Coverage under paragraph (c) of the current safe harbor includes all pension benefit statements required under section 105 of ERISA that must be furnished automatically by operation of law.

The proposal would amend paragraph (c)(1) of the current 2020 safe harbor to exclude, from the list of documents that may be furnished electronically, the mandatory paper pension benefit statements described in subparagraph (E) of section 105(a)(2) of ERISA. As a general rule, these statements always must be furnished on paper. But the proposal would continue to cover pension benefit statements not required to be furnished on paper under the new mandate, *i.e.,* benefits statements other than those described in subparagraph (E) of section 105(a)(2) of ERISA. For example, the safe harbor would continue to cover the other three benefit statements per year that must be furnished by a participant-directed individual account plan. In addition, retirement plans would also be able to use the notice-and-access model or email delivery method described in the 2020 safe harbor to furnish electronically the benefit statements described in subparagraph (E) of section 105(a)(2) of ERISA that would have otherwise been required on paper except that participants and beneficiaries elected to exercise the option described in subparagraph (E)(ii) of section 105(a)(2) of ERISA to request electronic delivery instead of paper.

C. Opportunity To Request Electronic Delivery of Benefit Statement in Lieu of Paper Benefit Statement

The proposed rulemaking would relocate the existing provisions of paragraph (*l*) of the current 2020 safe harbor to paragraph (m) and replace such provisions with a new paragraph (*l*), implementing section 338(b)(2) of SECURE 2.0. Specifically, paragraph (*l*)(1) of the proposal implements paragraph 338(b)(2)(A) by providing that, with respect to a plan that discloses covered documents electronically under the 2020 safe harbor, covered individuals are permitted the opportunity to request that pension benefit statements required to be furnished on paper under subparagraph (E) of section 105(a)(2) of ERISA instead be furnished by electronic delivery.

Paragraph (*l*)(1) of the proposal is limited to pension benefit statements required under subparagraph (E) of section 105(a)(2) of ERISA despite section 338(b)(2)(A)'s broader reference to ''any disclosure required to be delivered on paper under applicable guidance by the Department of Labor.'' The Department considers this limitation to be reasonable and appropriate because, other than the initial notification described in paragraph (g) of the 2020 safe harbor, the benefit statement required by subparagraph (E) of section 105(a)(2) of ERISA is the only other retirement plan document under Title I of ERISA that is required to be delivered on paper under applicable guidance governing electronic disclosure by the Department. The Department requests comments on the scope of paragraph (*l*)(1) of the proposal.

D. Paper Pension Benefit Statement Must Explain Opportunity To Request Electronic Delivery in Lieu of Paper Benefit Statement

Paragraph (*l*)(2) of the proposal implements section 338(b)(2)(B) of SECURE 2.0 by adding to the 2020 safe harbor a special rule that conditions the use of the 2020 safe harbor on specific content being added to the paper pension benefit statement described in subparagraph (E) of section 105(a)(2) of ERISA. Specifically, paragraph (*l*)(2)(i) provides that, with respect to a plan that discloses covered documents electronically under the safe harbor, each pension benefit statement furnished on paper as required under subparagraph (E) of section 105(a)(2) of ERISA shall include an explanation of how to request that all such statements be furnished by electronic delivery.

Paragraph (*l*)(2)(i) of the proposal generally carries forward the language directly from section 338(b)(2)(B) of SECURE 2.0 without modification. The proposal limits the scope of paragraph (*l*)(2)(i) to pension benefit statements. The Department believes this scope is appropriate because this paragraph only applies to plans already furnishing nearly all disclosures electronically using the 2020 safe harbor. Thus, the only disclosures these plans are likely providing on paper to individuals who have not opted out of electronic disclosure, outside of the initial notification described in paragraph (g) of the 2020 safe harbor, are the benefit statements described in subparagraph (E) of section 105(a)(2) of ERISA. Therefore, to receive all disclosures electronically, an individual only needs to request that these benefit statements be furnished electronically rather than on paper. Additionally, this limitation thus would align the scope of paragraph (*l*)(2) with the scope of paragraph (*l*)(1) of the proposed regulation which is also limited to the benefit statements described in subparagraph (E) of section 105(a)(2) of ERISA. The Department believes alignment of the two interrelated provisions, in terms of scope, would avoid confusion and is beneficial for administration and ease of compliance. As with paragraph (*l*)(1) of the proposal, the Department requests comments on the scope of proposed paragraph (*l*)(2) and the interrelationship between the two provisions.

Paragraph (*l*)(2)(ii) of the proposal implements the requirement in section 338(b)(2)(B)(ii) of SECURE 2.0 that the paper pension benefit statement described in subparagraph (E) of section 105(a)(2) of ERISA contain contact information for the plan sponsor. Specifically, paragraph (*l*)(2)(ii) provides that, with respect to a plan that discloses covered documents electronically under the safe harbor, each pension benefit statement furnished on paper as required under

subparagraph (E) of section 105(a)(2) of ERISA shall include, in addition to the explanation of how to request that all such statements be furnished by electronic delivery, contact information for the plan sponsor, plan administrator, or other designated representative of the plan, including a telephone number.

Paragraph (*l*)(2)(ii) of the proposal provides flexibility by permitting the inclusion of contact information for the plan sponsor, plan administrator, or other designated representative of the plan. While section 338(b)(2)(B)(ii) of SECURE 2.0 refers to only the plan sponsor, the Department considers this flexibility to be in line with ordinary administrative practices of retirement plans and thus within the intent of the statute. Plan administrators and designated representative of plans, such as third-party administrators and recordkeepers, often play a more direct and central role in the administrative process of furnishing disclosures to participants and beneficiaries than the plan sponsor. The Department understands that it may make more sense to include the contact information of the entity that has a more hands-on role in furnishing disclosures than the plan sponsor who may be the employer but who has no direct or indirect role in the day-to-day administration of the plan. The Department requests comments on the scope of paragraph (*l*)(2)(ii) of the proposal.

E. Prohibition on Fees

The proposed rulemaking makes two changes to implement section 338(b)(2)(C) of SECURE 2.0, which in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that a plan using the 2020 safe harbor may not charge any fee to a participant or beneficiary for the delivery of any paper statements.

Paragraph (f)(1) of the 2020 safe harbor grants covered individuals the right, free of charge, to paper copies on request of pension benefit statements previously furnished electronically under the safe harbor. However, only one paper copy of the same statement must be provided free of charge on request under that paragraph. Additional paper copies of the same benefit statement (*e.g.,* a second, third, and so on), if requested by covered individuals, may be subject to fees under the 2020 safe harbor. The Department understands section 338(b)(2)(C) of SECURE 2.0 prohibits such fees.

Accordingly, the proposal would add a new paragraph (*l*)(3) clarifying that plans that use the 2020 safe harbor to furnish covered documents to covered individuals may not charge any fees to such individuals for the delivery of any paper pension benefit statements made on their requests pursuant to paragraph (f)(1) of the proposal. The proposed rulemaking would also make an amendment to paragraph (f)(1) of the 2020 safe harbor to conform to the new prohibition on fees in paragraph (*l*)(3) of the proposal. Specifically, the second sentence in paragraph (f)(1) of the proposal contains a new clause ''except for pension benefit statements as provided in paragraph (*l*)(3) of this section.''

F. Explanation of How To Request Paper Documents

Section 338(b)(2)(D) of SECURE 2.0, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that ''each document required to be disclosed that is furnished by electronic delivery under such a plan shall include an explanation of how to request that all such documents be furnished on paper in written form.'' However, the proposal does not suggest amendments to the safe harbor in response to this directive because the 2020 safe harbor already satisfies this directive. Specifically, paragraph (f)(2) of the 2020 safe harbor gives covered individuals the right to globally opt out of electronic delivery and receive all covered documents in paper form. Additionally, paragraph (g) requires plans to provide an initial notice to covered individuals of their global opt out right and an explanation of how to exercise this right, and paragraphs (d)(3)(i)(F) and (k)(2)(iii) require plans to provide a similar statement alongside each electronic disclosure. Therefore, an additional statement within each document delivered electronically would be unnecessary and duplicative.

G. Duplicate Electronic Statements

Section 338(b)(2)(E) of SECURE 2.0, in relevant part, directs the Department to update the 2020 safe harbor to the extent necessary to ensure that ''a plan is permitted to furnish a duplicate electronic statement in any case in which the plan furnishes a paper pension benefit statement.'' However, the proposal does not contain amendments to the safe harbor in response to this directive because nothing in the safe harbor regulation restricts a plan's ability to furnish a duplicate electronic statement. The preamble to the 2020 safe harbor explicitly makes this point.[10] The Department requests comments on whether, and in what circumstances, plans might deny duplicate electronic statements to individuals on account of their preference for the paper statement required under subparagraph (E) of section 105(a)(2) of ERISA.

IV. Minor Conforming Technical Change to Claims Procedure Regulation 29 CFR 2560.503–1

The claims procedure regulation requires a minor amendment to align with the proposed amendments to the 2002 safe harbor. The claims procedure regulation at 29 CFR 2560.503–1(g)(1) and (j) states that an electronic notification of an adverse benefit determination or denial of an appeal must comply with either the 2002 or 2020 safe harbors. The cross reference to the 2002 safe harbor specifically cites to paragraph 29 CFR 2520.104b–1(c)(1)(iv). As explained above, the Department is proposing to move the current content from paragraph (c)(1)(iv) into paragraph (c)(1)(iii) and insert new language specific to pension benefit statements in paragraph (c)(1)(iv). Accordingly, the Department proposes amending the claims procedure regulation by removing the cross references to paragraph (c)(1)(iv) of the 2002 safe harbor.

V. Dates, Request for Comments, and Good Faith Compliance

The Departments invites comments no later than 60 days after February 25, 2026. Commenters are encouraged to express their views on all aspects of the proposed rule.

Section 338(b) of SECURE 2.0 directed the Secretary of Labor to update its regulations by December 31, 2024. Section 338(c) of SECURE 2.0, in turn, provides that the new paper benefit statement requirement shall apply with respect to plan years beginning after December 31, 2025. For the period from publication of this proposal until after the Department issues a final regulation or other applicable administrative guidance, the Department, as an enforcement policy, will not take enforcement action against plan administrators that comply in good faith with a reasonable interpretation of the provisions set forth in the proposal.

[10] 85 FR 31884, 31899 (May 27, 2020) (''Once a plan respects the individual's election and satisfies its obligation to furnish paper documents, the plan may continue to provide online access to covered documents that are available as well. The safe harbor has no effect on optional action in this context by plan administrators.'').

VI. Regulatory Impact Analysis

Section 338 of SECURE 2.0 amends section 105(a)(2) of ERISA to require that defined contribution plans furnish at least one pension benefit statement per year on paper, while defined benefit plans must furnish at least one pension benefit statement on paper every three years. SECURE 2.0 included an exclusion for participants and beneficiaries covered under the 2002 safe harbor, as well as an exclusion for participants and beneficiaries who affirmatively opt out of receiving these statements on paper.

In addition, SECURE 2.0 directed the Department to amend the 2002 and 2020 safe harbors. As amended, the 2002 safe harbor would require participants who first become eligible to participate and beneficiaries who first become eligible for benefits after December 31, 2025 to be provided a one-time paper notification of their right to request that all documents required under Title I of ERISA be furnished on paper. The 2020 safe harbor must be modified such that:

1. Participants and beneficiaries be provided with the opportunity to request electronic disclosure for any pension benefit statement which would otherwise be required to be delivered on paper;

2. Pension benefit statements which are required to be delivered on paper include an explanation of how to request the documents in electronic form, and include contact information, including a telephone number, for the plan sponsor, plan administrator, or other designated representative of the plan, and

3. Plans may not charge fees for paper delivery of pension benefit statements.

SECURE 2.0 directs that plans be allowed to furnish electronic duplicates of paper statements. SECURE 2.0 also requires that all ERISA-required disclosures furnished electronically include an explanation of how to request the disclosures in paper form. No modifications of the 2020 safe harbor are required to implement these requirements, as the 2020 safe harbor already requires a statement of the right to request and obtain a paper copy of a covered document and does not preclude the provision of duplicate statements.

The Department has examined the effect of the proposal as required by Executive Order 13563,[11] Executive Order 12866,[12] the Regulatory Flexibility Act,[13] section 202 of the Unfunded Mandates Reform Act,[14] Executive Order 13132,[15] and Executive Order 14192.[16]

A. Relevant Executive Orders for Regulatory Impact Analyses

Executive Orders 12866 [17] and 13563 [18] 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 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Under Executive Order 12866, ''significant regulatory actions,'' as defined by that Executive Order, are subject to review by the Office of Management and Budget (OMB). Section 3(f) of the Executive Order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant'');

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Since this proposal seeks to narrowly implement the provisions of SECURE 2.0 the Department does not anticipate that the proposal alone would have economic impacts of $100 million or more in any one year. However, the effects of SECURE 2.0, in combination with this proposal, are likely to have economic impacts above $100 million or more in any one year. Therefore, OMB has determined that this proposal meets the definition of an ''economically significant rule'' within the meaning of section 3(f)(1) of the Executive Order 12866. The Department has provided an assessment of the potential benefits, costs, and transfers associated with this proposal and SECURE 2.0 requirements under a pre-statutory baseline for its E.O. 12866 analysis.

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency issues a new regulation. In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with prior regulations. A significant regulatory action (as defined in section 3(f) of Executive Order 12866) that would impose total costs greater than zero is considered an Executive Order 14192 regulatory action. This proposed rule, if finalized as proposed, is, therefore, expected to be an Executive Order 14192 regulatory action.

B. Need for Regulatory Action

As discussed in sections II and III above, section 338 of SECURE 2.0 amended section 105(a)(2) of ERISA to require retirement plans to provide paper benefit statements in certain cases. Section 338 also instructed the Department to update its electronic disclosure safe harbors in concert with the changes to section 105 of ERISA. This proposal, if adopted as a final rule, would implement these Congressional mandates.

The proposal may help some Americans consume the important financial information on their benefit statements. According to a 2022 Survey by the American Association for Retired Persons (AARP), 55 percent of respondents who receive paper statements always review their statements, compared to 36 percent of respondents who receive only electronic statements.[19] However, existing plan default settings can discourage participants from receiving paper delivery. The same AARP survey reported that 58 percent of respondents receiving paper statements did so under the default disclosure options of their plan, versus 31 percent who actively chose paper delivery.[20] Requiring plans

[11] 76 FR 3821 (Jan. 21, 2011).

[12] 58 FR 51735 (Oct. 4, 1993).

[13] Public Law 96–354, 94 Stat. 1164 (Sept. 19, 1980).

[14] Public Law 104–4, 109 Stat. 48 (Mar. 22, 1995).

[15] 64 FR 43255 (Aug. 9, 1999).

[16] 90 FR 9065 (Feb. 6, 2025).

[17] 58 FR 51735 (Oct. 4, 1993).

[18] 76 FR 3821 (Jan. 21, 2011).

[19] Brown, S. Kathi. Retirement Account Statements: Paper or Electronic?, AARP Research, May 2022, *https://doi.org/10.26419/res.00529.00.* Accessed March 27, 2025.

[20] The remaining 11 percent reported, ''Don't know.''

to change default disclosure settings to include at least one statement on paper, therefore, may increase the likelihood that some participants will review their statements and be better informed regarding their retirement savings.

Older Americans and communities who are underserved by digital communication [21] may benefit more than others. The AARP survey reports that 57 percent of adults would prefer to receive paper statements at least once per year. These preferences are even higher amongst low-to-moderate income adults, adults age 50 and older, and adults without access to a computer at work. However, as noted above, the majority of participants receiving paper statements do so under the default settings, rather than actively electing to receive paper statements. Thus, default disclosure settings with at least one statement on paper will accommodate these preferences.

C. Baseline

This proposal narrowly seeks to conform the Department's existing rules to SECURE 2.0. As such, the additional regulatory burden imposed by the Department is estimated to be *de minimis* or slightly negative. However, for the purposes of this RIA, the Department will consider the effects of both SECURE 2.0 and the ensuing proposal. As such, the baseline that will be used in this analysis will be from before SECURE 2.0 was passed.

D. Summary of Impacts

In accordance with OMB Circular A–4, Table 1 depicts an accounting statement summarizing the Department's assessment of the benefits, costs, and transfers associated with this regulatory action. The Department is unable to quantify all benefits, costs, and transfers of the proposal but has sought, where possible, to describe these non-quantified impacts.

TABLE 1—ACCOUNTING STATEMENT [1]

Benefits:				
Non-Quantified:				
• Increased regulatory uniformity between the 2002 and 2020 safe harbors regarding the universal right to opt out of electronic communications.				
• Increased clarity among participants about the right to receive paper or electronic statements • Increased participant knowledge on the state of their retirement benefits due to receiving statements in the form of the participant's choosing.				
Costs:				
Quantified:				
• Review and prepare for the implementation of SECURE 2.0 and rule. • Prepare initial notice under the 2002 safe harbor for new participants. • Prepare explanation of how to receive required paper benefit statements electronically under the 2020 safe harbor. • Update notice/explanation to add contact information and plan specific information.				
	Estimate (primary)	Year dollar	Discount rate (percent)	Period covered
Annualized Monetized ($ Millions/Year)	$49.40 47.38	2024 2024	7 3	2025–2034 2025–2034
Transfers:				
Quantified:				
• Transfer the costs associated with paper delivery of duplicate pension benefit statements from participants to plans.				
	Estimate (primary)	Year dollar	Discount rate (percent)	Period covered
Annualized Monetized ($ Millions/Year)	0.46 0.46	2024 2024	7 3	2025–2034 2025–2034

[1] All Costs, Benefits, and Transfers displayed in this accounting table represent the effects of SECURE 2.0. The proposal updates Departmental safe harbors to comply with existing law. The Perpetual Time Horizon annualized costs (in 2024 dollars) for the purposes of E.O. 14192, is $40.87 million.

E. Request for Comment

The Department invites comments addressing its estimates of the benefits, costs, and transfers associated with the proposed rulemaking, as well as any quantifiable data that would support or contradict any aspect of its analysis. Specifically, the Department requests comments on:

1. How prevalent electronic disclosure was prior to the passage of SECURE 2.0 (specifically whether the Department's estimate that 96.1 percent of participants received electronic disclosure prior to SECURE 2.0 is reasonable);

2. How prevalent is the use of the 2002 safe harbor vs. the 2020 safe harbor for electronic disclosure;

[21] According to the National Telecommunications and Information Administration, 16.7 percent of Americans report not using the internet in any location. National Telecommunications and Information Administration. ''internet Use (Any Location).'' *https://www.ntia.gov/data/explorer#sel=internetUser&demo=&pc=prop&disp=chart.*

3. Would the newly required paper benefit statement encourage plans to switch from the 2020 safe harbor to the 2002 safe harbor for wired-at-work participants;

4. How prevalent is the use of service providers for the purposes of rule review, compliance, and preparation of legal notices and explanations (specifically whether the Department's assumption that 90% of plans will use service providers for these services is reasonable);

5. How prevalent is the use of service providers for mailing pension benefit statements and other required disclosures (specifically whether the Department's assumption of a $1 per piece cost to mass-mail disclosures is reasonable);

F. Assumptions and Affected Entities

The Department used several datapoints and assumptions in conducting this analysis. General datapoints and assumptions are displayed in Table 2 below:

TABLE 2—GENERAL ASSUMPTIONS

Description	Assumption	Source
Number of Defined Contribution (DC) Plans	754,862	2022 Form 5500 Data.[1]
Number of Defined Benefit (DB) Plans	46,508	2022 Form 5500 Data.
Number of Participants and Beneficiaries Receiving Regular Statements.	[2] 152,365,031	2022 Form 5500 Data.
Number of Service Providers	3,552	2022 Form 5500 Schedule C Data.
New Hire Rate	3.6%	BLS Job Openings and Labor Turnover.[2]
Share of Plans Using a Service Provider for Rule Review and Notice Preparation.	90.0%	Departmental Assumption.
Hourly Cost for a Legal Professional	$181.06	Departmental Calculation.[3]
Hourly Cost for a Clerical Professional	$70.29	Departmental Calculation.
Per-unit Average Cost to Prepare and Send Mailed Statements	$1.00	Departmental Assumption.[4]
Printing Cost Per Page	$0.05	Departmental Assumption.

[1] This data can be found in the 2022 Private Pension Plan Bulletin.

[2] Beneficiaries in a DB plan can only receive statements on request. Meanwhile, beneficiaries in DC plans are able to receive regular statements, which is the focus of this rule. As a result, DB Beneficiaries will not be included in calculations discussing ''beneficiaries''. See 29 USC 1025 for more information.

[3] Bureau of Labor Statistics, Job Opening and Labor Turnover. Table A, Total Private. February 2025. Most recent release can be found here: *https://www.bls.gov/news.release/pdf/jolts.pdf.*

[4] For information on how the Department estimates labor cost see:*https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/rules-and-regulations/technical-appendices/labor-cost-inputs-used-in-ebsa-opr-ria-and-pra-burden-calculations-june-2019.pdf.*

[5] For more information, see the discussion in section VI.H(3).

In addition to the data and assumptions displayed in Table 2 above, the Department also made a number of assumptions regarding the reliance on electronic disclosure and use of the 2002 and 2020 safe harbors. These assumptions, displayed in Table 3, are key to the analysis below and thus warrant separate discussion.

TABLE 3—E-DISCLOSURE AND SAFE HARBOR ASSUMPTIONS

Description	Assumption (%)	Source
Share of Workers Aged 25 and Over Who Have Access to Internet at Work.	37.4	National Telecommunications and Information Agency.[1]
E-Disclosure Share, All Participants: Pre-Statute	96.1	Departmental Calculation.
E-Disclosure Share, 2002 Safe Harbor: Post-Statute	96.1	Departmental Assumption.
E-Disclosure Share, 2020 Safe Harbor: Post-Statute	63.0	Departmental Assumption.
Share of Plans Using 2002 Safe Harbor	37.4	Departmental Assumption.
Share of Participants Covered Under the 2002 Safe Harbor	37.4	Departmental Assumption.
Share of Plans Using 2020 Safe Harbor	96.1	Departmental Assumption.
Share of Participants Covered Under the 2020 Safe Harbor	62.6	Departmental Assumption.
E-Disclosure Opt-In Rate, 2020 Safe Harbor	51.3	Departmental Calculation.[2]

[1] National Telecommunications and Information Administration. *NTIA Data Explorer,* 2023, *https://www.ntia.gov/data/explorer#sel=workInternetUser&demo=age&pc=prop&disp=chart.*

[2] According to the NTIA survey, 81.5% of households use the internet in 2023. This figure is multiplied by the post-statute e-disclosure rate for the 2020 safe harbor, which is 63 percent. In total, the Department estimates that 51.3% = (63% × 81.5%) would receive electronic disclosures.''

The Department considered how SECURE 2.0 and the proposal would affect electronic disclosure and safe harbor use. The safe harbor categorizations refer to which safe harbor the plan will furnish electronic disclosure under, while the electronic disclosure rate describes the share of participants actually receiving electronic disclosure. For example, consider a plan with 1,000 participants using the 2020 safe harbor for electronic disclosure, where 961 receive electronic disclosure and 39 participants request paper disclosure. Under this hypothetical, all participants in this plan are covered under the 2020 safe harbor, but the electronic disclosure rate is 96.1 percent. When considering the pre-statutory baseline for electronic disclosure, the Department assumes that plans covered substantially all participants under the 2020 safe harbor, and that 96.1 [22] percent of participants

[22] The Department estimates approximately 96.1% of participants receive disclosures electronically under the combined effects of the 2002 electronic disclosures safe harbor and the 2020 electronic safe harbor. The Department estimates that 58.3% of participants will receive electronic disclosures under the 2002 safe harbor. According to the National Telecommunications and Information Agency (NTIA), 37.4% of individuals age 25 and over have access to the internet at work.

received electronic disclosure prior to SECURE 2.0. The Department assumes that the share of plans that provided electronic disclosure prior to SECURE 2.0 mirrored this estimate.

When considering wired-at-work participants under SECURE 2.0, there are two paths to avoid the extra costs from paper delivery of the benefit statement. Either participants opt out of this additional paper delivery under the 2020 safe harbor, or plans choose to furnish pension benefit statements to these participants electronically under the 2002 safe harbor. In the face of this requirement, the Department believes that plans will use the 2002 safe harbor to furnish pension benefit statements to all ''wired-at-work'' participants. According to the National Telecommunications and Information Agency, 37.4 percent of workers age 25 and over have access to the internet at work. Thus, the Department assumes that approximately 37.4 percent of participants [23] are ''wired-at-work'' and will be covered under the 2002 safe harbor.

The Department further assumes that the share of plans using the 2002 safe harbor for some or all of their participants will mirror this at 37.4 percent.[24] Since plans would be using the 2002 safe harbor for the purposes of maintaining electronic disclosure, the Department believes that this population would maintain an electronic disclosure rate equal to the pre-statutory period. If this were not the case, then moving participants to the 2002 safe harbor would yield no benefits. As such, 96.1 percent of the wired-at-work population is expected to receive electronic disclosure under the 2002 safe harbor. However, the primary effect of SECURE 2.0 on the 2002 safe harbor is to provide participants with an initial notice explaining the right to receive paper documents. The Department believes that this document will be added to standard new-hire documents for all newly-eligible wired-at-work participants. Thus, this regulatory impact analysis will assume the affected population is all newly-hired wired-at-work participants, regardless of whether or not they continue to receive electronic disclosure under the 2002 safe harbor in the future.

Regarding the 2020 safe harbor, the Department assumes that all plans that provided electronic disclosure prior to SECURE 2.0 will continue to use the 2020 safe harbor for some or all their participants. It should be noted that some plans using the 2020 safe harbor may also use the 2002 safe harbor for some of their participants. As a result of this overlap, the number of plans providing electronic disclosure will not equal the sum of plans using the 2002 and 2020 safe harbors individually.

The Department assumes that all non wired-at-work participants, will be covered under the 2020 safe harbor. Thus, the Department estimates that 62.6 percent [25] of participants will be covered under the 2020 safe harbor. Prior to SECURE 2.0 the Department assumed that these participants would receive electronic disclosure at the same rate as wired-at-work participants, which was assumed to be 96.1 percent.

However, after SECURE 2.0's implementation, the Department believes that the use of electronic disclosure among participants covered under the 2020 safe harbor will decrease. As a result of inertia, many participants are expected to leave their statement settings at the default and receive the required paper benefit statement. However, some participants are expected to opt back into exclusive electronic disclosure. In comments received on the Department's RFI [26] on SECURE 2.0, Vanguard indicated that 80 percent of its participants had signed up for online account access and that 63 percent of its participants received disclosures electronically. Since Vanguard's electronic delivery also requires an affirmative opt-in, the Department thinks that this 63 percent is a reasonable estimate for the long-run share of people who will affirmatively opt back into electronic disclosure after SECURE 2.0's implementation. While this number is derived from a single comment, it mirrors the Department's previous estimate for the share of participants that would sign up for electronic disclosure, which was 61 percent. This was derived from a survey [27] which reported the share of internet users that banked online, which the Department used as a proxy for the use of electronic disclosure. As such, the Department assumes that electronic disclosure rates amongst participants covered by the 2020 safe harbor will sharply fall after SECURE 2.0 is implemented, and then slowly rise to a long-run rate of 63 percent. The Department estimates that the rate of growth for this figure will be 51.3 percent, which is calculated in Table 3.

Taken together, the Department assumes that 51.3 percent of participants covered under the 2020 safe harbor will opt in to electronic disclosure in the first year. This is referred to as the short-run rate of electronic disclosure. Each year after that, the Department assumes more participants will sign up for electronic disclosure, and the gap between the short-run and long-run electronic disclosure rates will decrease by another 51.3 percent. The Department believes that this model of slowly increasing electronic disclosure, also known as a diminishing gains assumption, will better model participant behavior than simply assuming an immediate 63 percent electronic disclosure rate.

SECURE 2.0 includes provisions which affect paper delivery, such as the prohibition of fees for duplicate paper statements. As a result, all participants covered under the 2020 safe harbor, regardless of whether they receive

According to a Greenwald & Associates survey, 84.0% of plan participants find it acceptable to make electronic delivery the default option, which is used as the proxy for the number of participants who will not opt-out of electronic disclosure that are automatically enrolled (for a total of 31.4% receiving electronic disclosure at work). Additionally, the NTIA reports that 44.1% of individuals age 25 and over have access to the internet outside of work. According to a Pew Research Center survey, 61.0% of internet users use online banking, which is used as the proxy for the number of internet users who will affirmatively consent to receiving electronic disclosures (for a total of 26.9% receiving electronic disclosure outside of work). Combining the 31.4% who receive electronic disclosure at work with the 26.9% who receive electronic disclosure outside of work produces a total of 58.3%. The remaining 41.7% of participants are subject to the 2020 safe harbor. According to the 2022 American Community Survey, 91.2% of the population has an internet subscription. The Department estimates that 0.5% of electronic disclosures will bounce back and will need to be sent a paper disclosure. Accordingly, for the 41.7% of participants not affected by the 2002 safe harbor, 90.7%, or an additional 37.8% (41.7% × 90.7%), are estimated to receive electronic disclosures under the 2020 safe harbor. In total, the Department estimates that 96.1% (58.3% + 37.8%) would receive electronic disclosures.

[23] Generally only participants, not beneficiaries, are eligible to receive electronic disclosures under the wired-at-work provision of the 2002 safe harbor. SECURE 2.0 requires an initial notice for newly eligible participants and beneficiaries who first become eligible for benefits after December 31, 2025. However, for the purposes of this burden analysis, only wired-at-work participants are assumed to receive the initial paper notice, as beneficiaries who have affirmatively consented to electronic disclosure under the 2002 safe harbor will likely receive the existing advance statement on paper instead. *See* section II.B above.

[24] Access to internet at work as a core function of job duties may vary by industry and plans, but because it can also vary by type of worker within a plan, the Department uses the same 37.4 percent as a simplifying assumption. A sensitivity analysis examining the effects of changing this assumption can be found in Table 11.

[25] This is calculated as 62.6% = 100% − 37.4%

[26] ''Request for Information-SECURE 2.0 Reporting and Disclosure.'' **Federal Register**, vol. 88, no. 154, 11 Aug. 2023, pp. 54511–54534. *https://www.federalregister.gov/documents/2023/08/11/2023-17249/request-for-information-secure-20-reporting-and-disclosure.*

[27] ''51% of U.S. Adults Bank Online.'' *Pew Research Center,* 7 Aug. 2013, *https://www.pewresearch.org/2013/08/07/51-of-u-s-adults-bank-online/.*

pension benefit statements electronically or on paper, will be affected by SECURE 2.0 and the proposal.

The Department requests comment on these assumptions. The Department also acknowledges that this analysis is particularly sensitive to these assumptions. To address this sensitivity, the Department conducted an extensive uncertainty analysis which demonstrates how differing assumptions of these variables would affect the final regulatory impact. For instance, plans may decide that moving participants over to the 2002 safe harbor just to avoid a paper disclosure is not what they want to do. In this case, leaving participants on the 2020 safe harbor would result in a higher estimated cost for SECURE 2.0 and the proposal. Alternatively, if a larger proportion of participants are being covered by the 2002 safe harbor, the estimated costs for SECURE 2.0 and the proposal would be lower. See section V1.J. of the regulatory impact analysis for the associated uncertainty analysis.

The Department also assumes that many plans will rely on service providers to assist in legal compliance with SECURE 2.0 and the proposal. The Department does not have recent data on the use of service providers by plans but believes that a large majority of plans use service providers for various elements of plan administration. In 1998, the Department cited [28] a report by Spencer & Associates which stated that ''less than 5% of 401(k) plans were being administered in-house exclusively and only 30% by in-house staff supported by vendors.'' [29] The report also stated that ''59% of 401(k) plans use bundled services from full service providers'' and that ''among plans with fewer than 250 participants, 85% rely on bundled services.'' [30] The Department believes that the spread of the internet since the publication of this report is likely to have increased the ease of use and prevalence of service providers amongst plans.

To validate this with more recent data, the Department analyzed Schedule C records from the Form 5500, which detail payments to service providers for a subset of plans that file Schedule C, specifically those with 100 or more employees on the first day of the plan year and only then if the compensation (whether direct or indirect) received by any service provider in connection with services rendered to the plan is at least $5,000. The Department found that 80 percent of plans filing a Schedule C reported using service providers for ''Plan Administration, Recordkeeping, or Recordkeeping Fees.'' While that share excludes smaller plans that don't file the Schedule C, Department assumes that smaller plans have fewer resources to conduct in-house plan management and are thus more likely to use service providers. With these considerations in mind, the Department assumes that 90 percent of all plans will rely on service providers to review the proposal, inform them of the needed changes, and prepare the needed forms, rather than carrying out these tasks in-house.

Using the 2022 Form 5500 Schedule C data, the Department identified 3,552 unique EINs for service providers in the ''Plan Administration, Recordkeeping, or Recordkeeping Fees'' service codes. The Department assumes that this type of service provider will be involved in reviewing the proposal and preparing the new initial notice for the 2002 safe harbor and electronic delivery explanation for the 2020 safe harbor. The Department requests comment on these assumptions.

TABLE 4—AFFECTED ENTITIES

Entities	Description	Value
Plans Using 2002 Safe Harbor	37.4% of Plans	299,712
Plans Using 2020 Safe Harbor	96.1% of Plans	770,117
Subtotal: Affected Plans	100% of Plans	801,370
Newly Eligible Participants Covered by 2002 Safe Harbor	37.4% of Participants × 5% Newly Eligible for Benefits	2,833,356
All Participants and Beneficiaries Covered Under 2020 Safe Harbor.	62.6% of Participants + Beneficiaries Eligible for Benefits	95,697,905
Subtotal: Affected Participants	66% of Participants + Beneficiaries Eligible for Benefits	98,531,261
Service Providers Conducting Rule Review and Compliance Support.	Service Providers for Plan Administration and Recordkeeping Service Codes.	3,552
Total Affected Entities		99,336,183

* This subtotal differs from the sum of each group as some plans use both safe harbors.

Out of participants covered under the 2002 safe harbor, primarily newly-hired workers would be affected. Additionally, workers who become newly eligible through promotion or conversion from part- to full-time would also be affected. The Department does not have data on existing workers who become newly eligible to participate through full-time conversion or promotion. To account for these workers, the Department adjusts the new-hire rate of 3.6 percent up to 5 percent of participants when considering newly-eligible participants. Accordingly, the Department assumes that 5 percent of participants covered by the 2002 safe harbor will be affected by this proposal.

Plans relying on the 2002 safe harbor for some or all of their electronic disclosures will be required to provide participants who become eligible to participate after December 31, 2025 with a one-time notice that they will receive electronic notifications. Thus, all plans using the 2002 safe harbor for some or all participants will be affected by this proposal.

Plans relying on the 2020 safe harbor for electronic disclosure will now be required to provide certain pension benefit statements on paper unless participants affirmatively opt in to receiving these statements electronically. Defined contribution

[28] United States, Pension and Welfare Benefits Administration. *Study of 401(k) Plan Fees and Expenses. https://www.dol.gov/sites/dolgov/files/ebsa/pdf_files/study-of-401k-plan-fees-and-expenses.pdf.* Accessed 22 Apr. 2025.

[29] Spencer, C. & Associates, ''Employers Happy With 401(k) Administration, Shift More Costs to Employees,'' Spencer's Research Reports on Employee Benefits, November 15, 1996.

[30] Fink, M., Investment Executives Institute, ''Statement before the U.S. Department of Labor, Pension and Welfare Benefits Administration Public Hearing on 401(k) Plan Fees,'' November 12, 1997.

plans will be required to provide at least one statement per year on paper, while most defined benefit plans will be required to provide at least one statement every three years on paper.[31] To establish the right to opt in to receiving these statements electronically, affected plans must include explanations of these rights and how to opt out of receiving this statement on paper. Additionally, affected plans will now be prohibited from charging for additional paper copies of pension benefit statements. All plans using and participants covered under the 2020 safe harbor are expected to be affected by this proposal.

Finally, service providers involved in reviewing the proposal and preparing the new initial notice for the 2002 safe harbor and electronic delivery explanation for the 2020 safe harbor will be affected by this proposal. The Department's estimates for the number of affected entities are displayed in Table 4 above.

G. Benefits

This proposal is mandated by Congress to align the Department's safe harbors with SECURE 2.0's amendments to section 105(a) of ERISA. As such, one benefit of this proposal will be decreasing regulatory confusion amongst plans and participants as a result of the inconsistent electronic disclosure requirements between SECURE 2.0 and Departmental safe harbors.

Second, the changes made by SECURE 2.0 will also create additional regulatory uniformity between the 2002 and 2020 safe harbors by requiring participants covered under the 2002 safe harbor to be provided a global right to opt out of electronic disclosure, and properly informed of it. Both participants under the 2020 and 2002 safe harbors will now receive similar initial notices, notifying participants of their right to receive paper disclosure at the start of their eligibility. Furthermore, the paper statement required to be provided at least once a year in the updated 2020 safe harbor will mean that non-wired-at-work participants will only be able to receive exclusively electronic disclosure if they affirmatively request it. This will make the requirements under the 2002 safe harbor more similar to the requirements under the 2020 safe harbor and ensure that all participants are properly informed of their right to opt out of electronic disclosure.

Additionally, as discussed in section VI.B above, SECURE 2.0 and the accompanying proposal will better align the Department's safe harbors with participant's preferences. This will better support elderly, low-to-moderate income, and non-wired-at-work participants, who report a greater desire for paper delivery of statements.[32] These populations tend to have less access to the internet and are therefore less well-served by default electronic disclosure regimes.[33] Fifty-eight percent of participants receiving paper statements do so because it is the default option for their plan.[34] Thus, by encouraging plans to change the plan default to include at least one paper benefit statement per year, SECURE 2.0 and the proposal will promote better access to retirement information across groups. Moreover, since participants that receive paper statements report that they are more likely to fully review the statement,[35] SECURE 2.0 and the proposal are likely to increase participant knowledge of the state of their retirement benefits.

Taken together, SECURE 2.0 and the proposal will allow plans to have more clarity for providing electronic disclosure by addressing the differences between statute and current safe harbors. The additional notices will also reduce the differences between the 2002 and 2020 safe harbors, which will allow plans to use similar administrative procedures regardless of which safe harbor they use. By encouraging more paper delivery, SECURE 2.0 and proposal will also support populations which are underserved by the current electronic disclosure standards and increase participant knowledge of their pensions.

H. Costs

Section 338 of SECURE 2.0 requires plans using the 2020 safe harbor to provide certain pension benefit statements on paper, with a new explanation, and requires plans using the 2002 safe harbor to provide a new initial notice that participants and beneficiaries will receive electronic delivery and how to receive statements on paper to newly-eligible participants and beneficiaries. SECURE 2.0 also provides that plans may not charge any fee for delivery of any paper statement. Previously, the 2020 safe harbor only prohibited plans from charging fees for the first copy of a paper benefit statement, so this prohibition was expanded to include additional copies beyond the first. Finally, SECURE 2.0 also directs the Department to allow plans to furnish duplicate electronic statements and requires that all ERISA-required disclosures provided electronically include an explanation of how to request the disclosures in paper form. The Department believes that these provisions are met by the existing safe harbor and will require no change. The proposal will not add any additional costs beyond those imposed by SECURE 2.0. The Department used a number of sources and assumptions in its estimation of the costs associated with the statutory provisions in SECURE 2.0. These assumptions, including mailing and labor cost assumptions, were discussed and displayed in tables 2 and 3 above.

(1) Reviewing of Rule and Planning for Implementation

As a result of the updated provisions of SECURE 2.0, plans will need to review SECURE 2.0, the proposal and relevant guidance to devise an implementation plan to bring their disclosure procedures into compliance. As discussed in section VI.F above, the Department assumes that 90 percent of plans will rely on service providers to review SECURE 2.0 and the proposal and provide guidance to plans on implementation.

The Department assumes that the proposal will take approximately four hours to review, regardless of whether the plans are reviewing the proposal in-house or utilizing service providers. Per discussions with OMB on previous regulations, the Department applies an average reading speed of 250 words per minute to the preamble and regulatory text. This yields a reading time of approximately 45 minutes. The Department assumes a further 3 hours and 15 minutes to account for additional work to plan for implementation of SECURE 2.0 and the proposal. The Department requests comment on these assumptions. The costs associated with this requirement are displayed in Table 5 below:

[31] The Department assumes that most frozen defined benefit plans will opt to provide an annual notice of statement availability, rather than the standard triennial statement.

[32] Brown, S. Kathi. Retirement Account Statements: Paper or Electronic?, AARP Research, May 2022, *https://doi.org/10.26419/res.00529.00.* Accessed March 27, 2025.

[33] National Telecommunications and Information Administration. *NTIA Data Explorer. https://www.ntia.gov/data/explorer#sel=workinternetUser&demo=age&pc=prop&disp=chart.*

[34] Brown, S. Kathi. Retirement Account Statements: Paper or Electronic?, AARP Research, May 2022, *https://doi.org/10.26419/res.00529.00.* Accessed March 27, 2025.

[35] *Ibid.*

TABLE 5—COSTS FOR RULE REVIEW AND IMPLEMENTATION PLANNING

Description	Affected entities	Hours per entity	Hourly wage	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Rule Review (Service Providers)	3,552 Service Providers	4	$181.06	14,208	$2,572,500
Rule Review (In-House)	80,137 = 801,370 Plans × 10% Not Using a Service Provider.	4	181.06	320,548	58,038,421
Total				334,756	60,610,921

(2) 2002 Safe Harbor: Notice for New Participants and Beneficiaries

SECURE 2.0 requires that participants and beneficiaries covered under the 2002 safe harbor, who are newly eligible to participate, or for benefits after December 31, 2025, must be provided with a one-time paper notice. This notice must explain that by default they will receive electronic documents in the future. This will require legal professionals to prepare the notice, and clerical professionals to add contact and plan information to the notice. The Department assumes that this notice would be included along with other new-hire and benefit explanation documents. As such, the Department assumes there would be no additional distribution costs for this notice.

The Department assumes that the share of plans using service providers for preparation of this notice will mirror the share of plans using service providers for rule review. For plans utilizing service providers, the Department assumes that it will take an additional five minutes for a clerical worker to add contact and plan information to the prepared notice. The Department requests comment on these assumptions.

The costs associated with this requirement are discussed in Table 6 below:

TABLE 6—COSTS FOR PREPARATION OF 2002 SAFE HARBOR NOTICE

Description	Affected entities	Hours per entity	Hourly wage	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Notice Preparation (Service Providers)	3,552 Service Providers	1	$181.06	3,552	643,125
Notice Preparation (In-House)	29,971 = 299,712 Plans × 10% Not Using a Service Provider.	1	181.06	29,971	5,426,592
Adding Contact and Plan Information to Drafted Notices.	269,741 = 299,712 Plans × 90% Using a Service Provider.	5/60	70.29	22,478	1,580,009
Total				56,002	$7,649,726

(3) 2020 Safe Harbor: Electronic Disclosure Explanation and Additional Paper Benefit Statements

SECURE 2.0 requires that, unless otherwise exempted, defined contribution plans provide at least one pension benefit statement per year on paper, and that defined benefit plans provide at least one pension benefit statement every three years on paper. The Department assumes that most plans prefer electronic disclosure and are currently sending as many of these statements electronically as possible. With this new requirement, participants who previously opted in to electronic disclosure would begin receiving paper statements unless they pre-emptively opt out of electronic disclosure before the first statement is sent.

As shown in Table 3, the Department believes that 51.3 percent of participants covered under the 2020 safe harbor will pre-emptively opt out of these newly required paper statements. Of those who do not pre-emptively opt out, the Department estimates that the remainder of defined contribution plan participants and one-third of participants in non-frozen defined benefit plans will begin receiving paper statements in the first year.[36] Participants in frozen defined benefit plans are expected to receive a shorter notice of statement availability annually, rather than the full triennial defined benefit statement. After receiving their first statement on paper, the Department believes that many participants will opt out of receiving paper statements in the future. The Department believes that a further 51.3 percent of participants receiving a paper statement will opt out of paper statements before their next statement in each subsequent year. Through these diminishing gains, the rate of electronic disclosure will eventually approach 63 percent. The Department requests comment on these assumptions.

All statements required to be provided on paper must also include an explanation of how to request the documents in electronic form. This additional disclosure would be prepared by a legal professional. The Department assumes a similar share of plans will utilize service providers to prepare this explanation as they did for the initial notice in the 2002 safe harbor. The Department assumes this disclosure will be included with the paper statements, rather than mailed separately. A clerical professional would add contact and plan information to the prepared explanation.

The costs associated with this requirement in year one are displayed in Tables 7 and 8 below:

[36] Since defined benefit plans are only required to provide one statement every third year, the Department assumes that these statements are uniformly distributed across participants, and that one third of all defined benefit participants will receive a paper statement per year.

TABLE 7—COST FOR PREPARATION OF EXPLANATION OF ELECTRONIC DELIVERY FOR 2020 SAFE HARBOR

[Year 1]

Description	Affected entities	Hours per entity	Hourly wage	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Explanation Preparation (Service Providers).	3,552 Service Providers	1	$181.06	3,552	$643,125
Explanation Preparation (In-House)	77,012 = 770,117 Plans × 10% Not Using a Service Provider.	1	181.06	77,012	13,943,731
Adding Contact and Plan Information to Drafted Explanations.	693,105 = 770,117 Plans × 90% Using a Service Provider.	5/60	70.29	57,759	4,059,862
Total				138,322	$18,646,718

TABLE 8—COST FOR DISTRIBUTION OF NEW PAPER BENEFIT STATEMENTS FOR 2020 SAFE HARBOR

[Year 1]

Description	Affected entities	Pages per disclosure	Material costs per page	Distribution costs per disclosure	Total cost burden
	(A)	(B)	(C)	(A × B)	(A × [(B × C) + D])
Distribution of Statements for DB Plans.	4,268,874 = ((⅓) × 16,916,210 Participants in Non-Frozen DB Plans Under 2020 Safe Harbor + 3,899,580 Participants Frozen DB Plans Under 2020 Safe Harbor) × (96.1% Pre-Statute E-Disclosure Rate − 51.3% Post-Statute E-Disclosure Rate).	1	$0.05	$1.00	$4,065,617
Distribution of Statements for DC Plans.	34,367,195 = 76,789,620 DC Participants and Beneficiaries Covered by 2020 Safe Harbor × (96.1% Pre-Statute E-Disclosure Rate×51.3% Post-Statute E-Disclosure Rate).	5	0.05	1.00	42,958,993
Total					47,024,610

The Department expects that many plans use service providers to process regular mass disclosures. Sometimes these services will be provided by service providers as a package deal for plan administration, while other times it will be done by a dedicated mass mailing service. Plans conducting regular mailing in-house are also likely to use mass mailing machines to prepare documents for mailing, rather than using a clerical professional to prepare each piece manually.

To estimate this cost, the Department examined Schedule C Data for plans that reported using a separate mass mailing service. The Department then calculated the cost per participant of these service providers. Assuming that each participant receives only one paper document per year, this figure is then used to estimate the cost of mass mailing. By only examining separate mailing service providers, rather than including other, one-stop service providers that provide participant communication or copying services, the Department believes it can be more certain that its estimates only include mailing and printing services. This analysis provided a median cost per disclosure of 65 cents, and an average cost of $1.05.

The Department also examined publicly available estimates from mailing services. USPS direct mailing services for plan-designed letters sent by first class mail yielded an approximate estimate of 95 cents per piece. Examining private companies offering these services, the Department found per-piece rates ranging from 77 cents up to $2.65. Taking all of these data points into consideration, the Department decided to set a per-piece mailing cost of $1.00 per piece, with an added charge of 5 cents per additional page, which falls squarely in the range of observed datapoints. The Department requests comment on these assumptions.

As discussed earlier, the Department assumes that 51.3 percent of participants covered under the 2020 safe harbor will pre-emptively sign up for electronic disclosure of the required paper benefit statements. After that, the Department assumes that 51.3 percent of participants who receive a paper benefit statement in a given year will sign up for electronic disclosure before their next statement. Over time, the electronic disclosure rate will slowly converge to a 63 percent electronic disclosure rate. The Department's estimates for these costs over time are displayed in Table 9 below.

TABLE 9—TEN-YEAR TOTAL COSTS ASSOCIATED WITH STATUTE AND PROPOSAL

Years	Electronic disclosure rates			Statute and proposal costs				Total costs [1]
	2020 Safe harbor electronic disclosure rate (%)	2020 Safe harbor paper disclosure rate (%)	Change to 2020 safe harbor paper disclosure rate from statute and proposal (%)	Rule review	Notice and explanation preparation	Adding contact and plan information to drafted notices	Distribution cost for additional paper benefit statements	
Pre-Statute	96.1	3.9	0.0	$0	$0	$0	$0	$0
1	51.3	48.7	44.8	60,610,921	20,656,573	5,639,871	47,024,610	133,931,975
2	57.3	42.7	38.8	0	0	0	40,736,877	40,736,877
3	60.2	39.8	35.9	0	0	0	37,677,581	37,677,581
4	61.7	38.3	34.4	0	0	0	36,189,080	36,189,080
5	62.3	37.7	33.8	0	0	0	35,464,850	35,464,850
6	62.7	37.3	33.4	0	0	0	35,112,476	35,112,476
7	62.8	37.2	33.3	0	0	0	34,941,028	34,941,028
8	62.9	37.1	33.2	0	0	0	34,857,610	34,857,610
9	63.0	37.0	33.1	0	0	0	34,817,023	34,817,023
10	63.0	37.0	33.1	0	0	0	34,797,276	34,797,276

[1] Cost estimates are not inflation adjusted and are presented in constant dollars.

I. Transfers

SECURE 2.0 prohibits plans from charging fees for copies of pension benefit statements provided on paper. Prior to the passing of SECURE 2.0, plans were only prevented from charging a fee on the first copy. This represents a transfer of costs from participants requesting additional copies of pension benefit statements to plans.

This transfer would only affect copies beyond the first. The Department does not have reliable data regarding the number of participants requesting additional copies of their statements but expects the share of participants to be relatively small. The Department assumes that only participants who received paper statements prior to the passage of SECURE 2.0 would request additional copies. This is because participants who previously received electronic statements, and who only began receiving paper disclosure as a result of SECURE 2.0 and the proposal, would be unlikely to request additional paper statements. Since requesting duplicate copies would require active requests, the Department believes that this population is unlikely to request multiple copies of their statements.

As discussed in the Costs section, the Department estimates that 3.9 percent of participants received paper statements prior to SECURE 2.0. In this analysis, the Department assumes that 10 percent of these participants will request a duplicate statement per year. Comments are requested on this assumption.

The Department's estimate for this transfer is displayed in Table 10 below. For more information on the material and distribution cost estimates, refer to section VI.H(3) of the Cost section.

TABLE 10—TRANSFERS

Description	Affected entities	Pages	Material costs per page	Distribution costs	Material and postage transfer
	(A)	(B)	(C)	(D)	(A × [(B × C) + D])
Duplicate Statements for DB Plan Participants.	81,182 = 32,112,433 DB Participants × 3.9% Receiving Paper Statements Pre-Statute × 10% Receiving Duplicate Statements Per Year.	1	$0.05	$1.00	$77,429
Duplicate Statements for DC Plan Participants.	299,480 = 122,160,103 DC Participants and Beneficiaries × 3.9% Receiving Paper Statements Pre-Statute × 10% Receiving Duplicate Statements Per Year.	5	0.05	1.00	374,349
Total	380,661				451,779

J. Regulatory Alternatives

In accordance with Executive Order 12866, the Department considered alternative regulatory approaches to achieve the goal of the proposal.

(1) Amend the 2020 Safe Harbor To Clarify Existing Provisions

First, the Department considered explicitly adding additional provisions to address SECURE 2.0's directive that the 2020 safe harbor:

1. Allow plans to furnish duplicate electronic copies of paper statements, as directed in section 338(b)(2)(D) of SECURE 2.0,

2. Require all ERISA-required disclosures provided electronically to include an explanation of how to request the disclosures in paper form, as directed in section 338(b)(2)(E) of SECURE 2.0.

However, the Department believes the existing safe harbors already accomplish

these requirements. Additionally, should the Department include additional provisions on these topics in the proposal, then plans may be required to update their disclosures if they differed from the new requirements of the safe harbor. This would incur additional costs on plans without further advancing the goals of the proposal and was thus rejected.

(2) Expand Disclosure Requirements to All Paper Statements

The Department also considered requiring that all pension benefit statements furnished on paper include a statement of how to obtain electronic disclosure, rather than just limiting this requirement to the statements required to be provided on paper under SECURE 2.0. This would have benefits for regulatory uniformity, as it would provide a blanket requirement across all pension benefit statements. However, limiting the disclosure requirement just to these required statements reduces the burden on plans and participants while still fulfilling SECURE 2.0's mandate. Since this alternative would have raised costs without furthering the goals of this proposal, it was rejected.

(3) Do Not Issue Proposal

The Department is unable to consider a ''no-change'' alternative scenario. This proposal addresses the directive established by Congress under SECURE 2.0 and aligns the Department's safe harbors with SECURE 2.0. Absent this proposal, the Department would be in violation of SECURE 2.0 and the Department's safe harbors would be inconsistent with it, resulting in regulatory uncertainty. As a result, a no-change scenario does not accomplish the goals of this proposal and was rejected.

(4) Uncertainty

The largest source of uncertainty in these estimates originates from assumptions surrounding the prevalence of electronic disclosure and the share of plans and participants relying on the 2002 and 2020 safe harbors. The Department has assumed that most plans rely on the 2020 safe harbor for some or all participants and that a smaller share rely on the 2002 safe harbor for some or all participants. The Department believes that more plans rely on the 2020 safe harbor because it is more flexible, and allows plans to provide electronic disclosure to participants who are not wired-at-work or have not affirmatively opted in.

The Department acknowledges that plan behavior could affect these assumptions. The Department assumes that plans will furnish pension benefit statements to all wired-at-work individuals under the 2002 safe harbor to avoid the paper benefit requirement. However, if plans instead choose to rely on the 2020 safe harbor for all participants and encourage participants to opt out of the paper disclosure, then this could lead to a higher share of plans and participants under the 2020 safe harbor. Alternatively, the wired-at-work population or the usage of the 2002 safe harbor pre-statute could be higher than the Department's estimate, which would lead to a higher share of plans and participants under the 2002 safe harbor.

The only requirement that applies to the 2002 safe harbor is a one-time notice notifying newly-eligible participants or beneficiaries that they will receive electronic delivery. Meanwhile, the 2020 safe harbor requires plans to provide certain pension benefit statements on paper, provide an additional explanation for these statements, and forbids them from charging fees for additional copies of paper statements. Therefore, the marginal cost on plans and participants relying on the 2002 safe harbor is lower than the 2020 safe harbor. Thus, if the proportion of plans using the 2002 safe harbor is larger, then the overall cost of SECURE 2.0 would be lower. Conversely, if the proportion of plans using the 2002 safe harbor relative to the 2020 safe harbor is lower, the overall costs would be higher.

To demonstrate this, the Department includes its analyses for a range of scenarios in Table 11 below. These scenarios depict uniform usage of the 2020 safe harbor, uniform usage of the 2002 safe harbor, and an even split of the two safe harbors compared against the assumptions used in the Regulatory Impact Analysis. These scenarios in Table 11 below provide the maximum theoretical range for each of these values and thus demonstrate the largest possible effects that these assumptions could have.

TABLE 11—UNCERTAINTY ANALYSIS

	Regulatory impact analysis assumptions	All plans and participants use 2020 safe harbor	All plans and participants use 2002 safe harbor	All plans use both safe harbors, participants are split evenly
Share of Participants Covered Under 2020 Safe Harbor	62.60%	100.00%	0.00%	50.00%
Share of Participants Covered Under 2002 Safe Harbor	37.40%	0.00%	100.00%	50.00%
Share of Plans Using 2020 Safe Harbor	96.10%	100.00%	0.00%	100.00%
Share of Plans Using 2002 Safe Harbor	37.40%	0.00%	100.00%	100.00%
Costs				
Rule Review (Year 1 Only)	$60,610,921	$60,610,921	$60,610,921	$60,610,921
Preparation: 2020 Safe Harbor Explanation (Year 1 Only)	$14,586,856	$15,152,730	$0	$15,152,730
Preparation: 2002 Safe Harbor Notice (Year 1 Only)	$6,069,717	$0	$15,152,730	$15,152,730
Add Contact Info: 2020 Safe Harbor Explanation (Year 1 Only)	$4,059,862	$4,224,622	$0	$4,224,622
Add Contact Info: 2002 Safe Harbor Notice (Year 1 Only)	$1,580,009	$0	$4,224,622	$4,224,622
Subtotal: Costs (Year 1 Only)	$86,907,365	$79,988,274	$79,988,274	$99,365,627
Printing and Postage Cost Additional Pension Benefit Statements (Year 1)	$47,024,610	$74,835,538	$0	$37,417,769
Printing and Postage Cost Additional Pension Benefit Statements (Year 2) [1]	$40,736,877	$64,829,163	$0	$32,414,582
Total Costs in Year 1	$133,931,975	$154,823,812	$79,988,274	$136,783,396
Total Costs in Year 2	$40,736,877	$64,829,163	$0	$32,414,582

TABLE 11—UNCERTAINTY ANALYSIS—Continued

	Regulatory impact analysis assumptions	All plans and participants use 2020 safe harbor	All plans and participants use 2002 safe harbor	All plans use both safe harbors, participants are split evenly
Transfers				
Total Transfers (Annual)	$451,779	$719,220	$0	$359,610

[1] Years 1 and 2 are presented to show the effects of different assumptions on the first year and long-term costs. Over time, the costs associated with additional pension benefit statements will come down as the electronic disclosure rate continues to rise. To see the cost trends for this requirement over all ten years, see Table 9.

VII. Paperwork Reduction Act

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Department is soliciting comments concerning the proposed amendments to the information collection requests (ICR) with the control numbers 1210–0166 and 1210–0121 incorporated in the proposed rule relating to use of electronic communication by employee benefit plans. A copy of the ICRs may be obtained by contacting the PRA addressee shown below or at *RegInfo.gov*.

The Department has submitted a copy of the proposed amendments to the information collections to the Office of Management and Budget (OMB) in accordance with 44 U.S.C. 3507(d) for review of its information collections. The Department and OMB are particularly interested in comments that:

- 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
- 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,
- Enhance the quality, utility, and clarity of the information to be collected, 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.

Commenters may send their views on the Departments' PRA analysis in the same way they send comments in response to the proposed rule as a whole (for example, through the *www.regulations.gov* website), including as part of a comment responding to the broader proposed rule. Comments are due by April 27, 2026 to ensure their consideration.

ICRs are available at *RegInfo.gov* (*reginfo.gov/public/do/PRAMain*). Requests for copies of the ICR can be sent to the PRA addressee:

By mail: PRA Officer, Office of Research and Analysis, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5718, Washington, DC 20210.

By email: ebsa.opr@dol.gov.

The following burden estimates show the burden of the currently approved information collection and also the additional burden imposed by the changes made by SECURE 2.0 and the proposed regulations. Therefore, the total estimated burden is larger than the incremental burden shown in the RIA.

A. Control Number 1210–0166 Pension Benefits Statement

Section 338 of SECURE 2.0 amends section 105(a)(2) of ERISA to require the provision of certain pension benefit statements on paper, as well as amending the Department's 2002 and 2020 safe harbors. These amendments include a required initial notice for participants and beneficiaries covered under the 2002 safe harbor who first become eligible to participate in the plan or for benefits after December 31, 2025, as well as an additional explanation for participants receiving the newly required paper statements under the 2020 safe harbor.

Section 105(a)(1) of ERISA requires pension benefit statements to be sent:

- at least once each quarter, in the case of a defined contribution plan that permits participants and beneficiaries to direct their investments;
- at least once each year, in the case of a defined contribution plan that does not permit participants and beneficiaries to direct their investments;
- at least once every 3 years or upon request in the case of defined benefit plans.

Additionally, section 105(a)(3)(A) of ERISA permits plan administrators of defined benefit plans to fulfill the requirements of section 105(a)(1)(B)(i) by providing participants with a notice of statement availability on an annual basis.

The Department has an OMB approved information collection associated with the pension benefit statement under control number 1210–0166 that accounts for the burden of the general requirement to furnish pension benefit statements. This analysis focuses on the additional hour and cost burden associated with the new requirements of section 338.

(1) Baseline Cost of Preparing and Delivering Pension Benefit Statements

Based on discussions with the regulated community in 2021, the Department believes the all-inclusive cost to produce pension benefit statements for defined contribution plan participants and beneficiaries on paper was approximately $1.50 per statement, while the all-inclusive cost to produce pension benefit statements for defined benefit plan participants on paper is approximately $15.00 per statement. The Department believes that administrators of frozen defined benefit plans will provide the notice of statement availability, as described in section 105(a)(3)(A), to frozen defined benefit plan participants in lieu of a pension benefit statement, at an all-

inclusive cost of approximately $0.75 per notice. The Department has inflation-adjusted these figures to $1.71, $17.05, and $1.19, respectively.[37] The Department obtains the cost of these statements delivered electronically by subtracting out the all-inclusive mass-mailing cost estimate of $1.00 per piece, plus an additional 5 cents per page. The baseline costs associated with the provision of pension benefit statements is displayed in Table 12 below:

	Disclosures (A)	Cost per disclosure (B)	Pages per disclosure (C)	Material and mailing costs per page (D)	Equivalent cost A × B or A × ((C × D) + E)
DC Statement Preparation	464,444,095 = (114,094,664 participants in self-directed plans × 4 quarterly statements) + 8,065,439 annual statements for participants not in DC plans without self-direction.	$0.46			$211,354,692
Non-Frozen DB Statement Preparation.	8,702,640 = 26,107,919 participants in non-frozen DB Plans × 33.3% receiving a statement each year.	16.00			139,248,349
Frozen DB Plan Statements Preparation.	6,004,514 = 6,004,514 participants in frozen DB Plans × receiving a notice of statement availability each year.	0.14			861,943
DC Statement Distribution	18,113,320 paper statements = 464,444,095 DC Statements × 3.9% delivered by paper.		5	[1] $1.25	22,641,650
DB Statement Distribution	339,403 paper statements = 8,702,640 non-frozen DB Statements × 3.9% delivered by paper.		1	1.05	356,373
Frozen Statement Distribution	234,176 paper statements = 6,004,514 frozen DB Statements × 3.9% delivered by paper.		1	1.05	245,885
					374,708,891

On top of this baseline burden, SECURE 2.0 and associated proposal will add costs due to the provision of additional paper benefit statements. The costs associated with providing the additional paper benefit statements in the first year are displayed in detail in Table 13 below. The additional costs in Years 1–3 are then summarized in Table 14 below.

TABLE 13—ADDITIONAL COST BURDEN TO PREPARE & DISTRIBUTE PENSION BENEFIT STATEMENTS

[Year 1 Detail]

	Affected entities (A)	Pages per disclosure (B)	Material costs per page (C)	Distribution costs per disclosure (D)	Total cost burden (A × [(B × C) + D])
Distribution of Statements for DB Plans.	3,872,016 = ((⅓) × 15,385,053 Participants in non-frozen DB plans under 2020 safe harbor + 3,523,231 Participants in frozen DB plans under 2020 safe harbor) × (96.1% Pre-Statute E-Disclosure Rate − 51.3% Post-Statute E-Disclosure Rate).	1	$0.05	$1.00	$4,065,617
Distribution of Statements for DC Plans.	34,367,195 = 76,789,620 DC Participants and Beneficiaries Covered by 2020 Safe Harbor × (96.1% Pre-Statute E-Disclosure Rate − 51.3% Post-Statute E-Disclosure Rate).	5	0.05	1.00	42,958,993
Total					47,024,610

[37] The Inflation adjusted value of $0.75 is $0.85. However, to accommodate the updated mailing cost assumptions, the Department increased the assumed cost for the notice of pension availability from $0.75 to $1.05. This was then inflation adjusted to $1.19.

TABLE 14—ADDITIONAL COST BURDEN TO PREPARE & DISTRIBUTE PENSION BENEFIT STATEMENTS

[Years 1–3]

	Years				
	Pre-statute	1	2	3	3-Year average
2020 Safe Harbor Electronic Disclosure Rate (62.6% of participants)	96.10%	51.35%	57.33%	60.24%	56.31%
2002 Safe Harbor Electronic Disclosure Rate (37.4% of participants)	96.10%	96.10%	96.10%	96.10%	96.10%
Weighted Average Electronic Disclosure Rate	96.10%	67.97%	71.73%	73.56%	71.08%
Change in Electronic Disclosure	0.00%	−28.13%	−24.37%	−22.54%	−25.02%
Additional Paper DB Statements	0	3,872,016	3,354,283	3,102,380	3,442,893
Additional Paper DC Statements	0	34,367,195	29,771,904	27,536,066	30,558,388
Additional Paper DB Statement Cost (1 Page)	$0	$4,065,617	$3,521,997	$3,257,498	$3,615,037
Additional Paper DC Statement Cost (5 Pages)	$0	$42,958,993	$37,214,880	$34,420,082	$38,197,985
Total Additional Costs	$0	$47,024,610	$40,736,877	$37,677,581	$41,813,022

TABLE 15—PENSION BENEFIT STATEMENT BURDEN SUMMARY

	Hourly burden	Cost burden
Baseline Burden to Distribute Benefit Statements	.....	$374,708,891
Additional Burden Added by Secure 2.0 and Proposal	.....	41,813,022
Other Burden Associated With This Control Number [1]	162	148,837
Total	162	416,670,750

[1] A description of how the burden is calculated may be obtained by contacting the PRA addressee or by going to *www.reginfo.gov/public/do/PRAMain* and searching for OMB control number 1210–0166.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Pension Benefit Statement.

Type of Review: Revision of currently approved collection of information.

OMB Control Number: 1210–0166.

Affected Public: Private Sector: business or other for-profit and not-for-profit institutions.

Respondents: 801,370.

Responses: 479,151,249 annually.

Frequency of Response: Quarterly, Annually, Triennially.

Estimated Total Burden Hours: 162.

Estimated Total Costs: $416,670,750.

B. Control Number 1210–0121 Consent To Receive Employee Benefit Plan Disclosures Electronically

The Department has an OMB approved information collection associated with previous electronic disclosure rules under control number 1210–0121. SECURE 2.0 adds additional disclosure requirements that need to be added to this collection. Employee benefit plan administrators utilizing the 2002 safe harbor will need to furnish an initial notice of electronic availability, which notifies participants of their right to receive documents on paper, to all participants who first become eligible to participate, and beneficiaries who first become eligible for benefits, after December 31, 2025.

The Department made a number of assumptions and calculations regarding electronic disclosure rates and the usage of the 2002 and 2020 safe harbor, which are discussed in detail in the regulatory impact analysis. The Department assumes that 37.4 percent of plans and participants [38] will be affected by the changes to the 2002 safe harbor. The costs associated with this requirement are displayed in Table 15 below:

TABLE 15—HOUR BURDEN AND EQUIVALENT COST FOR PREPARATION OF 2002 SAFE HARBOR NOTICE

Description	Affected entities	Hours per entity	Hourly wage	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Notice Preparation (Service Providers)	3,552 Service Providers	1	$181.06	3,552	$643,125
Notice Preparation (In-House)	29,971 = 299,712 Plans × 10% Not Using a Service Provider.	1	181.06	29,971	5,426,592
Adding Contact and Plan Information to Drafted Notices.	269,741 = 299,712 Plans × 90% Using a Service Provider.	5/60	70.29	22,478	1,580,009
Total	.....	.....	.....	56,002	7,649,726

[38] Generally, only participants, not beneficiaries, are eligible to receive electronic disclosures under the wired-at-work provision of the 2002 safe harbor. SECURE 2.0 requires an initial notice for newly eligible participants and beneficiaries who first become eligible for benefits after December 31, 2025. However, for the purposes of this burden analysis, only wired-at-work participants are assumed to receive the initial paper notice, as beneficiaries who have affirmatively consented to electronic disclosure under the 2002 safe harbor will likely receive the existing advance statement on paper instead. *See* section II.B above.

Plans using the 2020 safe harbor for electronic disclosure will also be required to make changes under this proposal. Employee benefit plan administrators utilizing the 2020 safe harbor shall:

1. Furnish one pension benefit per year on paper to defined contribution participants and beneficiaries, and one statement per three years on paper to defined benefit participants,

2. Establish a system allowing participants to opt out of these mandatory paper disclosures, including an explanation sent with the statement which explains how to receive these documents electronically,

3. Remove all policies that would charge participants for paper pension benefit statements.

The costs associated with preparing the explanation of how to opt out of this mandatory paper benefit statement are included in Table 16 below.

TABLE 16—HOUR BURDEN AND EQUIVALENT COST FOR PREPARATION OF EXPLANATIONS FOR 2020 SAFE HARBOR

Description	Affected entities (A)	Hours per entity (B)	Hourly wage (C)	Total hours (A × B)	Equivalent cost (A × B × C)
Explanation Preparation (Service Providers)	3,552 Service Providers	1	$181.06	3,552	$643,125
Explanation Preparation (In-House)	77,012 = 770,117 Plans × 10% Not Using a Service Provider.	1	181.06	77,012	13,943,731
Adding Contact and Plan Information to Drafted Explanations.	693,105 = 770,117 Plans × 90% Using a Service Provider.	5/60	70.29	57,759	4,059,862
Total				138,322	18,646,718

In addition to the new requirements included in SECURE 2.0, the existing collection also includes existing burdens for the notice of internet availability, maintaining a website for electronic disclosure, and preparing a list of bounce back emails. These existing provisions account for 1,076,344 burden hours and $2,930,343 additional costs.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Consent to Receive Employee Benefit Plan Disclosures Electronically.

Type of Review: Revision of currently approved collection of information.

OMB Control Number: 1210–0121.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 833,328.

Responses: 59,688,464.

Estimated Total Burden Hours: 1,270,344.

Estimated Total Costs: $2,930,244.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [39] imposes certain requirements with respect to federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act.[40] Under section 603 of the RFA, agencies must submit an initial regulatory flexibility analysis (IRFA) of a proposal that is likely to have a significant economic impact on a substantial number of small entities, such as small businesses, organizations, and governmental jurisdictions. The Department provides its IRFA of the proposed rule, below.

A. Need for and Objectives of the Rule

As discussed earlier in this preamble, section 338 of SECURE 2.0 directed the Department to promulgate this proposal to update its electronic disclosure safe harbors. Not promulgating this proposal would violate the directive established by SECURE 2.0 and leave the existing safe harbors inconsistent with its requirements.

As discussed in the RIA, a survey by the AARP [41] found that a majority of participants would like to receive at least one statement per year on paper, and participants that receive documents on paper are more likely to fully review them than participants that exclusively receive electronic statements. Despite this, the majority of participants who receive paper statements do so because it was a default plan option, rather than affirmatively opting-in. By requiring plans to change their default plan options to include at least one paper statement per year, plans can overcome a general preference to maintain their current situation and encourage more participants to receive at least one paper statement.

This effect will be particularly profound amongst older Americans, lower-income Americans, and Americans without access to the internet at home, who are all more likely to indicate a preference for paper pension benefit statements.

B. Affected Small Entities.

For purposes of the IRFA, the Department considers employee benefit plans with fewer than 100 participants to be small entities.[42] The basis of this definition is found in section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for plans that cover fewer than 100 participants. Under section 104(a)(3) of ERISA, the Secretary may also provide for exemptions or simplified annual reporting and disclosure for welfare benefit plans. Pursuant to the authority of section 104(a)(3), the Department has previously issued (see 29 CFR 2520.104–20, § 2520.104–21, § 2520.104–41, § 2520.104–46, and § 2520.104b–10) simplified reporting provisions and limited exemptions from reporting and disclosure requirements for small plans, including unfunded or insured welfare plans that satisfy certain requirements.

While some large employers have small plans, small plans are generally maintained by small employers. Thus, the Department believes that assessing the impact of this proposed exemption on small plans is an appropriate way to evaluate its effect on small entities. The definition of small entity applied for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small

[39] *5 U.S.C. 601 et seq.*

[40] *5 U.S.C. 601(2), 603(a);* also see *5 U.S.C. 551.*

[41] Brown, S. Kathi. Retirement Account Statements: Paper or Electronic?, AARP Research, May 2022, *https://doi.org/10.26419/res.00529.00.* Accessed March 27, 2025.

[42] The Department consulted with the Small Business Administration in making this determination, as required by 5 U.S.C. 603(c) and 13 CFR 121.903(c). Memorandum received from the U.S. Small Business Administration, Office of Advocacy on July 10, 2020.

Business Administration [43] pursuant to the Small Business Act.[44] Therefore, the Department requests comments on the appropriateness of the size standard used in evaluating the impact of this proposed rule on small entities.

The Department's data on small plans and participants in small plans is displayed in Table 16 below. In addition, the corresponding affected entities are described in Table 17 below. For more information regarding how the affected entities were determined, see section (F) of the RIA.

TABLE 16—GENERAL DATA

Description	Assumption	Source
Number of Small Defined Contribution (DC) Plans	663,107	2022 Form 5500 Data.
Number of Small Defined Benefit (DB) Plans	40,117	2022 Form 5500 Data.
All Participants in Small Plans	14,588,887	2022 Form 5500 Data.
Service Providers for Accounting, Actuarial Services, and Plan Administration Services.	3,552	2022 Schedule C Data.
Small Plan Participants under 2002 Safe Harbor	263,393	37.4% of Participants in Small Plans × 5% Newly-Eligible for Benefits.
Small Plan Participants and Beneficiaries under 2020 Safe Harbor	9,318,462	62.6% of Participants in Small Plans and all beneficiaries.
Subtotal: Participants and Beneficiaries in Small Plans Affected by the Proposal.	9,581,855	Participants in small plans covered by either safe harbor.

TABLE 17—AFFECTED SMALL PLANS

Affected small plans	Description	Number of small plans
Plans Using 2002 Safe Harbor	37.4% of Small Plans	263,006
Plans Using 2020 Safe Harbor	96.1% of Small Plans	675,798
Subtotal: Affected Small Plans	100% of Small Plans	703,224

C. Projected Reporting, Recordkeeping, and Other Compliance Requirements

As discussed in section H.2 of the regulatory impact analysis, small plans utilizing the 2002 safe harbor will now be required to send an initial notice to participants who first become eligible to participate, and beneficiaries who first become eligible for benefits, after December 31, 2025. Small plans utilizing the 2020 safe harbor will be required to begin providing some pension benefit statements on paper and include an additional explanation of how to receive these statements electronically. They will also be prohibited from charging fees for additional paper copies of pension benefit statements. All pension plans will be required to review and implement the proposal. The Department's estimates for these requirements in the first year are in Tables 18–21 below.

TABLE 18—COST PERTAINING TO RULE REVIEW

Description	Affected entities	Hours per entity	Hourly labor cost	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Rule Review (Service Providers)	3552 Service Providers	4	$181.06	14,208	$2,572,500
Rule Review (In-House)	70,322 = 703,224 Small Plans × 10% Not Using a Service Provider.	4	181.06	281,290	50,930,295
Total				295,498	53,502,795

TABLE 19—COST FOR PREPARATION OF 2002 SAFE HARBOR NOTICE

Description	Affected entities	Hours per entity	Hourly labor cost	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Notice Preparation (Service Providers)	3,552 Service Providers	1	$181.06	3,552	$643,125
Notice Preparation (In-House)	26,301 = 263,006 Small Plans × 10% Not Using a Service Provider.	1	181.06	26,301	4,761,983

[43] 13 CFR 121.201 (2011).

[44] 15 U.S.C. 631 *et seq.* (2011).

TABLE 19—COST FOR PREPARATION OF 2002 SAFE HARBOR NOTICE—Continued

Description	Affected entities	Hours per entity	Hourly labor cost	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Adding Contact and Plan Information to Drafted Notices.	236,705 = 263,006 Small Plans × 90% Using a Service Provider.	5/60	70.29	19,725	1,386,501
Total				49,578	6,791,608

TABLE 20—COST FOR PREPARATION OF 2020 SAFE HARBOR EXPLANATION

Description	Affected entities	Hours per entity	Hourly labor cost	Total hours	Equivalent cost
	(A)	(B)	(C)	(A × B)	(A × B × C)
Notice Preparation (Service Providers)	3,552 Service Providers	1	$181.06	3,552	$643,125
Notice Preparation (In-House)	67,580 = 675,798 Small Plans × 10% Not Using a Service Provider.	1	181.06	67,580	12,236,003
Adding Contact and Plan Information to Drafted Notices.	608,218 = 675,798 Small Plans × 90% Using a Service Provider.	5/60	70.29	50,685	3,562,639
Total				121,817	16,441,768

TABLE 21—COST FOR DISTRIBUTION OF ADDITIONAL PAPER BENEFIT STATEMENTS FOR 2020 SAFE HARBOR

[Year 1]

Description	Affected entities	Pages per disclosure	Material costs per page	Distribution costs per disclosure	Total cost
	(A)	(B)	(C)	(D)	(A × [(B × C) + D])
Distribution of Statements for DB Plans.	62,046 = ((⅓) × 244,378 Participants in Small Non-frozen DB Plans Under 2020 Safe Harbor + 57,177 Participants in Small Frozen DB Plans Under 2020 Safe Harbor) × (96.1% Pre-Statute E-Disclosure Rate − 51.3% Post-Statute E-Disclosure Rate).	1	$0.05	$1.00	$65,149
Distribution of Statements for DC Plans.	4,035,517 = 9,016,908 DC Participants and Beneficiaries in Small Plans Covered by 2020 Safe Harbor × (96.1% Pre-Statute E-Disclosure Rate − 51.3% Post-Statute E-Disclosure Rate).	5	0.05	1.00	5,044,396
Total					5,109,545

TABLE 22—COSTS OF DUPLICATE PAPER STATEMENTS TO SMALL PLANS [1]

Description	Affected entities	Pages per disclosure	Material costs per page	Distribution costs per disclosure	Total cost
	(A)	(B)	(C)	(D)	(A × [(B × C) + D])
Duplicate Statements for DB Plan Participants.	1,176 = 301,554 DB Participants in small plans under the 2020 safe harbor × 3.9% Receiving Paper Statements Pre-Statute × 10% Receiving Duplicate Statements per Year.	$1.00	$0.05	$1.00	$1,235
Duplicate Statements for DC Plan Participants.	35,166 = 9,016,908 DC Participants in small plans under the 2020 safe harbor × 3.9% Receiving Paper Statements Pre-Statute × 10% Receiving Duplicate Statements per Year.	5.00	0.05	1.00	43,957
Total	36,342				45,192

[1] These costs were displayed as transfers from plans to participants in Table 10 of the RIA. However, since this impact on small plans is viewed as a cost from the small plans point of view the share of the transfer for small plans is included here as an additional impact.

The only cost in subsequent years arising from SECURE 2.0 are the costs of the additional paper benefit statements required under the 2020 safe harbor and the costs of the prohibition on charging participants for additional copies of paper benefit statements. The cost of furnishing the additional paper benefit statement will go down over time as more participants switch to electronic disclosure, eventually approaching a long-term electronic disclosure rate of 63 percent. The costs borne as a result of the prohibition on charging for duplicate statements is expected to hold steady over the analysis period. These assumptions are discussed in detail in the RIA. These costs over time are displayed in Table 22 below.

TABLE 23—TEN-YEAR TOTAL COSTS ASSOCIATED WITH STATUTE AND PROPOSAL

Years	Electronic disclosure rates			Statute and proposal costs				Total costs [1]
	2020 Safe harbor electronic disclosure rate (%)	2020 Safe harbor paper disclosure rate (%)	Change to paper disclosure rate from statute and proposal (%)	Rule review	Notice and explanation preparation	Adding contact and plan information to drafted notices	Distribution cost for additional paper benefit statements	
Pre-Statute	96.1	3.9	0.0	$0	$0	$0	$0	$0
1	51.3	48.7	44.8	53,502,795	18,284,236	4,949,140	5,154,737	81,890,909
2	57.3	42.7	38.8	0	0	0	4,471,532	4,471,532
3	60.2	39.8	35.9	0	0	0	4,139,119	4,139,119
4	61.7	38.3	34.4	0	0	0	3,977,383	3,977,383
5	62.3	37.7	33.8	0	0	0	3,898,691	3,898,691
6	62.7	37.3	33.4	0	0	0	3,860,403	3,860,403
7	62.8	37.2	33.3	0	0	0	3,841,774	3,841,774
8	62.9	37.1	33.2	0	0	0	3,832,710	3,832,710
9	63.0	37.0	33.1	0	0	0	3,828,300	3,828,300
10	63.0	37.0	33.1	0	0	0	3,826,154	3,826,154

[1] Cost estimates are not inflation adjusted and are presented in constant dollars.

The Department also analyzed these costs as a share of plan assets across various sizes of small plans and displayed them in Table 23 below. This data is presented in multiple scenarios to examine the burden to small firms under a variety of assumptions. The fixed cost column describes the costs as a share of plan assets for small plans to read SECURE 2.0 and proposal, as well as prepare any required notices and explanations. This is presented in three columns based on which safe harbor the plan uses, or if it uses both. If a small plan uses the 2020 safe harbor, then there will also be costs which will vary based on the number of participants in the plan, the type of plan, and its electronic disclosure requirements pre-statute. As such, the variable costs column presents a range of estimates based on the number of participants in each plan. This range assumes that all of the participants in the plan are covered under the 2020 safe harbor, and that all were previously receiving electronic disclosure. Thus, this variable cost column should be viewed as the maximum possible extent of these variable costs, displayed as a share of assets. These are the only costs to firms that will persist beyond the first year. Thus, to estimate the per-firm cost of a plan using the 2020 safe harbor in the first year, the variable cost estimate should be added to the fixed cost estimates for the 2020 safe harbor. The cost in subsequent years would be the variable cost only. The costs for the 2002 safe harbor are only in the first year. Under this range of analysis, the costs per firm range from a minimum of approximately 0.002 percent of plan assets to a maximum of approximately 0.021 percent of plan assets. In subsequent years, the maximum burden would be 0.003 percent of plan assets.

TABLE 24—COSTS PER PLAN AS A SHARE OF PLAN ASSETS

Participant tiers	Plan count	Mean assets per plan	Fixed first year costs			Annual variable costs [1]
			2002 Safe Harbor	2020 Safe harbor	Both safe harbors	2020 Safe harbor
Plans with 1–5 Participants	121,833	$596,214	0.017% ($102)	0.017% ($100)	0.021% ($126)	From 0.000% to 0.001%. (From $1 to $6).
Plans with 6–10 Participants	153,541	764,808	0.013% ($102)	0.013% ($100)	0.017% ($126)	From 0.001% to 0.002%. (From $6 to $13).
Plans with 11–20 Participants	158,608	1,086,263	0.009% ($102)	0.009% ($100)	0.012% ($126)	From 0.001% to 0.002%. (From $12 to $25).
Plans with 21–40 Participants	126,267	1,758,726	0.006% ($102)	0.006% ($100)	0.007% ($126)	From 0.001% to 0.003%. (From $22 to $50).
Plans with 41–60 Participants	57,420	2,743,041	0.004% ($102)	0.004% ($100)	0.005% ($126)	From 0.002% to 0.003%. (From $43 to $75).
Plans with 61–80 Participants	33,230	3,679,958	0.003% ($102)	0.003% ($100)	0.003% ($126)	From 0.002% to 0.003%. (From $64 to $100).

TABLE 24—COSTS PER PLAN AS A SHARE OF PLAN ASSETS—Continued

Participant tiers	Plan count	Mean assets per plan	Fixed first year costs			Annual variable costs [1]
			2002 Safe Harbor	2020 Safe harbor	Both safe harbors	2020 Safe harbor
Plans with 81–100 Participants	21,378	4,723,015	0.002% ($102)	0.002% ($100)	0.003% ($126)	From 0.002% to 0.003%. (From $85 to $125).

[1] Annual Costs vary based on number of participants and plan types. The presented ranges depict a costs for a DB plan with the minimum number of participants, and a DC plan with the maximum number of participants. This presents the lowest and highest possible value for each category.

The previous table included the assumption used in the regulatory impact analysis that 90 percent of plans would rely on service providers for rule review, notice preparation, and other compliance support. The Department believes this assumption is reasonable as many smaller firms do not have the resources to conduct these services in-house. However, the Department also did a separate analysis assuming that plans did all of these services in-house, which is displayed in Table 24 below. Even in this unlikely case, the burden on small plans would range from a minimum of approximately 0.019 percent of plan assets to a maximum of approximately 0.183 percent of plan assets in the first year. In subsequent years, the maximum burden would be 0.003 percent of plan assets.

TABLE 25—COSTS PER PLAN (IN-HOUSE ONLY) AS A SHARE OF PLAN ASSETS

Participant tiers	Plan count	Mean assets per plan	Fixed first year costs			Annual variable costs [1]
			2002 Safe Harbor	2020 Safe harbor	Both safe harbors	2020 Safe harbor
Plans with 1–5 Participants	121,833	$596,214	0.152% ($905)	0.152% ($905)	0.182% ($1,086)	From 0.000% to 0.001%. (From $1 to $6).
Plans with 6–10 Participants	153,541	764,808	0.118% ($905)	0.118% ($905)	0.142% ($1,086)	From 0.001% to 0.002%. (From $6 to $13).
Plans with 11–20 Participants	158,608	1,086,263	0.083% ($905)	0.083% ($905)	0.100% ($1,086)	From 0.001% to 0.002%. (From $12 to $25).
Plans with 21–40 Participants	126,267	1,758,726	0.051% ($905)	0.051% ($905)	0.062% ($1,086)	From 0.001% to 0.003%. (From $22 to $50).
Plans with 41–60 Participants	57,420	2,743,041	0.033% ($905)	0.033% ($905)	0.040% ($1,086)	From 0.002% to 0.003%. (From $43 to $75).
Plans with 61–80 Participants	33,230	3,679,958	0.025% ($905)	0.025% ($905)	0.030% ($1,086)	From 0.002% to 0.003%. (From $64 to $100).
Plans with 81–100 Participants	21,378	4,723,015	0.019% ($905)	0.019% ($905)	0.023% ($1,086)	From 0.002% to 0.003%. (From $85 to $125).

[1] Annual Costs vary based on number of participants and plan types. The presented ranges depict the costs for a DB plan with the minimum number of participants, and a DC plan with the maximum number of participants. This presents the lowest and highest possible value for each category.

D. Duplicate, Overlapping, or Relevant Federal Rules

This proposal updates existing Departmental safe harbors to comply with the provisions of SECURE 2.0. The Department is not aware of any other rules that would duplicate, overlap, or be relevant to this proposal.

E. Significant Alternatives Considered

Section 603 of the RFA requires the Department to consider significant alternatives that would accomplish the stated objective, while minimizing any significant adverse impact on small entities. The objective for this proposal is to narrowly address the requirements of SECURE 2.0. Since SECURE 2.0 did not include any potential exemptions for small plans, the Department could not consider an exemption for small plans while still meeting the goals of the regulation. As discussed in the RIA, the Department considered the following alternatives.

(1) Amend the 2020 Safe Harbor To Clarify Existing Provisions

First, the Department considered explicitly adding additional provisions to address SECURE 2.0's directive that the 2020 safe harbor:

1. Allow plans to furnish duplicate electronic copies of paper statements, as directed in section 338(b)(2)(D) of SECURE 2.0; and

2. Require all ERISA-required disclosures provided electronically to include an explanation of how to request the disclosures in paper form, as directed in section 338(b)(2)(E) of SECURE 2.0.

However, the Department believes these requirements can be accomplished under the existing safe harbors. Additionally, should the Department include additional provisions on these topics in the proposal, then plans may be required to update their disclosures if they differ from the new requirements of the safe harbor. This would incur additional costs on plans without further advancing the goals of the proposal and was thus rejected.

(2) Expand Disclosure Requirements to All Paper Statements

The Department also considered requiring that all pension benefit statements furnished on paper include a statement of how to obtain electronic disclosure, rather than just limiting this requirement to the statements required to be provided on paper under SECURE 2.0. This would have benefits for regulatory uniformity, as it would provide a blanket requirement across all pension benefit statements. However, limiting the disclosure requirement just to these required statements reduces the burden on plans and participants while

still fulfilling SECURE 2.0's mandate. Since this alternative would have raised costs without furthering the goals of this proposal, it was rejected.

(3) Do Not Issue Proposal

The Department is unable to consider a ''no-change'' alternative scenario. The goal of this proposal is to fulfill the directive established by Congress under SECURE 2.0 and align the Department's safe harbors with SECURE 2.0. Absent this proposal, the Department would be in violation of SECURE 2.0 and the Department's safe harbors would be inconsistent with it, leading to regulatory uncertainty. As a result, a no-change scenario does not accomplish the goals of this proposal and was rejected.

IX. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 [45] requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposal that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. For purposes of the Unfunded Mandates Reform Act, as well as Executive Order 12875, this proposal does not include any Federal mandate that will result in such expenditures.

X. Federalism Statement

Executive Order 13132 outlines fundamental principles of federalism. E.O. 13132 requires Federal agencies to follow specific criteria in forming and implementing policies that have ''substantial direct effects'' on the States, the relationship between the national Government and States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies promulgating regulations that have federalism implications must consult with State and local officials and describe the extent of their consultation and the nature of the concerns of State and local officials in the preamble to the proposal.

In the Department's view, this proposal does not have federalism implications because it does not have a direct effect on the States, the relationship between the national Government and the States, or on the distribution of power and responsibilities among various levels of government.

[45] Public Law 104–4, 109 Stat. 48 (1995).

List of Subjects

29 CFR Part 2520

Employee benefit plans, Pensions.

29 CFR Part 2560

Claims, Employee benefit plans, Pensions.

For the reasons stated in the preamble, the Department of Labor proposes to amend 29 CFR chapter XXV as follows:

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

■ 1. The authority citation for part 2520 continues to read as follows:

Authority: 29 U.S.C. 1021–1025, 1027, 1029–31, 1059, 1134 and 1135; and Secretary of Labor's Order 1–2011, 77 FR 1088 (Jan. 9, 2012). Sec. 2520.101–2 also issued under 29 U.S.C. 1132, 1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Sec. 2520.101–5 also issued under 29 U.S.C. 1021(f). Sec. 2520.101–6 also issued under 29 U.S.C. 1021(k). Sec. 2520.103–13 also issued under 29 U.S.C. 1023. Secs. 2520.102–3, 2520.104b–1, 2520.104b–3, and 2520.104b–31 also issued under 29 U.S.C. 1003, 1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Secs. 2520.104b–1 and 2520.107 also issued under 26 U.S.C. 401 note, 111 Stat. 788. Div. T, Title III, Sec. 338, Pub. L. 117–328, 136 Stat. 5373, 5374 (Dec. 29, 2022).

■ 2. Amend Section 2520.104b–1 by:
■ a. Revising paragraph (c)(1)(iii);
■ b. Revising paragraph (c)(1)(iv); and
■ c. Adding paragraph (c)(3).

The revision and additions read as follows:

§ 2520.104b–1 Disclosure.

* * * * *

(c) * * *

(1) * * *

(iii) Notice is provided to each participant, beneficiary or other individual, in electronic or non-electronic form, at the time a document is furnished electronically, that apprises the individual of the significance of the document when it is not otherwise reasonably evident as transmitted (*e.g.,* the attached document describes changes in the benefits provided by your plan) and of the right to request and obtain a paper version of such document, and upon request, the participant, beneficiary or other individual is furnished a paper version of the electronically furnished documents; and

(iv) An individual account plan and a defined benefit plan (in each case, other than a one-participant retirement plan) may furnish the pension benefit statement described in subparagraph (E) of section 105(a)(2) of the Act by electronic delivery only if, with respect to participants who first become eligible to participate, and beneficiaries who first become eligible for benefits, after December 31, 2025, in addition to meeting all other requirements under paragraph (c) of this section, the plan furnishes each participant or beneficiary a one-time initial notice on paper in written form, prior to the electronic delivery of any pension benefit statement, of their right to request that all documents required to be disclosed by the plan be furnished on paper in written form.

* * * * *

(3) A plan administrator may satisfy the initial notice requirement in paragraph (c)(1)(iv) of this section by furnishing the statement described in paragraph (c)(2)(ii)(C) of this section on paper.

■ 3. Amend § 2520.104b–31 by:
■ a. Revising paragraph (c)(1);
■ b. Revising the second sentence of paragraph (f)(1)
■ c. Redesignating paragraph (l) as paragraph (m); and
■ d. Adding paragraph (l).

The revisions and addition read as follows:

29 CFR 2520.104b–31 Alternative method for disclosure through electronic media—Notice-and-access.

* * * * *

(c) * * *

(1) *Pension benefit plans.* In the case of an employee pension benefit plan, as defined in section 3(2) of the Act, any document or information that the administrator is required to furnish to participants and beneficiaries pursuant to Title I of the Act, except for any document or information that must be furnished only upon request, or a pension benefit statement that must be furnished on paper under subparagraph (E) of section 105(a)(2) of the Act.

* * * * *

(f) * * *

(1) * * * Only one paper copy of any covered document must be provided free of charge under this section except for pension benefit statements as provided in paragraph (l)(3) of this section, in which case the plan may not charge any fee to a participant or beneficiary for the delivery of any paper statements (see paragraph (l)(3) of this section).

* * * * *

(l) *Special rule for paper statements under subparagraph (E) of section 105(a)(2) of the Act.* With respect to a plan that furnishes covered documents or statements electronically under this section—

(1) A participant or beneficiary who is a ''covered individual'' as defined in paragraph (b) of this section shall be permitted the opportunity to request that any pension benefit statement required to be furnished on paper as required under subparagraph (E) of section 105(a)(2) of the Act shall instead be furnished by electronic delivery.

(2) Each pension benefit statement furnished on paper as required under a plan pursuant to subparagraph (E) of section 105(a)(2) of the Act shall include:

(i) An explanation of how to request that all such statements be furnished by electronic delivery; and

(ii) Contact information for the plan sponsor, plan administrator, or other designated representative of the plan, including a telephone number.

(3) The plan may not charge any fee to a participant or beneficiary for the delivery of any paper statements.

* * * * *

PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

■ 4. The authority citation for part 2560 continues to read as follows:

Authority: 29 U.S.C. 1132, 1135, and Secretary of Labor's Order 1–2011, 77 FR 1088 (Jan. 9, 2012). Section 2560.503–1 also issued under 29 U.S.C. 1133. Section 2560.502c–7 also issued under 29 U.S.C. 1132(c)(7). Section 2560.502c–4 also issued under 29 U.S.C. 1132(c)(4). Section 2560.502c–8 also issued under 29 U.S.C. 1132(c)(8).

■ 5. Amend § 2560.503–1 by:

■ a. Revising the second sentence of paragraph (g)(1); and

■ b. Revising the second sentence of paragraph (j).

The revisions read as follows:

§ 2560.503 Claims procedure.

* * * * *

(g) * * *

(1) * * * Any electronic notification shall comply with the standards imposed by 29 CFR 2520.104b–1(c)(1)(i) and (iii), or with the standards imposed by 29 CFR 2520.104b–31 (for pension benefit plans). * * *

* * * * *

(j) * * * Any electronic notification shall comply with the standards imposed by 29 CFR 2520.104b–1(c)(1)(i) and (iii), or with the standards imposed by 29 CFR 2520.104b–31 (for pension benefit plans). * * *

* * * * *

Signed at Washington, DC.

Daniel Aronowitz,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2026–03723 Filed 2–24–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 251121–0173]

RIN 0648–BM88

Atlantic Highly Migratory Species; Revisions to Commercial Atlantic Blacknose and Recreational Atlantic Shark Fisheries Management Measures; Extension of Comment Period

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: On January 5, 2026, NMFS published the proposed rule to revise commercial blacknose shark and recreational Atlantic shark fisheries management measures in the Atlantic Highly Migratory Species (HMS) shark fisheries. In the proposed rule, NMFS announced a 60-day comment period ending on March 6, 2026. During the comment period, the Gulf Fishery Management Council, the Atlantic States Marine Fisheries Commission, and the Florida Fish and Wildlife Conservation Commission requested an extension of the comment to provide additional opportunities for the public to consider and comment on the proposed measures and related analyses. NMFS is extending the comment period for this action through May 29, 2026. NMFS will consider comments received on the proposed rule in determining whether and how to implement final management measures.

DATES: The proposed rule to revise commercial blacknose shark and recreational Atlantic shark fisheries management measures was published on January 5, 2026 (91 FR 215), and provided for public comment period to March 6, 2026. The comment period is now extended to May 29, 2026. Comments must be received by May 29, 2026. Comments received after this date may not be accepted.

ADDRESSES: A plain language summary of this proposed rule is available at: *https://www.regulations.gov/docket/NOAA-NMFS-2024-0039.* You may submit comments on this document, identified by NOAA–NMFS–2024–0039, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type ''NOAA–NMFS–2024–0039'' 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, *etc.*), 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).

Additional information related to this proposed rule, including electronic copies of the supporting documents are available from the HMS Management Division website at *https://www.fisheries.noaa.gov/action/proposed-rule-revisions-commercial-atlantic-blacknose-and-recreational-atlantic-shark* or by contacting Guy DuBeck, see **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Guy DuBeck (*guy.dubeck@noaa.gov*) or Karyl Brewster-Geisz (*karyl.brewster-geisz@noaa.gov*) at 301–427–8503.

SUPPLEMENTARY INFORMATION: NMFS, on behalf of the Secretary of Commerce, is responsible for managing Federal Atlantic HMS fisheries (*i.e.,* sharks, tunas, billfish and swordfish), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). The term HMS is defined at 16 U.S.C. 1802(21), and the provisions for the management of HMS are found at 16 U.S.C. 1854(g)(1). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas. NMFS manages HMS fisheries under the HMS FMP and its amendments. HMS implementing regulations are at 50 CFR part 635.

NMFS released a proposed rule to revise commercial and recreational Atlantic shark fisheries management measures on January 5, 2026 (91 FR 215). That proposed rule considers options to remove the blacknose shark management boundary in the Atlantic region, modify the commercial retention limit for blacknose sharks in the Atlantic region, revise the recreational minimum size limits for Atlantic shark species, and revise the recreational retention limits for Atlantic shark species. That proposed rule would also remove commercial management group quota linkages, consistent with Amendment 14, and make technical changes to clarify certain HMS regulations.

NMFS has received requests from several groups to extend the comment period and discuss this rulemaking during upcoming meetings. During a hearing webinar on January 22, 2026, which included an opportunity for commenting on the proposed rule, commenters expressed concern regarding changing the recreational bag limit for Atlantic sharpnose and bonnethead sharks from one per person per trip to one per vessel per trip. Due to those concerns, the Gulf Fishery Management Council (Gulf Council) requested an extension of the comment period. Specifically, the Gulf Council indicated that those species are abundant and the proposed change is not related to any recent stock assessment that would warrant a decrease in harvest. The Gulf Council requested additional time to understand the rationale for the proposed changes and requested a presentation from the HMS Management Division at the April 2026 Council meeting. Similarly, the Atlantic States Marine Fisheries Commission (ASMFC) requested a presentation for their Coastal Shark Board at their May 2026 Commission meeting. In addition, the Florida Fish and Wildlife Conservation Commission requested an extension of the comment period until after the HMS Advisory Panel meeting through the end of May 2026.

After considering the requests, NMFS has determined that it is reasonable to extend the comment period to enable NMFS staff to present at the Gulf Council, ASMFC, and HMS Advisory Panel meetings, and to allow additional opportunities for public comment. Therefore, NMFS is extending the comment period through May 29, 2026. This revised comment period allows time for Council and Commission members, the regulated community, and the general public to further consider the rulemaking documents, and the analyses, data, and conclusions relevant to the proposed management measures in them, and to provide comments to NMFS. NMFS will consider these comments in determining which final management measures to implement.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: February 19, 2026.

Sarah Malloy,

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

[FR Doc. 2026–03792 Filed 2–24–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 91, No. 37

Wednesday, February 25, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–26–BUSINESS–0133]

Notice of Funding Opportunity for the Rural Microentrepreneur Assistance Program (RMAP) for Fiscal Year 2026

AGENCY: Rural Business-Cooperative Service, U.S. Department of Agriculture (USDA).

ACTION: Notice of funding opportunity.

SUMMARY: The Rural Business-Cooperative Service (RBCS or the Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA) is issuing a Notice of Funding Opportunity (NOFO) to announce acceptance of grant, loan, and combined grant and loan applications under the Rural Microentrepreneur Assistance Program (RMAP). In future years this funding opportunity will only be announced on the Agency website and *grants.gov,* without a **Federal Register** notice. Therefore, in future years, neither the funding opportunity nor reference to the funding opportunity in *grants.gov* will appear in the **Federal Register**. Please make a note of this change in location of the funding announcement in your records.

DATES: February 25, 2026.

ADDRESSES: Full funding notice is available on *grants.gov.* Program guidance and application forms may be obtained at *https://www.rd.usda.gov/programs-services/business-programs/rural-microentrepreneur-assistance-program.*

FOR FURTHER INFORMATION CONTACT: Shamika Johnson, Program Management Division, Business Programs, RBCS, USDA, 1400 Independence Avenue SW, Mail Stop 3226, Room 5160–S, Washington, DC 20250–3226, or call (202) 720–1400. For further information on this notice, please contact the RD State Office in the State where the project is located. A list of RD State Office contacts is provided at the following link: *rd.usda.gov/about-rd/offices/state-offices.*

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) is available on the Agency website and on *grants.gov* using Funding Opportunity Number RD–RBCS–26–RMAP or Assistance Listing Number 10.870.

Jeremy Claeys,

Administrator, Rural Business-Cooperative Service, USDA Rural Development.

[FR Doc. 2026–03790 Filed 2–24–26; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–557–833]

Float Glass Products From Malaysia: Final Affirmative Countervailing Duty Determination; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published notice in the **Federal Register** of February 9, 2026, in which Commerce announced the final affirmative countervailing duty (CVD) determination for float glass products from Malaysia. This notice inadvertently omitted mention of Commerce's final negative determination of critical circumstances.

FOR FURTHER INFORMATION CONTACT: Benjamin Nathan, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3834.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 2026, Commerce published in the **Federal Register** the final affirmative CVD determination for float glass products from Malaysia.[1] We inadvertently omitted mention of Commerce's final negative determination of critical circumstances.

Correction

In the **Federal Register** of February 9, 2026, in FR Doc 2026–02491, on page 5720, in the third column, correct the notice so that it includes a ''Final Negative Determination of Critical Circumstances,'' section which states:

''In the *Preliminary Negative Critical Circumstances Determination,*[2] Commerce found that critical circumstances do not exist for Jinjing Malaysia, Xinyi Malaysia, and all other producers or exporters of float glass products from Malaysia. No parties commented on Commerce's preliminary critical circumstances determination. In this final determination, Commerce has continued to find that critical circumstances do not exist for Jinjing Malaysia, Xinyi Malaysia, and all other producers or exporters of float glass from Malaysia.''

Notification to Interested Parties

This notice is issued and published in accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.210(c).

Dated: February 20, 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. 2026–03759 Filed 2–24–26; 8:45 am]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget

[1] *See Float Glass Products From Malaysia: Final Affirmative Countervailing Duty Determination,* 91 FR 5720 (February 9, 2026).

[2] *See Float Glass Products from Malaysia: Preliminary Negative Critical Circumstances Determination in the Countervailing Duty Investigation, 90 FR 34844 (July 24, 2025).*

(OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 24, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR–Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0107, at *https://comments.cftc.gov/.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

[1] 17 CFR 145.9.

FOR FURTHER INFORMATION CONTACT: Dan Rutherford, Associate Director, Office of Public Affairs, Office of Customer Education and Outreach, Commodity Futures Trading Commission, (202) 418–6552; email: *drutherford@cftc.gov,* and refer to OMB Control No. 3038–0107.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback for Agency Service Delivery (OMB Control No. 3038–0107). This is a request for an extension of a currently approved information collection.

Abstract: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers' needs, the Commodity Futures Trading Commission's Office of Customer Education and Outreach (OCEO) seeks to obtain OMB approval of a generic clearance to collect qualitative and quantitative feedback. By feedback we mean information that provides useful insights on perceptions and opinions but are not statistically significant surveys that yield results that can be generalized to the population of study.

This collection of information is necessary to enable the OCEO to garner customer and stakeholder feedback in an efficient and timely manner in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have effective, efficient, and satisfying experiences with OCEO programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the OCEO and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

On December 18, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 59093 (60-Day Notice) The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: This is a renewal request for a previous generic approval. No changes in requirements are anticipated. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents Annually: 14,400.

Estimated Average Burden Hours per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 28,800 hours.

Frequency of Collection: Once per request.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: February 23, 2026

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2026–03761 Filed 2–24–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0772]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting

''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: In March 2019, Acting Secretary of Defense Patrick Shanahan requested the DoD form a team of experts to ''take a fresh look'' at issues involving the sexual assault investigative and accountability process. The DoD established the Sexual Assault Accountability and Investigation Task Force (SAAITF) to identify, evaluate, and make recommendations to improve the investigation and accountability process. As part of this effort, the 2019 SAAITF report called for a ''standardized survey of victim experiences, attitudes, and satisfaction.'' The Sexual Violence Support and Experiences Study (SVSES) meets this requirement and will allow DoW's Sexual Assault Prevention and Response Office, other Department policy offices, and the military Services to use the input of military members to inform improvements to the response system and to address challenges military members face during the military investigation and accountability process.

Title; Associated Form; and OMB Number: Sexual Violence Support and Experience Study; OMB Control Number 0704–0647.

Type of Request: Extension.

Number of Respondents: 300.

Responses per Respondent: 4.

Annual Responses: 1,200.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 300.

Needs and Uses: Information from the SVSES will be used by the OUSD(P&R) policy offices, and the Military Departments to inform improvements to personnel policies, programs, practices, and training related to sexual assault response and accountability systems in the military. It will provide the policy offices of the OUSD(P&R) with current data on (1) Service member satisfaction with sexual assault support resources; (2) the impact that the military support and military justice processes have on Service members who indicate experiencing sexual assault during military service (*e.g.,* their psychological health and well-being); and (3) aspects of the military support and military justice process that relate to retention intention, career progression, and separation from military service.

Any Service member (Active, Reserve, or National Guard) who has experienced unwanted sexual contact or sexual assault since joining the military will be eligible to participate in the study. Recruitment for the SVSES will include proactive outreach to Service members who previously filed an unrestricted report for sexual assault and Service members who requested to learn more about the study. The Office of People Analytics (OPA) will administer the SVSES via the web. The survey will be administered via proprietary software developed by OPA's operations contractor. To reduce respondent burden, these online surveys will use ''smart skip'' technology to ensure respondents only answer questions that are applicable to them.

Information from the SVSES will be used by OUSD(P&R) policy offices, and the Military Departments for program evaluation and to inform improvements to personnel policies, programs, practices, and training related to sexual assault in the military. The study will not produce generalizable statistics or findings; rather, it will inform policy and program offices within the Department about Service member satisfaction with sexual assault response resources and processes and the sexual assault accountability system. OPA will provide interim reports regarding the findings of the study to OUSD(P&R) policy offices on an annual basis and a full report on a biennial basis. Data from the SVSES will also be used in future analyses.

Affected Public: Individuals and households.

Frequency: Quarterly.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03731 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0364]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 27, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Casualty, Mortuary Affairs and Military Funeral Honors, 1500 Defense Pentagon, Suite 1C549, Washington, DC 20301, Lisa Valentine, (571) 372–5319.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of War Surviving Family Member Survey; OMB Control Number 0704–0660.

Needs and Uses: This study is designed to assess the effectiveness of the Department's casualty assistance, mortuary affairs, and military funeral honors programs and the degree of satisfaction of those family members provided such assistance.

Affected Public: Individuals or households.

Annual Burden Hours: 270.
Number of Respondents: 540.
Responses per Respondent: 1.
Annual Responses: 540.
Average Burden per Response: 30 minutes.
Frequency: On occasion.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03734 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0804]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: FOCI Outside Director/Proxy Holder Nominee and Nominating Official Questionnaires; OMB Control Number 0705–0005.
Type of Request: Revision.
Number of Respondents: 256.
Responses per Respondent: 1.
Annual Responses: 256.
Average Burden per Response: 45 minutes.
Annual Burden Hours: 192.
Needs and Uses: The Foreign Ownership, Control, or Influence (FOCI) Outside Director/Proxy Holder Nominee and Nominating Official Questionnaires are essential for the Defense Counterintelligence and Security Agency (DCSA) to effectively oversee companies operating under FOCI while performing United States Government contracts. This information allows DCSA to assess the qualifications and suitability of Outside Director/Proxy Holder(s) (OD/PH) nominees, ensuring they can mitigate foreign influence and protect sensitive government information. Data from nominating officials provides insight into the rationale behind the nomination, enabling DCSA to make informed decisions regarding OD/PH approvals and safeguard national security interests.
Affected Public: Individuals or households; Business or other for-profit.
Frequency: On occasion.
Respondent's Obligation: Voluntary.
DOD Clearance Officer: Mr. Reginald Lucas.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03735 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0168]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: *Title; Associated Form; And OMB Number:* Record of Emergency Data, DD Form 93; OMB Control Number 0704–0649.

Type of Request: Extension.
Number of Respondents: 1,739,012.
Responses per Respondent: 1.
Annual Responses: 1,739,012.
Average Burden per Response: 5 minutes.
Annual Burden Hours: 144,918 hours.
Needs and Uses: The DD Form 93 is used by Service members to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of the member's pay and allowances if captured, missing or interned. It also shows the names and addresses of the person(s) the Service member desires to be notified in case of emergency or death, and designates the person authorized to direct disposition of the Service member's remains upon death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. This requirement is identified in DoDI 1300.18, ''Department of Defense Personnel Casualty Matters, Policies, and Procedures.'' The goal is to retain decisions by service members and deploying contractors relating to persons to be notified in the event of illness, injury, missing status, or death and to capture decisions as it relates to the provision of benefits and designation of a person authorized to direct disposition of their remains upon death. Support staff are able to direct benefits and decisional briefings to those designated as beneficiaries and decision makers as designated by the Service member or deploying contractor.
Affected Public: Individuals and households.
Frequency: As required.
Respondent's Obligation: Voluntary.
DOD Clearance Officer: Mr. Reginald Lucas.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03730 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0870]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Collection of Required Data Elements to Verify Eligibility; OMB Control Number 0704–0545.

Type of Request: Extension.

Number of Respondents: 50,000.

Responses per Respondent: 1.

Annual Responses: 50,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 4,166.67 hours.

Needs and Uses: Defense Manpower Data Center (DMDC) has implemented the Office of Personnel Management (OPM) Verification portal to provide a self-service, easy to use, navigable public facing website that allows individuals potentially impacted by the OPM data breach to securely provide personal identifiable information in order to investigate their eligibility for credit monitoring as a result of being affected by the OPM background investigation data breach without calling a Government call center. The information collected will be used only to verify whether an individual was impacted by the OPM cybersecurity incident involving background investigation records. Once the minimally required information has been entered into the OPM Verification portal, it will be compared to an electronic master file and verification will be accomplished electronically. After the Government has validated the individual's status, DMDC provides the information electronically to OPM and Defense Logistics Agency for subsequent processing.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03732 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0397]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R), announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 27, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Military Community Support Programs, 4800 Mark Center Drive, Suite 14E08, Alexandria, VA 22350, Erika Slaton, (571)372–5417.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Pure Power; OMB Control Number 0704–MFPP.

Needs and Uses: This information collection is necessary to better assist Military and Family Life Counselors in addressing the unique social, emotional and behavioral needs of military-connected youth, directly aligning with the administration's focus on service member readiness, retention, and optimized quality of life for their families.

Affected Public: Individuals or households.

Annual Burden Hours: 72.5.

Number of Respondents: 136.

Responses per Respondent: 16.

Annual Responses: 2176.

Average Burden per Response: 2 minutes.

Frequency: On Occasion.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03733 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0805]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and

Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Qualified Facility List Application Form; DLA Form 2507; OMB Control Number 0704–0650.

Type of Request: Revision.

Number of Respondents: 250.

Responses per Respondent: 1.

Annual Responses: 250.

Average Burden per Response: 1 hour.

Annual Burden Hours: 250.

Needs and Uses: The information collected via the DLA Form 2507, ''Application for Qualified Facility List (QFL),'' is used to validate hazardous waste disposal facilities around the world. Prior to the United States (U.S.) Government sending hazardous waste to a disposal facility, the facility must undergo a vetting process to ensure they are properly permitted, insured, and operating within local, state, and/or national regulations. Respondents are companies that have entered into a contract with the U.S. Government to dispose of hazardous waste and hazardous material on behalf of the U.S. Government. The result of the review process is the disposal facility's addition to the QFL and authorized use by the disposal contractor. If the facility fails to meet the minimum standards established by DLA Disposition Services, the facility is rejected/disapproved and will not be added to the QFL.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: February 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–03729 Filed 2–24–26; 8:45 am]

BILLING CODE 6001–FR–P

ELECTION ASSISTANCE COMMISSION

Request for Comment: Election Audit Standards; Correction

AGENCY: Election Assistance Commission.

ACTION: Notice; correction.

SUMMARY: The U.S. Election Assistance Commission published a document in the **Federal Register** on February 23, 2026 regarding a request for public comment on the proposed Voluntary National Election Audit Standards. The notice contained a nonworking link to access the Voluntary National Election Audit Standards.

ADDRESSES: To view the proposed Voluntary National Election Audit Standards, see: *https://www.eac.gov/sites/default/files/2026-02/Draft_Audit_Standards_021826_Clean.docx.* Comments on the proposed Voluntary National Audit 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.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 23, 2026, in FR Doc. 2026–03583, on page 8472 in the second column, correct the **ADDRESSES** caption to read:

ADDRESSES: To view the proposed Voluntary National Election Audit Standards, see: *https://www.eac.gov/sites/default/files/2026-02/Draft_Audit_Standards_021826_Clean.docx.* Comments on the proposed Voluntary National Audit 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.

Seton Parsons,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2026–03765 Filed 2–24–26; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–334]

Pacific Gas & Electric Company; Notice Of Application For Temporary Flow Modification 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 for Temporary Variance of Flow Requirements.

b. *Project No:* 77–334.

c. *Date Filed:* January 30, 2026.

d. *Applicant:* Pacific Gas & Electric Company.

e. *Name of Project:* Potter Valley Hydroelectric Project.

f. *Location:* The project is located on the Eel River and East Fork of the Russian River in Lake and Mendocino counties, California. The project occupies federal lands managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Chadwick McCready, Pacific Gas and Electric Company, 300 Lakeside Drive, Oakland, CA 94612, (530) 685–5710.

i. *FERC Contact:* Katherine Schmidt, *katherine.schmidt@ferc.gov*, (415) 369–3348.

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 23, 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–77–334. 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 a temporary variance of its minimum flow requirements at two project compliance locations (the Eel River below Scott Dam E–2 and the East Branch Russian River E–16). The licensee has elected to leave the spillway gates at Scott Dam open indefinitely as a strategy to manage seismic risk to the Lake Pillsbury Reservoir, thereby reducing the storage capacity of Lake Pillsbury to approximately 52,600 acre-feet of water storage (a reduction in potential storage of approximately 18,200 acre-feet). The licensee also maintains a minimum pool of 12,000 acre-feet in Lake Pillsbury to avoid bank sloughing, which is expected to occur below this storage target, and would mobilize sediment into the reservoir, which would likely lead to dam safety and operational issues. The project is also subject to flow requirements under Article 52, which requires it to comply with the reasonable and prudent alternative provided by National Marine Fisheries Service's 2002 Biological Opinion to prevent jeopardy to Endangered Species Act-listed salmonids present in the Eel River Basin.

To preserve water storage in Lake Pillsbury while under these reservoir storage limitations, and to conserve cold water for downstream aquatic resources in the Eel River, the licensee has set a storage target of 25,000 acre-feet on October 1, 2026 that it calculates as sufficient to fulfill the safety and regulatory requirements of its license. To manage water storage so that this target can be achieved, the licensee proposes to implement a temporary flow variance, as follows:

1. Reclassify the water year type of gaging station E–2 to a critical water year classification so that compliance for flows released into the Eel River below Scott Dam would be consistent with the critical water year type minimum flow requirement of 20 cubic feet per second (cfs). However, releases from the low-level outlet in Scott Dam cannot be less than 35 cfs, and in practice releases from Scott Dam will likely be greater than its operational limitation of 35 cfs because the total release amount would include all flows released to satisfy E–2, E–11, and E–16 requirements, and any contract water amounts, before the diversions occur.

2. If Lake Pillsbury is spilling, when reservoir water surface elevation is above 1,900.00 feet (licensee datum), from April 15 through May 14 releases to the East Branch Russian River (as measured at gage E–16) would be 35 cfs in a normal water year classification, 25 cfs in a dry water year classification, and 5 cfs for a critical water year classification. From May 15 through June 30, diversions to the East Branch Russian River would be 75 cfs in a normal water year classification, 25 cfs in a dry water year classification, and 5 cfs in a critical water year classification.

3. If Lake Pillsbury is not spilling April 15 through June 30, East Branch Russian River/E–16 releases would be first be set at 25 cfs and then adjusted between 25 and 5 cfs based on a flexible management strategy, should 2026 be determined to be a normal or dry water year classification under Article 52 criteria. The licensee will make adjustments to flows released to the East Branch Russian River during the variance after considering water availability, hydrologic forecast tools used to monitor the late fall and winter reservoir storage forecast, the potential for encroachment into the 12,000 acre-feet minimum pool safety threshold, the cool-water pool status, safety concerns, water temperature conditions in the Eel River, and in consultation with the resource agencies and the Drought Working Group (DWG). However, should 2026 be determined to be a critical water year classification under Article 52 criteria, the water released to East Branch Russian River/E–16 would be 5 cfs (which is the current minimum flow to East Branch Russian River required under Article 52 in a critical water year).

4. From July 1 through September 30, East Branch Russian River/E–16 releases would be adjusted between the 25 to 5 cfs range as determined by the water management criteria described above and in consultation with the DWG and resource agencies.

5. From October 1, 2026 through April 14, 2027, if Lake Pillsbury storage is below 36,000 acre-feet, releases to East Branch Russian River/E–16 would be set to 5 cfs regardless of water year until the variance ends. The temporary flow variance would end when storage in Lake Pillsbury exceeds 36,000 acre-feet of storage after September 30, 2026 and license-required flows would resume.

6. The DWG would meet monthly, or as needed, during the variance to review and discuss forecasted reservoir storage levels, release flow rates, water temperature profiles, release temperatures, and estimated release temperature projections for Eel River below Scott Dam/E–2.

7. Compliance with minimum flows at E–11 set under the variance would be calculated as a 24-hour average rather than the current instantaneous measurement compliance rate. There would be no change to the minimum flows released to the Eel River below Cape Horn Dam (as measured at E–11 gage) required under Article 52.

8. The period over which 2,500 acre-feet allocation of water reserved in Lake Pillsbury for use at the discretion of the resource agencies (Block Water) would be extended over the 2026 calendar year (January 1 through December 31, 2026) instead of through the 2026 water year (October 1, 2025 through September 30, 2026) as described by Article 52.

Monthly water storage and temperature reports would be filed with the Commission during the variance. The licensee requests that the variance begin as soon as possible, upon Commission approval, but requests that approval be granted by May 15, 2026.

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 20, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03786 Filed 2–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–36–000.
Applicants: Eco-Energy White River, LLC.
Description: Blanket Certificate Filing: Refile to be effective 7/15/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5123.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: RP26–494–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20260219 Negotiated Rate Filing to be effective 2/20/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5106.
Comment Date: 5 p.m. ET 3/3/26.

Docket Numbers: RP26–495–000.
Applicants: Golden Pass Pipeline LLC.
Description: Compliance filing: Golden Pass Pipeline LLC 2026 Operational Purchases and Sales Report to be effective 4/1/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5121.
Comment Date: 5 p.m. ET 3/3/26.

Docket Numbers: RP26–496–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Interim Fuel Adjustment on 2–20–26 to be effective 3/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5018.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–497–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: EGTS—2026 Fuel Retention Percentages to be effective 4/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5027.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–498–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Negotiated Rates Housekeeping Filing on 2–20–26 to be effective 3/20/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5030.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–499–000.
Applicants: Cove Point LNG, LP.
Description: § 4(d) Rate Filing: Cove Point—2026 Annual EPCA to be effective 4/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5038.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–500–000.
Applicants: Cove Point LNG, LP.
Description: § 4(d) Rate Filing: Cove Point—2026 Annual Fuel Retainage to be effective 4/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5041.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–501–000.
Applicants: Millennium Pipeline Company, LLC.
Description: § 4(d) Rate Filing: RAM 2026 to be effective 4/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5056.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–502–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Nextera 338764 Eff 2.20.26 to be effective 2/20/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5108.
Comment Date: 5 p.m. ET 3/4/26.

Docket Numbers: RP26–503–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20260220 Negotiated Rate Filing to be effective 2/21/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5162.
Comment Date: 5 p.m. ET 3/4/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP26–491–001.
Applicants: National Fuel Gas Supply Corporation.
Description: Compliance filing: Correction RP26–491 to be effective 4/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5132.
Comment Date: 5 p.m. ET 3/4/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/*

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–03721 Filed 2–24–26; 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 rate filings:

Docket Numbers: ER21–42–000.
Applicants: Tenaska Power Services Co.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 2/19/26.
Accession Number: 20260219–5145.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER25–2093–002.
Applicants: Southwestern Electric Power Company.
Description: Compliance filing: Rate Schedule No. 128—Consolidated to be effective 5/30/2025.
Filed Date: 2/19/26.
Accession Number: 20260219–5152.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER25–3479–001.
Applicants: Southwestern Electric Power Company.
Description: Compliance filing: Rate Schedule Nos. 119 and 129—Consolidated to be effective 11/19/2025.
Filed Date: 2/19/26.
Accession Number: 20260219–5166.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER26–1439–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: Conforming Amendments to Pro Forma Transmission Service Agreements to be effective 4/22/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5138.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER26–1440–000.
Applicants: Wagon Wheel Wind Project Holdings LLC.
Description: Tariff Amendment: MBR Cancellation to be effective 3/31/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5143.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER26–1441–000.
Applicants: Top Hat Wind Energy Holdings LLC.
Description: Tariff Amendment: MBR Cancellation to be effective 3/31/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5149.
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER26–1442–000.
Applicants: Algodon Solar Energy Holdings LLC.
Description: Tariff Amendment: MBR Cancellation to be effective 3/31/2026.
Filed Date: 2/19/26.
Accession Number: 20260219–5153
Comment Date: 5 p.m. ET 3/12/26.

Docket Numbers: ER26–1443–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA No. 6194; Queue No. AD1–140 to be effective 4/22/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5005.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1444–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7442; Project Identifier No. AE2–316/AF1–302 to be effective 4/22/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5014.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1445–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 7922; AE1–072 to be effective 4/22/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5015.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1446–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–02–20_SA 4682 ITC Midwest-Interstate Power & Light GIA (R5064) to be effective 2/18/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5019.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1447–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–02–20_SA 4683 ITC Midwest-Interstate Power & Light GIA (R5065) to be effective 2/18/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5028.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1448–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1148R37 American Electric Power NITSA NOAs to be effective 12/1/2025.
Filed Date: 2/20/26
Accession Number: 20260220–5037.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1449–000.
Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company.
Description: Compliance filing: Appalachian Power Company submits tariff filing per 35: AEP submits PBOP informational filing per OATT Att. H–14B Pt II, Worksheet O to be effective N/A.
Filed Date: 2/20/26.
Accession Number: 20260220–5040.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1450–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–02–20_SA 4537 NIPSCO-North Bend Solar Project 1st Rev GIA (J1684) to be effective 2/12/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5046.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1451–000.
Applicants: Willey Battery Utility, LLC.
Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 2/21/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5048.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1452–000.
Applicants: Midcontinent Independent System Operator, Inc., Michigan Electric Transmission Company, LLC.
Description: § 205(d) Rate Filing: Michigan Electric Transmission Company, LLC submits tariff filing per 35.13(a)(2)(iii: 2026–02–20_SA 1926 METC–CE 12th Rev DTIA to be effective 2/1/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5049.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1453–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 27 to be effective 4/22/2026.
Filed Date: 2/20/26.
Accession Number: 20260220–5075.
Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1454–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 6958; Project Identifier No. AE2–256 to be effective 4/22/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5078.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1455–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF—FMPA Dynamic Transfer Agreement RS No. 503 to be effective 4/22/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5095.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1456–000.

Applicants: ENGIE Power & Gas LLC.

Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 3/1/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5096.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1457–000.

Applicants: Active Power Investments LLC.

Description: Initial Rate Filing: Application for Market-Based Rate Authority with Expedited Treatment to be effective 2/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5100.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1458–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, SA No. 7877; AF2–299 to be effective 1/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5109.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1459–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF–FMPA NITSA SA No. 148 (2026) to be effective 4/22/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5124.

Comment Date: 5 p.m. ET 3/13/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–03719 Filed 2–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–19–000]

Columbia Gas Transmission, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the NKY Gate Enhancement Project

On November 10, 2025, Columbia Gas Transmission, LLC (Columbia) filed an application in Docket No. CP26–19–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) and Authorization pursuant to Section 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project is known as the NKY Gate Enhancement Project (Project) and would replace vintage pipeline infrastructure originally installed in the 1950s with modern pipeline facilities. The Project facilities are located in Mason, Nicholas, Bracken, Pendleton and Campbell Counties, Kentucky, and Hamilton County, Ohio. Columbia states the Project purpose is to proactively address aging infrastructure, reduce potential safety and reliability risks, and ensure continued compliance with federal and state regulations, including those administered by the Pipeline and Hazardous Materials Safety Administration.

On November 24, 2025, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1] The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of EA—July 31, 2026

90-day Federal Authorization Decision Deadline [2]—October 29, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Columbia proposes to abandon four existing natural gas transmission pipelines (totaling 48.54 miles) and construct and operate two new natural gas transmission pipelines and three new natural gas lateral pipelines (totaling 30.16 miles) and associated auxiliary and appurtenant facilities.

Background

On January 5, 2026, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed NKY Gate Enhancement Project* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response, the Commission received comments from the Kentucky Department of Fish and Wildlife Resources and 15 landowners. The primary environmental issues raised by the commenters are vegetation and wildlife, geologic hazards (*i.e.,* karst and slope stability), land use and value, easement locations, construction effects (*i.e.,* noise, dust,

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1770220686.

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

traffic, etc.), long-term safety, purpose and need, loss of residential taps, and route alternatives. All substantive comments will be addressed in the EA. Additionally, the Commission received comments in support of the Project from county and state government officials, unions, businesses, organizations, political groups, and private citizens.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

Additional information about the Project is available from the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP26–19), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1)

Dated: February 20, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03788 Filed 2–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–158–000.

Applicants: Atlas Solar, LLC.

Description: Atlas Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/20/26.

Accession Number: 20260220–5230.

Comment Date: 5 p.m. ET 3/13/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–1422–001.

Applicants: Santa Teresa Storage, LLC.

Description: Tariff Amendment: Amendment to Market-Based Rate Application to be effective 5/1/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5163.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1460–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA, Service Agreement No. 7879; Project Identifier No. AF1–176 to be effective 1/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5148.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1461–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA, SA No. 7878; AE2–308 to be effective 1/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5205.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1462–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: 2026–02–20 GRE-Cannon Falls-SISA–784–0.0.0 to be effective 2/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5207.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1463–000.

Applicants: The Dayton Power and Light Company.

Description: § 205(d) Rate Filing: Construction Service Agreement Marysville Ohio to be effective 4/21/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5217.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1464–000.

Applicants: North Johnson Energy Center, LLC.

Description: Initial rate filing: Shared Facilities Agreement to be effective 2/1/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5227.

Comment Date: 5 p.m. ET 3/13/26.

Docket Numbers: ER26–1465–000.

Applicants: Chula Vista Energy Center, LLC.

Description: Initial rate filing: Shared Facilities Agreement to be effective 2/1/2026.

Filed Date: 2/20/26.

Accession Number: 20260220–5232.

Comment Date: 5 p.m. ET 3/13/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–03720 Filed 2–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–20–000]

Columbia Gas Transmission, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Southeast Virginia Energy Storage Project

On November 13, 2025, Columbia Gas Transmission, LLC (Columbia) filed an application in Docket No. CP26–20–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Southeast Virginia Energy Storage Project (Project), consisting of a new energy storage facility that upon completion would provide up to 1,100,000 dekatherms per day of commercial natural gas storage capacity in Sussex County, Virginia.

On November 24, 2025, the Federal Energy Regulatory Commission

(Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1] The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of EA—July 17, 2026
90-day Federal Authorization Decision Deadline[2]—October 15, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Columbia proposes to construct and operate the new Waverly Energy Storage Facility comprised of the following facilities in Sussex County, Virginia: a new 1.3 billion cubic feet liquified natural gas storage (LNG) storage tank; associated liquefaction and vaporization facilities; approximately 5,398 feet of 12-inch-diameter natural gas pipeline connecting to Columbia's existing VM–107 and VM–108 pipelines; and other appurtenant facilities on the site. The new Waverly Energy Storage Facility would be constructed on 22.5 acres of land within a 700-acre parcel recently purchased by Columbia.

Background

On January 13, 2026, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Southeast Virginia Energy Storage Project and Notice of Public Scoping Session* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response, the Commission received comments from the Virginia Chamber of Commerce, Virginia Natural Gas, Inc., and Virginia State Senator Emily M. Jordan, the Newport News Shipbuilding, the Hampton Roads Chamber of Commerce, an adjacent landowner, and the Hampton Roads Military and Federal Facilities Alliance in support of the Project. The Viginia Department of Environmental Quality provided comments concerning the state's role in the NEPA process. All substantive comments will be addressed in the EA.

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration is a cooperating agency in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Additional information about the Project is available from the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP26–20–000), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1)

Dated: February 20, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–03787 Filed 2–24–26; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1769775072.

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–3955; FRL–13210–01–OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): Confidential Business Information Claims under the Toxic Substances Control Act (TSCA) (EPA ICR No. 2706.04 and OMB Control No. 2070–0223). This ICR represents a renewal of an existing ICR that is currently approved through August 31, 2026. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before April 27, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA–HQ–OPPT–2025–3955, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Sleasman, Katherine, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001; telephone number: 202–566–1204; email address: *sleasman.katherine@epa.gov.*

For general information contact: The TSCA Assistance Information Service Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY

14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Confidential Business Information Claims under the Toxic Substances Control Act (TSCA).

EPA ICR No.: 2706.04.

OMB Control No.: 2070–0223.

ICR Status: This ICR is currently approved through August 31, 2026. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA is renewing the information collection concerning the assertion and maintenance of claims of business confidentiality (also known as Confidential Business Information or ''CBI'') under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601, *et seq.* The Frank R. Lautenberg Chemical Safety for the 21st Century Act, Public Law 114–182 referred to in this Notice as ''Lautenberg''), made significant amendments to TSCA including new provisions governing the assertion of CBI claims and requirements concerning Agency review and treatment of confidentiality claims. Among the changes to TSCA are new provisions on EPA review, submitter maintenance, time limitations for CBI claims, and an option to extend confidentiality claims for up to 10 additional years. 40 CFR 703 specifies Agency procedures for reviewing and communicating with TSCA submitters about confidentiality claims, including requirements for submitters to maintain contact information, procedures EPA will use to provide notices to submitters concerning their claims, and the manner in which EPA will notify submitters concerning the impending expiration of certain claims.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): PFN–7710–56, 7710–25, 7710–056, 6300–07, 9600–010, 9600–011, 9600–012, 9600–013, 9600–014, 9600–015, 9600–030, 9600–031, 9600–032, 9600–034, 9600–035, 9600–036, 9600–049, and 9600–060.

Respondents/affected entities: Entities potentially affected by this ICR include North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory, as per 15 U.S.C. 2713 and 40 CFR 703.

Estimated number of potential respondents: 1,100.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 2.

Total estimated burden: 1,160 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $53,050.10 (per year) and includes $0 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 709 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's successful implementation of the Lautenberg provisions governing the assertion of CBI claims through the finalization of the Confidential Business Information Claims Under the Toxic Substances Control Act (TSCA) rule published on June 7, 2023 (88 FR 37155 (8223–02–OCSPP)) which amended and reorganized requirements concerning Agency review and treatment of confidentiality claims. This information collection also accounts for provisions that allow for submitters the opportunity to request an extension of CBI claims and for EPA to review time limitations for CBI claims and extension of confidentiality claims for up to 10 additional years. This change is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 21, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–03763 Filed 2–24–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332371]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice; modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) is modifying an existing system of records, FCC/WCB–1, Lifeline Program, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence

and character of records maintained by the agency. The Lifeline Program (or ''Lifeline'') provides discounts for one Lifeline Program voice service per household and/or broadband internet access service (BIAS) to qualifying low-income individuals. Individuals may qualify for Lifeline through proof of income or participation in another qualifying program. Since the enactment of the Telecommunications Act of 1996 (1996 Act), the Lifeline Program has been administered by the Universal Service Administrative Company (USAC) under the direction of the Commission and, by delegation, of the Commission's Wireline Competition Bureau (WCB). This system of records contains information about individuals who have started an application online or applied to participate in the Lifeline Program, respondents to consumer surveys related to the Lifeline program, and enrollment representatives. The modification adds one new routine use.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses in this action will become effective on March 27, 2026, unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana Yates, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates, (202) 418–0683, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice modifies FCC/WCB–1, Lifeline Program system of records as a result of necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/WCB–1 system of records includes adding one new routine use (listed by the routine use number provided in this notice): (20) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse).

SYSTEM NAME AND NUMBER:

FCC/WCB–1, Lifeline Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; and Wireline Competition Bureau (WCB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

USAC administers the Lifeline Program for the FCC. Address inquiries to the Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; or Wireline Competition Bureau (WCB), 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 201–205, 214, 254, 403; Safe Connections Act of 2022, Public Law 117–223, 116 Stat. 2280.

PURPOSE(S) OF THE SYSTEM:

The Lifeline Program provides discounts for one Lifeline voice service and/or BIAS per household, and the initial connection charge in certain Tribal areas to support such service, to qualifying low-income individuals, including survivors eligible to receive emergency communications support. Individuals may qualify for Lifeline through proof of income, proof of participation in another qualifying program, or proof of the need for emergency communications support for survivors, including documentation of financial hardship as defined in FCC regulations and orders. The Lifeline Program system of records is maintained to determine whether the applicant meets the eligibility requirements for initial enrollment and recertification, including the limit of one benefit per household; program administration; dispute resolution; monitoring of enrollment representatives; and, consumer surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals in this system include those individuals residing in a single household who have applied for benefits; are currently receiving benefits; are individuals who enable another individual in their household to qualify for benefits; are minors whose status qualifies a parent or guardian for benefits; are individuals who have received benefits under the Lifeline Program; are survivors seeking emergency communications support and, as required, their alleged abusers; are individuals that respond to a consumer survey developed using information in this system; and are individuals acting as enrollment representatives and providing information directly or indirectly into USAC's Lifeline Systems on behalf of an eligible telecommunications carrier (ETC) to enroll subscribers, recertify subscribers, or update subscriber information in the Lifeline Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include first and last name of the applicant, subscriber, other household members, survivor, alleged abuser, caregiver, or consumer survey participant; date of birth; last four digits of Social Security Number or a full Tribal identification number; residential address; descriptive address; address based on geographic coordinates (geolocation); internet Protocol (IP) address; contact information; evidence of residence on Tribal lands; qualifying program participation; financial information; username and password; account security questions and answers; Lifeline subscriber identification number; assigned Representative ID Number; Lifeline participation status; amount of benefit received; documents demonstrating eligibility; documents showing only one benefit is received per household; voice recordings; USAC-assigned identifying numbers, such as Application ID, Eligibility Check ID, or eligibility ID numbers; for survivors seeking emergency communications support, documentation related to the submission of a legitimate line separation request to a telecommunications provider and documentation or certification of financial hardship (such as income self-certification or documentation related to receipt of Pell Grants or qualification for federal nutrition programs); and signatures.

For ETC enrollment representatives who register to access the National Verifier or National Lifeline Accountability Database the following information may be collected: first and last name, date of birth, the last four digits of his or her social security number, email address, residential address, or other identity proof documentation.

RECORD SOURCE CATEGORIES:

The sources for the information in the Lifeline Program system of records include ETCs and their registered enrollment representatives; applicants; consumer survey respondents; State, Tribal, and Federal databases; and, third-party identity verifiers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine

use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. Program Management—Records may be disclosed to USAC employees to conduct official duties associated with the management, operation, and oversight of the Lifeline Program, NLAD, National Verifier, Lifeline Claims System, and Representative Accountability Database, as directed by the Commission.

2. Application, Enrollment, and Recertification—Records may be disclosed to facilitate the Lifeline application, enrollment, or recertification processes, including for survivors seeking or receiving communications support, records from this system may be disclosed to the individual who originally submitted the records, to the individual applicant to whom the records pertain, or to an authorized representative, entity, or organization supporting the individual in the application, enrollment, or recertification process.

3. Third Party Contractors—Records may be disclosed to an employee of a third-party contractor, or subcontractor of the third- party contractor, engaged by USAC or an ETC to, among other things, develop the Lifeline Eligibility Database, conduct the eligibility verification process, recertification process, run call center and email support operations, and assist in dispute resolution.

4. Business Process Outsourcing (BPO) Entity—Records may be disclosed to an employee of the BPO engaged by USAC or an employee of a third-party contractor engaged by the BPO to perform and review eligibility evaluations where the National Verifier conducts such processes for purposes of conducting the eligibility verification process or recertification process, performing manual eligibility verification (when needed), run call center and email support operations, and to assist in dispute resolution.

5. State Agencies and Other Authorized State Government Entities—Records may be disclosed to designated State agencies and other authorized governmental entities, including State public utility commissions, State departments of health and human services or other State entities that share data with USAC or the FCC, and their agents, as is consistent with applicable Federal and State laws, for purposes of eligibility verification and recertification; administering the Lifeline Program on behalf of ETCs in that State; performing other management and oversight duties and responsibilities; enabling the National Verifier to perform eligibility verification for individuals applying for or re-certifying for Lifeline support; enabling the State to perform eligibility verification for individuals applying for or re-certifying for Lifeline support; providing enrollment and other selected reports to the State; comparing information contained in the National Lifeline Accountability Database (NLAD) and Lifeline eligibility, recertification, and related systems to information contained in state databases associated with State- administered Lifeline Programs in order to assess differences between State and Federal programs and make adjustments.

6. Social Service Agencies and Other Approved Third Parties—Records may be disclosed to social service agencies and other third parties that have been approved by USAC for purposes of assisting individuals in applying for and recertifying for Lifeline support.

7. Federal Agencies—Records may be disclosed to other Federal agencies for the development of and operation under data sharing agreements with USAC or the FCC to enable the National Verifier to perform eligibility verification or recertification for individuals applying for Lifeline support or another federal program using Lifeline qualification as an eligibility criterion.

8. Tribal Nations—Records may be disclosed to Tribal Nations to perform eligibility verification or recertification for individuals applying for Lifeline support, to provide enrollment and other selected reports to Tribal Nations, and for purposes of assisting individuals in applying for and recertifying for Lifeline support.

9. Service Providers—Records may be disclosed to service providers and their registered representatives in states or territories where the National Verifier is operating where the service provider is using the carrier eligibility and status check Application Programming Interface (API) to initiate Lifeline applications and eligibility checks and complete benefit transfer requests. Records may also be disclosed to service providers who have been designated as ETCs to facilitate the provision of service, allow for the service provider to receive reimbursement through the Lifeline Program, to provide information to the relevant ETC about an ETC representative whose account has been disabled for cause, and provide enrollment and other selected reports to service providers.

10. FCC Enforcement Actions—When a record in this system involves an informal complaint filed alleging a violation of the Communications Act of 1934, as amended, or FCC regulations or orders (FCC Rules and Regulations) by an applicant, licensee, certified or regulated entity, or an unlicensed person or entity, the complaint may be provided to the alleged violator for a response. Where a complainant in filing his or her complaint explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

11. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

12. Government-Wide Program Management and Oversight—Records may be disclosed to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

13. Other Federal Program Eligibility—Records related to an individual's Lifeline participation or qualification status may be disclosed to a Federal agency or contractor when a federal program administered by the agency or its contractor uses qualification for Lifeline as an eligibility criterion.

14. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal (including the Internal Revenue Service to investigate income eligibility verification), State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or

implementing a statute, rule, regulation, order, or other compulsory obligation.

15. Litigation—Records may be disclosed to the DOJ when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

16. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

17. Breach Notification—Records may be disclosed to appropriate agencies, entities (including USAC), and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

18. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency, Federal entity, or USAC when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

19. Computer Matching Program Disclosure—Records may be disclosed to (a) Federal, State, and local agencies; and (b) USAC, their employees, and agents for the purpose of developing and conducting computer matching programs as regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a).

20. Department of Treasury—Records may be disclosed to the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

21. Prevention of Fraud, Waste, and Abuse Disclosure—Records may be disclosed to Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, cooperative agreement, or computer matching agreement for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non- Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre- award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC or USAC provides information under this routine use.

22. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including FCC or USAC contractors, other vendors (*e.g.,* identity verification services), grantees, or volunteers who have been engaged to assist the FCC or USAC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records that has not been otherwise identified in this Notice and who need to have access to the records in order to perform their activity.

23. Consumer Survey Development and Execution—Records may be disclosed to contractors, grantees, experts, consultants and their agents, or others performing or working under a contract service, grant, or cooperative agreement with the FCC or USAC, when necessary to develop and conduct consumer surveys as described in this system of records. Individuals who are provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Commission.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The information pertaining to the Lifeline Program includes electronic records, files, data, paper documents, records, and may include audio recordings of calls. Records are maintained in secure, limited access areas. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Both USAC and its contractors will jointly manage the electronic data housed at USAC and at the contractors' locations. Paper documents and other physical records (*i.e.,* tapes, compact discs, etc.) will be kept in locked, controlled access areas. Paper documents submitted by applicants to the Lifeline Program will be digitized, and paper copies will be immediately destroyed.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the Lifeline Program system of records may be retrieved by various identifiers, including, but not limited to the individual's name, last four digits of the Social Security Number (SSN), Tribal identification number, date of birth, phone number, residential address, and Lifeline subscriber identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) Records Schedule DAA–0173–2017–0001–0002 (Universal Service).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC and the USAC computer network databases, which are protected by the FCC's and USAC's privacy safeguards, a comprehensive and dynamic set of safety and security protocols and

features that are designed to meet all Federal IT privacy standards, including those required by OMB, the National Institute of Standard and Technology (NIST) and the Federal Information Security Modernization Act of 2014 (FISMA). In addition, access to the electronic files is restricted to authorized USAC and contractors' supervisors and staff and to the FCC's IT supervisors and staff and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis. In addition, data in the network servers for both USAC and its contractors will be routinely backed-up. The servers will be stored in secured environments to protect the data.

The paper documents and files are maintained in file cabinets in USAC and the contractors' office suites. The file cabinets are locked when not in use and at the end of the business day. Access to these files is restricted to authorized USAC and its contractors' staffs.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to the records (47 CFR part 0, subpart E).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

89 FR 28777 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03741 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 332367]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) proposes to modify an existing system of records, FCC–2, Business Contacts and Certifications, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The Commission uses this system to collect and maintain points of contact and to ensure compliance with FCC rules through certifications of information provided to the Commission. This modification adds two routine uses.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses will become effective on March 27, 2026, unless written comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana Yates, at *privacy@fcc.gov,* or at Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Shana Yates, (202) 418–0683, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC–2 as a result of various necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC–2 system of records include:

1. Adding two new routine uses (listed by the routine use number provided in this notice): (13) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse); and (14) Prevention of Fraud, Waste, and Abuse Disclosure;

2. Updating and/or revising language in the following routine uses (listed by the routine use number provided in this notice): (3) Federal Agencies; (4) State, Local, U.S. Territorial, and Tribal Government Entities; and (7) Law Enforcement and Investigation.

SYSTEM NAME AND NUMBER:

FCC–2, Business Contacts and Certifications.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554; Universal Service Administrative Company, 700 12th Street NW, Suite 900, Washington, DC 20005; or FISMA compliant contractor.

SYSTEM MANAGER(S):

Federal Communications Commission (FCC), Office of the Managing Director, 45 L Street NE, Washington, DC 20554, (888) 225–5322; Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; or FISMA-compliant contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151, 152, 154(i)–(j) & (o), 155, 251(e)(3), 254, 257, 301, 303, 332, 402, 1302; and 5 U.S.C. 602(c) and 609(a)(3).

PURPOSES OF THE SYSTEM:

The FCC and organizations administering programs on behalf of the FCC use this system to collect and maintain points of contact and certifications from: (1) entities regulated by the FCC and in related industries, as well as contractors, vendors, and those performing collateral duties for the FCC; (2) other Federal, state, local, U.S. territorial, and Tribal government entities that administer, support, participate in, or receive information related to, FCC programs and activities; and (3) public interest organizations, nonprofit organizations, international organizations, and other non-business entities that participate in FCC proceedings or are included in FCC programs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including points of contact for and those who certify on behalf of, businesses, public interest organizations, nonprofit organizations, government organizations, international organizations, and other non-business entities that participate in FCC proceedings or are included in FCC programs; points of contact for Federal, state, local, U.S. territorial, or Tribal governmental entities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contact information, such as name, username, signature, phone numbers, emails, and addresses, as well as work and educational history.

RECORD SOURCE CATEGORIES:

Information in this system is provided by individuals, including points of contact for and those who certify on behalf of: FCC contractors; vendors; those providing collateral duties to the FCC; regulated entities and entities in related industries; Federal, state, local, U.S. territorial, and Tribal government entities; public interest organizations, nonprofit organizations, government organizations, international organizations, and other non-business entities that participate in FCC proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows.

1. Public Access—Contact information and certifications made by individuals contained in this system may be made available for public inspection to comply with FCC regulations that require public disclosure of this information, or in Commission releases, including notices of proposed rulemaking, public notices, orders, and other actions released by the Commission.

2. Authorized Third Parties—Contact information and certifications made by individuals contained in this system may be shared with authorized third parties, including individuals and businesses in regulated and related industries, FCC vendors, and their contractors, to administer, support, participate in, or receive information related to, FCC programs and activities; or to ensure compliance with the confidentiality and other rules regarding information sharing in the FCC's programs and activities.

3. Federal Agencies—Contact information and certifications made by individuals contained in this system may be shared with other Federal agencies in order to administer, support, participate in, or receive information related to: FCC programs and activities; and programs and activities the FCC supports.

4. State, Local, U.S. Territorial, and Tribal Government Entities—Contact information and certifications made by individuals contained in this system may be shared with authorized state, local, U.S. territorial and Tribal government entities to administer, support, participate in, or receive information related to: FCC programs and activities; and programs and activities the FCC supports.

5. Litigation—Records may be disclosed to the Department of Justice (DOJ) when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

6. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

7. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal, State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, order, or other compulsory obligation.

8. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

9. Government-wide Program Management and Oversight—Records may be disclosed to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

10. Breach Notification—Records may be disclosed to appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of PII maintained in the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information system, programs, and operations), the Federal Government, or national security; and; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including contractors, other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

13. Department of Treasury—Records may be disclosed to the U.S. Department of Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United

States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

14. Prevention of Fraud, Waste, and Abuse Disclosure—Records may be disclosed to Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC has a contract, service agreement, cooperative agreement, or computer matching agreements for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC provides information under this routine use.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

This is an electronic system of records that resides on the FCC's network, USAC's network, or on an FCC vendor's network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records can be retrieved by any category field, *e.g.,* first name or email address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) General Records Schedule 6.5, Item 020 (DAA–GRS–2017–0002–0002).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC, USAC, or a vendor accreditation boundaries and maintained in a database housed in the FCC's, USAC's, or a vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by the FCC, USAC, and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to records as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

88 FR 77580 (Nov. 13, 2023).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03738 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0548, OMB 3060–0652, OMB 3060–0896 and 3060–1174; FR ID 331340]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before March 27, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information.

OMB Control Number: 3060–0548.

Title: Sections 76.1709 and 76.1620, Availability of Signals; Section 76.1614, Identification of Must-Carry Signals.

Type of Review: Extension without change of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents and Responses: 4,103 respondents; 49,236 responses.

Estimated Time per Response: 0.5–1.0 hour.

Frequency of Response: Recordkeeping, Third party disclosure, On occasion reporting requirement.

Obligation to Respond: Voluntary.

Total Annual Burden: 24,618 hours.

Total Annual Cost: No cost.

Needs and Uses: 47 CFR 76.1709(a) states that the operator of every cable television system shall maintain for public inspection a file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements. Such list shall include the call sign; community of license, broadcast channel number, cable channel number, and in the case of a noncommercial educational broadcast station, whether that station was carried by the cable system on March 29, 1990. 47 CFR 76.1614 and 47 CFR 76.1709(c) each state that a cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the must-carry requirements. In addition, 47 CFR 76.1614 states that the required written response may be delivered by email, if the consumer used email to make the request or complaint directly to the cable operator, or if the consumer specifies email as the preferred delivery method in the request or complaint.

47 CFR 76.1620, pursuant to 47 U.S.C. 614(b)(7), states that if a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. Such notification must be provided by June 2, 1993, and annually thereafter and to each new subscriber upon initial installation. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection and instructions for installation. 47 CFR 76.1600(a) provides that written information provided by cable operators to subscribers or customers pursuant to § 76.1620 may be delivered electronically by email to any subscriber who has not opted out of electronic delivery if the entity: (1) Sends the notice to the subscriber's or customer's verified email address; (2) Provides either the entirety of the written information or a weblink to the written information in the notice; and (3) Includes, in the body of the notice, a telephone number that is clearly and prominently presented to subscribers so that it is readily identifiable as an opt-out mechanism that will allow subscribers to continue to receive paper copies of the written material.

Note: These recordkeeping and notification requirements ensure that subscribers are aware of the broadcast stations carried in compliance with the Commission's cable must-carry rules, see 47 CFR 76.56.

OMB Control Number: 3060–0652.

Title: Section 76.309, Customer Service Obligations; Section 76.1600, Electronic Delivery of Notices; Section 76.1602, Customer Service—General Information, Section 76.1603, Customer Service—Rate and Service Changes and 76.1619, Information and Subscriber Bills.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 540 respondents; 1,102,100 responses.

Estimated Time per Response: .0167–1 hour.

Frequency of Response: On occasion reporting requirement, Third Party Disclosure requirement.

Total Annual Burden: 34,650 hours.

Total Annual Cost: No cost.

Needs and Uses: 47 CFR 76.309(a) states that a cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.

47 CFR 76.1600(e) requires that, after July 31, 2020, written information provided by cable operators to broadcast stations pursuant to 47 CFR 76.64(k), 76.1601, 76.1607, 76.1608, 76.1609, and 76.1617 must be delivered electronically to full-power and Class A television stations via email to the email address for carriage-related questions that the station lists in its public file in accordance with 47 CFR 73.3526 and 73.3527, or in the case of low-power television stations and noncommercial educational translator stations that are entitled to such notices, to the license's email address (not a contact representative's email address, if different from the licensee's email address) as displayed publicly in the Licensing and Management System (LMS) or the primary station's carriage-related email address if the noncommercial educational translator station does not have its own email address listed in LMS.

47 CFR 76.1602(a) states that a cable franchise authority may enforce the customer service standards set forth in paragraph (b) of this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.

47 CFR 76.1602(b) states that effective July 1, 1993, the cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request: (1) Products and services offered; (2) Prices and options for programming services and conditions of subscription to programming and other services; (3) Installation and service maintenance policies; (4) Instructions on how to use the cable service; (5) Channel positions of programming

carried on the system; and (6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office. (7) Effective May 1, 2011, any assessed fees for rental of navigation devices and single and additional CableCARDs; and, (8) Effective May 1, 2011, if such provider includes equipment in the price of a bundled offer of one or more services, the fees reasonably allocable to (i) the rental of single and additional CableCARDs and (ii) the rental of operator-supplied navigation devices.

47 CFR 76.1602(c) states that subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by the cable system operator, including the address of the responsible officer of the local franchising authority.

47 CFR 76.1603(a) states that a cable franchise authority may enforce the customer service standards set forth in paragraph (b) of this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.

47 CFR 76.1603(b) states that cable operators shall provide written notice to subscribers of any changes in rates or services. The rule requires cable operators to provide the information to subscribers at least 30 days in advance of the change, unless the change results from circumstances outside of the cable operator's control (including failed retransmission consent or program carriage negotiations during the last 30 days of a contract), in which case notice shall be provided as soon as possible using any reasonable written means at the operator's sole discretion, including channel slates. Notice of rate changes shall include the precise amount of the rate change and explain the reason for the change in readily understandable terms. Notice of changes involving the addition or deletion of channels shall individually identify each channel affected.

47 CFR 76.1603(c) states that a cable operator not subject to effective competition shall provide 30 days' advance notice to its local franchising authority of any increase proposed in the price to be charged for the basic service tier.

47 CFR 76.1619(b) states in case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days. The required response may be delivered by email, if the consumer used email to make the request or complaint directly to the cable operator, or if the consumer specifies email as the preferred delivery method in the request or complaint.

47 CFR 76.1619(c) states a cable franchise authority may enforce the customer service standards set forth in this section against cable operators. The franchise authority must provide affected cable operators 90 days written notice of its intent to enforce standards.

47 CFR 76.1600 permits written information provided by cable operators to subscribers or customers pursuant to Sections 76.1601, 76.1602, 76.1603, 76.1604, 76.1618, and 76.1620, as well as subscriber privacy notifications required by cable operators, satellite providers, and open video systems pursuant to Sections 631, 338(i), and 653 of the Communications Act, to be delivered by email if certain consumer safeguards are met, as set forth in Section 76.1600(a) and Section 76.1600(b).

Section 76.1600(c) permits cable operators to provide certain portions of the Section 76.1602 annual notices electronically to subscribers who have not opted out of electronic delivery under Section 76.1600(a)(3) or 76.1600(c)(3) if they prominently display the following on the front or first page of the printed annual notice:

(1) A weblink in a form that is short, simple, and easy to remember, leading to written information required to be provided pursuant to Section 76.1602(b)(2), (7), and (8);

(2) A weblink in a form that is short, simple, and easy to remember, leading to written information required to be provided pursuant to Section 76.1602(b)(5); and

(3) A telephone number that is readily identifiable as an opt-out mechanism that will allow subscribers to continue to receive paper copies of the entire annual notice.

47 CFR 76.1600(d) provides that, if the conditions for electronic delivery in subsections 76.1600(a) and 76.1600(b) are not met, or if a subscriber opts out of electronic delivery, the written material must be delivered by paper copy to the subscriber's physical address.

collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0896.

Title: Broadcast Auction Form Exhibits.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other-for profit entities, not-for-profit institutions, State, local or tribal government.

Number of Respondents and Responses: 2,000 respondents and 5,350 responses.

Estimated Hours per Response: 0.5 hours–2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of Information is contained in Sections 154(i) and 309 of the Communications Act of 1934, as amended.

Annual Hour Burden: 6,663 hours.

Annual Cost Burden: $12,332,500.

Needs and Uses: The Commission's rules require that broadcast auction participants submit exhibits disclosing ownership, bidding agreements, bidding credit eligibility and engineering data. These data are used by Commission staff to ensure that applicants are qualified to participate in Commission auctions and to ensure that license winners are entitled to receive the new entrant bidding credit, if applicable. Exhibits regarding joint bidding agreements are designed to prevent collusion. Submission of engineering exhibits for non-table services enables the Commission to determine which applications are mutually exclusive.

OMB Control Number: 3060–1174.

Title: Section 73.503, Licensing requirements and service; Section 73.621, Noncommercial educational TV stations; Section 73.3527, Local public inspection file of noncommercial educational stations.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 2,200 respondents; 33,000 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority which covers these information collections is contained in 47 U.S.C. 151, 154(i), 303, and 399B.

Total Annual Burden: 16,500 hours.

Total Annual Cost: No cost.

Needs and Uses: On April 20, 2017, the Commission adopted a Report and Order in MB Docket No. 12–106, FCC 17–41, In the Matter of Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations, which relaxed the rules to allow NCE stations to spend up to one percent of

their total annual airtime conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations. The Report and Order imposed the following information collection requirements on NCE stations:

Audience disclosure: The information collection requirements contained in 47 CFR 73.503(e)(1) require that a noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The information collection requirements contained in 47 CFR 73.621(f)(1) require that a noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The audience disclosure must be aired at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

Retention of information on fundraising activities in local public inspection file: The information collection requirements contained in 47 CFR 73.3527(e)(14) require that each noncommercial educational FM broadcast station and noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must place in its local public inspection file, on a quarterly basis, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation, to the nearest $10,000, of the total funds raised. The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (*e.g.,* January 10 for the quarter October–December, April 10 for the quarter January–March, etc.).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–03749 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332031]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces a new computer matching program the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR). The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before March 27, 2026. This computer matching program will commence on March 27, 2026, and will conclude after 18 months.

ADDRESSES: Send comments to Shana Yates, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates at (202) 418–0683 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive SNAP, SSI, and Medicaid benefits administered by the Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR).

Participating Agencies

Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR) (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

Authority for Conducting the Matching Program

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)–(b). The authority to conduct the matching program for the

FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

Purpose(s)

The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/subscriber's participation in SNAP, SSI, and Medicaid in Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR). Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

Categories of Individuals

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

Categories of Records

The categories of records involved in the matching program include the last four digits of the applicant's Social Security Number, date of birth, first and last name. The National Verifier will transfer these data elements to the Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR) which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: SNAP, SSI, and Medicaid administered by the Wisconsin Department of Health Services (DHS), and the Wisconsin Department of Revenue (DOR).

System(s) of Records

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 89 FR 28777 (Apr. 19, 2024).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03745 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1133, OMB 3060–1290; FR ID 332368]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 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 OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 27, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1133.

Title: Application for Permit to Deliver Programs to Foreign Broadcast Stations (FCC Form 308); 47 CFR 73.3545 and 73.3580.

Form No.: FCC Form 308.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents; 70 responses.

Estimated Time per Response: 0.75 hours–1.5 hours.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 325(c) of the Communications Act of 1934, as amended.

Total Annual Burden: 66 hours.

Annual Cost Burden: $26,681.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060–1133 titled, ''Application for Permit to Deliver Programs to Foreign Broadcast Stations FCC Form 308)—47 CFR 73.3545 and 73.3580.''

The Commission has updated the International Bureau Filing System (IBFS) to allow for filing of electronic forms directly into the system through an integrated web-based program with fillable fields. The integrated web-based program requires the use of an FCC Registration Number (FRN) and includes support for Form 308. Applicants will be required to submit Form 308 through the integrated web-based program. Therefore, this information collection is being revised to reflect the new form format and the addition of a requirement to provide an FRN on the Form. See Mandatory Electronic Filing of Section 325(c) Applications, International Broadcast Applications, and Dominant Carrier Section 63.10(c) Quarterly Reports, FCC 21–87, released on July 13, 2021.

OMB Control No.: 3060–1290.

Title: Application for Voluntary Assignment of Transfers and Controls, 47 CFR 73.3540.

Form No.: FCC Forms 314–IBFS, 315–IBFS, and 316–IBFS.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals and Households.

Number of Respondents/Responses: 2 respondents; 2 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: Recordkeeping requirement and On occasion reporting requirement.

Obligation To Respond: The statutory authority for this information collection is contained in Sections The statutory authority for this information collection is contained in Sections 1, 4(i), 301, 303, 307, and 308(b) 334, 336, 554 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308(b), 334, 336, 554, and Part 73 of the Commission's rules.

Total Annual Burden: 20 hours.

Annual Cost Burden: $1,305.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approve a revision of the information collection titled ''Application for Voluntary Assignment of Transfers and Controls, 47 CFR 73.3540'' under OMB Control Number 3060–1290.

The Commission has updated the International Bureau Filing System (IBFS) to allow for filing of electronic forms directly into the system through an integrated web-based program with fillable fields. The integrated web-based program requires the use of an FCC Registration Number (FRN) will include support for Forms 314–IBFS, 315–IBFS, and 316–IBFS. Applicants will be required to submit these forms through the integrated web-based program. The forms were previously in development but are now completed and included as part of this collection.

On July 13, 2021, the Commission released an Order titled, ''In the Matter of Mandatory Electronic Filing of Section 325(c) Applications, International Broadcast Applications, and Dominant Carrier Section 63.10(c) Quarterly Reports.'' The purpose of this Order is to require that any remaining applications and reports administered by the International Bureau and filed on paper or through an alternative filing process be filed only electronically through the Commission's International Bureau Filing System (IBFS).

In July 2021, OMB approved this information collection under OMB Control No. 3060–1290 to implement mandatory electronic filing of International Broadcast station applications in the International Bureau Filing System (IBFS). The versions of FCC Forms 314, 315, and 316 to be used by International Bureau licensees were renamed as FCC Form 314–IBFS, FCC Form 315–IBFS and FCC Form 316–IBFS. These forms will only be used by the International Broadcast stations in IBFS.

Under 47 CFR 73.3540, the filings of the FCC Forms 314–IBFS, 315–IBFS, and 316–IBFS are required when applying for consent for assignment of a broadcast station construction permit or license. In addition, the applicant must notify the Commission when an approved assignment or transfer of control of a broadcast station construction permit or license has been consummated.

The FCC Forms 314, 315, and 316 were previously shared between the Media Bureau and the International Bureau. The forms were used by the International Bureau for International Broadcast stations and by the Media Bureau for other broadcast licenses. These FCC Forms were previously approved by Office of Management and Budget (OMB) for use by Media Bureau licensees under OMB 3060–0031 and OMB 3060–0009.

Accordingly, the early forms included references to all broadcast services. The new version of the forms removes references to all services except for International Broadcast stations, since they are only used for these stations. The changes also remove references to rules that do not apply to International Broadcast stations and updates the instructions to comport with the new sections.

Specifically, the Commission modified its rules to mandate the electronic filing of, among other things, applications for International Broadcast Stations, including applications for voluntary assignments and transfers of control. These mandatory electronic filing requirements will reduce costs and administrative burdens, result in greater efficiencies, facilitate faster and more efficient communications, and improve transparency to the public. The changes to section 73.3540(c) and (d) state that ''[f]or International Broadcast Stations, the application shall be filed electronically in the International Bureau Filing System (IBFS).'' There are currently fewer than 20 International Broadcast stations subject to obligations in section 73.3540, and the International Bureau receives an average of one application involving voluntary transactions per year pursuant to section 73.3540.

§ 73.3540 Application for Voluntary Assignment or Transfer of Control

(a) Prior consent of the FCC must be obtained for a voluntary assignment or transfer of control.

(b) Application should be filed with the FCC at least 45 days prior to the contemplated effective date of assignment or transfer of control.

(c) Application for consent to the assignment of construction permit or license must be filed on FCC Form 314 ''Assignment of license'' or FCC Form 316 ''Short form'' (See paragraph (f) of this section). For International Broadcast Stations, the application shall be filed electronically in the International Bureau Filing System (IBFS).

(d) Application for consent to the transfer of control of a corporation holding a construction permit or license must be filed on FCC Form 315 ''Transfer of Control'' or FCC Form 316 ''Short form'' (see paragraph (f) of this section). For International Broadcast Stations, the application shall be filed electronically in the IBFS.

(e) Application for consent to the assignment of construction permit or license or to the transfer of control of a corporate licensee or permittee for an FM or TV translator station, a low power TV station and any associated auxiliary station, such as translator microwave relay stations and UHF translator booster stations, only must be filed on FCC Form 345 ''Application for Transfer of Control of Corporate Licensee or Permittee, or Assignment of License or Permit for an FM or TV translator Station, or a Low Power TV Station.''

(f) The following assignment or transfer applications may be filed on FCC ''Short form'' 316:

(1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;

(4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests; or

(6) Assignment of less than a controlling interest in a partnership.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–03750 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332338]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice; modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) proposes to modify an existing system of records, FCC/CGB–4, internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD) Program, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The ITRS–URD's system of records contains personally identifiable information (PII) that is collected, used, stored, and maintained to support the administration, management, operations, and functions of the ITRS programs. The ITRS–URD, which is administered by a third party under contract with the FCC, is a database registration system that provides a necessary interface for multiple ITRS services, which include, but are not limited to Video Relay Service (VRS) and internet Protocol Captioned Telephone Service (IP CTS). These services are available to individuals who are deaf, deaf-blind, hard of hearing, or have speech disabilities, who are eligible under the Americans with Disabilities Act (ADA), and who register to participate in a TRS program. This modification makes various formatting changes, the addition of one new routine uses, as well as the revision of existing routine uses.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses in this action will become effective on March 27, 2026, unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana Yates, FCC, 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates, (202) 418–0683 or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/CGB–4 as a result of various necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/CGB–4 system of records include:

1. Updating and/or revising language in the following routine uses (listed by current routine use number): (1) FCC Program Management and (2) Prevention of Fraud, Waste, and Abuse Disclosure (now two separate uses, with the latter expanded); and (9) Law Enforcement and Investigation; and

2. Adding one new routine use (listed by current routine use number): (3) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse).

SYSTEM NAME AND NUMBER:

FCC/CGB–4, internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Consumer and Governmental Affairs Bureau (CGB), FCC, 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

CGB, FCC, 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 141–154, 225, 255, 303(r), 616, and 620.

PURPOSE(S) OF THE SYSTEM:

This system collects and maintains:

1. Information that is used to determine whether an individual who is applying for a TRS program is eligible to register for the program;

2. Information that the ITRS–URD administrator uses to determine whether information with respect to registered users already in the ITRS–URD is correct and complete;

3. Information that the ITRS–URD administrator uses or will use in a system for automated validation of the registration information that has been submitted and ensure that the authorized VRS and IP CTS providers are unable to register individuals who do not pass the identification verification check conducted through the ITRS–URD;

4. Information that VRS and IP CTS providers must request to validate each individual who seeks to register that he/she is an actual person living or visiting in the United States;

5. Information related to users signed up with multiple providers for VRS or IP CTS; and

6. Information that is contained in the records of the inquiries that VRS and IP CTS providers will make available to the ITRS–URD administrator and its contractors and subcontractors who manages the database (providing verification/call/service center(s) services) to verify that individuals who are deaf, deaf-blind, hard of hearing, or have speech disabilities and who are eligible under the ADA to participate in ITRS programs.

Collecting and maintaining these types of information allows staff access to documents necessary for key activities discussed in this SORN, including verifying the eligibility of individuals to participate in ITRS programs; analyzing effectiveness and efficiency of related FCC programs and informing future rule-making and policy-making activity; and improving staff efficiency. Records in this system are available for public inspection, *e.g.,* in response to requests under the Freedom of Information Act (FOIA), after redaction of identifying information such as a name, address, telephone number, fax number, and/or email address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are deaf, deaf-blind, hard of hearing, or have speech disabilities, and who are eligible under the ADA to register for one or more of the ITRS program's multiple services; representatives of certified ITRS Program providers; individuals who are registered and currently receiving ITRS Program services; and/or individuals who are minors whose status makes them eligible for a parent or guardian to register them for ITRS program services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Electronic records regarding ITRS participants, subscribers, and applicants, including their full names (first, middle, and last names); the names of parents or guardians; full residential addresses; dates of birth; last four digits of social security numbers (SSNs) or Tribal identification numbers (or alternative proof of identification for those who do not have an SSN or Tribal identification number); ten digit telephone number(s) assigned in the TRS number directory and associated uniform resource identifier (URI) information; users' registered location information for emergency calling

purposes; eligibility certifications (digital copy) for ITRS program's service(s) and date obtained from provider; users' VRS or IP CTS initiation dates and (when applicable) termination dates; date on which user last placed a point-to-point or relay call.

RECORD SOURCE CATEGORIES:

Information in this system is provided by individuals, or by parents or guardians of minor individuals, who are deaf, deaf-blind, hard of hearing or have speech disabilities to determine their eligibility for ITRS programs; and by ITRS program providers for registration of subscribers, participants, and applicants, and/or their re-certification in ITRS programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside of the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. FCC Program Management—A record from this system may be accessed and used by the ITRS–URD Administrator and disclosed to third-party contractor's employees (including employees of subcontractors) to conduct official duties associated with the administration, management, and operation of the ITRS programs, as directed by the Commission. Such duties include conducting the verification process that allows the ITRS–URD administrator to determine the accuracy of the PII provided by or regarding participants, subscribers, and applicants to the system of records, *i.e.,* when an employee of a third-party contractor (and/or subcontractor), responsible for management registration and fraud prevention, verifies the eligibility of the participant, registrant, or subscriber.

2. Prevention of Fraud, Waste, and Abuse Disclosure—Records may be disclosed to Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC has a contract, service agreement, cooperative agreement, or computer matching agreements for the purposes of managing and/or eliminating waste, fraud, and abuse in the ITRS programs, including as necessary for, among other things, audits, oversight, and or investigations.

3. Department of Treasury—Records may be disclosed to the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

4. ADA Eligibility Verification Data—A record from this system may be disclosed to the appropriate Federal, State, Tribal, or local authorities (including transfers of PII data to/from the ITRS–URD Administrator, contractors, and subcontractors, as required) for the purposes of verifying whether individuals who are deaf, deaf-blind, hard of hearing or have speech disabilities are eligible under the ADA to register to participate in/subscribe to ITRS programs;

5. State or Tribal Agencies and Authorized Entities—A record from this system may be disclosed to designated State or Tribal agencies and other authorized entities, which include, but are not limited to state public utility commissions, and their agents, as is consistent with applicable Federal and State laws, to administer TRS or ITRS (as applicable) programs in that state and to perform other management and oversight duties and responsibilities, including determining eligibility for TRS or ITRS programs.

6. FCC Enforcement Actions—When a record in this system involves an informal complaint filed with the FCC alleging a violation of FCC rules, regulations, orders, or requirements by an ITRS applicant, subscriber, participant, licensee, certified or regulated entity/provider, or an unlicensed person or entity, the complaint may be served to the alleged violator for a response through the FCC's normal complaint-handling process. When an order or other Commission-issued document that includes consideration of an informal complaint or complaints is issued by the FCC for resolution or enforcement, the complainant's name may be made public in that order or letter document. Where a complainant in filing his or her complaint explicitly requests that confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

7. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

8. Government-wide Program Management and Oversight—Records may be disclosed to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to OMB to obtain that office's advice regarding obligations under the Privacy Act.

9. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal, State, Tribal, local, international, or multinational agencies, or a component of such an agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order.

10. Litigation—Records may be disclosed to DOJ when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

11. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or

(d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

12. Breach Notification—Records may be disclosed to appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

13. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

14. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including contractors, other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

This system contains electronic records, files, and data. The ITRS–URD Program Administrator will host the electronic data, which will reside in the administrator's ITRS–URD Program's database(s) and in the databases of third-party contractors and subcontractors who conduct the subscribers/participants' verification processes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records can be retrieved by any category field, *e.g.,* first or last name or email address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with NARA records schedule ''Telecommunications Relay Service (TRS),'' Records Schedule Number DAA–0173–2015–0006.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC or a vendor's accreditation boundaries and maintained in a database housed in the FCC's or vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by the FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), OMB, and the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to records as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

88 FR 60455 (Sept. 1, 2023).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03742 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332033]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces a new computer matching program the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the Department of Health and Human Services, Centers for Medicare & Medicaid Services. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before March 27, 2026. This computer matching program will commence on March 27, 2026, and will conclude after 18 months.

ADDRESSES: Send comments to Shana Yates, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates at (202) 418–0683 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive Medicaid benefits administered by the Department of Health and Human Services, Centers for Medicare & Medicaid Services.

Participating Agencies

Department of Health and Human Services, Centers for Medicare & Medicaid Services (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

Authority for Conducting the Matching Program

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)–(b). The authority to conduct the matching program for the FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

Purpose(s)

The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/subscriber's participation in Medicaid in Department of Health and Human Services, Centers for Medicare & Medicaid Services. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

Categories of Individuals

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

Categories of Records

The categories of records involved in the matching program include the last four digits of the applicant's Social Security Number, date of birth, first and last name. The National Verifier will transfer these data elements to the Department of Health and Human Services, Centers for Medicare & Medicaid Services which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: Medicaid administered by the Department of Health and Human Services, Centers for Medicare & Medicaid Services.

System(s) of Records

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 89 FR 28777 (Apr. 19, 2024).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03743 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1035; FR ID 332370]

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 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 OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 27, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1035.

Title: Part 73, Subpart F International Broadcast Stations.

Form No.: FCC Forms 309–IBFS, 310–IBFS, 311–IBFS, and 426.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 258 respondents; 258 responses.

Estimated Time per Response: 2–720 hours.

Frequency of Response: Recordkeeping requirement; On occasion, semi-annual, weekly and annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 1, 4(i), 301, 303, 307, 308(b) 334, 336, 554 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308(b), 334, 336, 554, and Part 73 of the Commission's rules.

Total Annual Burden: 20,125 hours.

Annual Cost Burden: $123,230.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approve a revision of the information collection titled ''Part 73, Subpart F International Broadcast Stations'' under OMB Control No. 3060–1035.

The Commission has updated the International Bureau Filing System (IBFS) to allow for filing of electronic forms directly into the system through an integrated web-based program with fillable fields. The integrated web-based program requires the use of an FCC Registration Number (FRN) and includes support for Form 309–IBFS, 310–IBFS, and 311–IBFS. The new system also includes a standardized form to file frequency requests, Form 426, which were previously done through email correspondence and approved as part of this collection. Applicants will be required to submit these forms through the integrated web-based program. Filing through the web-based program will reduce the burden hours on the on applicants. Therefore, this information collection is being revised to reflect the new form format for Forms 309–IBFS, 310–IBFS and 311–IBFS, the new Form 426, and changes in costs associated with the automated functions of the forms.

On July 13, 2021, the Commission released an Order titled, ''In the Matter of Mandatory Electronic Filing of Section 325(c) Applications, International Broadcast Applications, and Dominant Carrier Section 63.10(c) Quarterly Reports'' (FCC 21–87). Over the past decades, the Commission has made significant progress to upgrade and modernize its filing systems and procedures. The purpose of this Order is to require that any remaining applications and reports administered by the International Bureau and filed on paper or through an alternative filing process be filed only electronically through the Commission's International Bureau Filing System (IBFS).

The information collected pursuant to the rules set forth in 47 CFR part 73 Subpart F is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations, and to determine if interference or adverse propagation conditions exists that may impact the operation of such stations. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. The orderly nature of the provision of international broadcast service would be in jeopardy without the Commission's involvement.

The full title and purpose of each application are summarized below:

1. Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station (FCC Form 309–IBFS)—The FCC Form 309–IBFS is filed on occasion when the applicant is requesting authority to construct or make modifications to the international broadcast station.

2. Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License (FCC Form 310–IBFS)—The FCC Form 310–IBFS is filed on occasion when the applicant is submitting an application for a new international broadcast station.

3. Application for Renewal of an International or Experimental Broadcast Station License (FCC Form 311–IBFS)—The FCC Form 311–IBFS is filed by applicants who are requesting renewal of their international broadcast station licenses.

4. Application for International High Frequency Broadcasting—Frequency Coordination Request (Form 426)—The FCC Form 426 is filed by applicants who are requesting frequencies for an upcoming broadcast season.

As part of and in addition to the FCC Forms 309–IBFS, 310–IBFS and 311–IBFS, this information collection includes the following collections of information:

1. 47 CFR 1.1301–1.1319 cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

2. 47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission electronically in the International Bureau Filing System (IBFS), indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).

3. 47 CFR 73.702(b) states that two months before the start of each season, the licensee or permittee must electronically inform the Commission in IBFS as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.

4. 47 CFR 73.702(c) permits entities to file requests for changes to their original request electronically in IBFS for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license authorization, requests for changes need to be filed by entities on occasion.

5. 47 CFR 73.702(d) (note) states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in IBFS not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.

6. 47 CFR 73.702(e) states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission electronically in IBFS, stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.

7. 47 CFR 73.702(h)(2) states that International Broadcast Stations must submit sufficient antenna performance information electronically in IBFS to ensure that during the hours of 0800–

1600 UTC (Coordinated Universal Time) antenna gain with reference to an isotropic radiator in any easterly direction that would intersect any area in Region 2 shall not exceed 2.15 dBi.

8. 47 CFR 73.702(i) Note 4 specifies that seasonal requests for frequency-hours will be only for transmissions to zones or areas of reception specified in the basic instrument of authorization. Changes in such zones or areas will be made only on separate application for modification of such instruments electronically in IBFS.

9. 47 CFR 73.702(j) requires a showing of good cause made electronically in IBFS a licensee may be authorized to operate on more than one frequency at any one time to transmit any one program to a single zone or area of reception.

10. 47 CFR 73.702(m) requires a showing made electronically in IBFS that good cause exists for not having its requested number of frequency-hours reduced and that operation of its station without such reduction would be consistent with the public interest may be authorized the frequency-hours requested, when the total maximum number of frequency-hours which will be authorized to all licensees of international broadcasting stations during any one day for any season is 100.

11. 47 CFR 73.713—Program Tests:

(a) Upon completion of construction of an international broadcasting station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests. Such request shall be electronically filed with the FCC in the International Filing System (IBFS) at least 10 days prior to the date on which it is desired to begin such operation. All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing international broadcasting stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

12. 47 CFR 73.731—Licensing requirements:

(a) A license for an international broadcasting station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That there is a need for the international broadcasting service proposed to be rendered.

(2) That the necessary program sources are available to the applicant to render the international service proposed.

(3) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(4) That the applicant is legally, technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(5) That the public interest, convenience and necessity will be served through the operation of the proposed station.

13. 47 CFR 73.732—Authorizations—Authorizations issued to international broadcasting stations by the Commission will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting, and to permit broadcasting to zones or areas of reception specified on the instrument of authorization. The authorizations will not specify the frequencies to be used or the hours of use. Requests for frequencies and hours of use will be made by electronic filing in the International Bureau Filing system (IBFS) as provided in § 73.702. Seasonal schedules, when issued pursuant to the provisions of § 73.702, will become attachments to and part of the instrument of authorization, replacing any such prior attachments.

14. 47 CFR 73.759(c)(2) states that the transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made electronically in the International Bureau Filing System (IBFS) in accordance with § 73.3542 of this chapter.)

15. 47 CFR 73.759(d) states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.

16. 47 CFR 73.761 states that specific authority, upon electronic filing of a formal application (FCC Form 309) therefor in the International Bureau Filing System (IBFS), is required for some changes specified in this section. Other changes, not specified in this section, may be made at any time without the authority of the Commission: Provided, that the Commission shall be immediately notified electronically in IBFS thereof and such changes shall be shown in the next application for renewal of license.

17. 47 CFR 73.762(b) requires that licensees notify the Commission in by electronic filing in the International Bureau Filing System (IBFS) of any limitation or discontinuance of operation of not more than 10 days.

18. 47 CFR 73.762(c) states that the licensee or permittee must request by electronic filing in IBFS and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances.

19. 47 CFR 73.782 requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.

20. 47 CFR 73.3533 Application for construction permit or modification of construction permit.

(a) Application for construction permit, or modification of a construction permit, for a new facility or change in an existing facility is to be made on the following forms:

(1) FCC Form 301, ''Application for Authority to Construct or Make Changes in an Existing Commercial Broadcast Station.''

(2) FCC Form 309, ''Application for Authority to Construct or Make Changes in an Existing International or

Experimental Broadcast Stations.'' For International Broadcast Stations, applications shall be filed electronically in the International Bureau Filing System (IBFS).

(3) [Reserved]

(4) FCC Form 340, ''Application for Authority to Construct or Make Changes in a Noncommercial Educational Broadcast Station.''

(5) FCC Form 346, ''Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station.''

(6) FCC Form 349, ''Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.''

(7) FCC Form 318, ''Application for Construction Permit for a Low Power FM Broadcast Station.''

(b) The filing of an application for modification of construction permit does not extend the expiration date of the construction permit. Extension of the expiration date must be applied for on FCC Form 307, in accordance with the provisions of § 73.3533.

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 (''Application for Antenna Structure Registration'') in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

21. 47 CFR 73.3536(b)(2) Application for license to cover construction permit.

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

(b) The following application forms shall be used:

(1)

i. Form 302–AM for AM stations, ''Application for New AM Station Broadcast License.''

ii. Form 302–FM for FM stations, ''Application for FM Station License.''

iii. Form 302–TV for television stations, ''Application for TV Station Broadcast License.''

(2) FCC Form 310, ''Application for an International or Experimental Broadcast Station License.''

(3) [Reserved]

(4) FCC Form 347, ''Application for a Low Power TV, TV Translator or TV Booster Station License.''

(5) FCC Form 350, ''Application for an FM Translator or FM Booster Station License.''

(6) FCC Form 319, ''Application for a Low Power FM Broadcast Station License.''

(c) Eligible low power television stations which have been granted a certificate of eligibility may file FCC Form 302–CA, ''Application for Class A Television Broadcast Station Construction Permit Or License.''

22. 47 CFR 73.3539 Application for renewal of license.

(a) Unless otherwise directed by the FCC, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter. For International Broadcast Stations, applications shall be filed electronically in the International Bureau Filing System (IBFS).

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the FCC the information currently required by §§ 73.3612 through 73.3615, inclusive, for the particular class of station.

(c) Whenever the FCC regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) Renewal application forms titles and numbers are listed in § 73.3500, Application and Report Forms.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–03751 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 332372]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) is modifying a system of records, FCC/WCB–3, Affordable Connectivity Program, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The Affordable Connectivity Program (ACP), the successor to the Commission's Emergency Broadband Benefit Program, provides discounts for broadband internet access service (BIAS) to qualifying households. A household may qualify for the ACP if an individual in the household has applied for and has been approved to receive benefits under the free and reduced price lunch program, receives assistance through the special supplemental nutritional program for women, infants, and children (WIC), receives a Pell Grant, qualifies for the Lifeline program, meets certain income requirements, or qualifies for a low-income program offered by internet service providers. The ACP is administered by the Universal Service Administrative Company (USAC) under the direction of the Commission and, by delegation, of the Commission's Wireline Competition Bureau (WCB). This system of records contains information about individual ACP applicants and participants, providers' claims and certifying officers, and providers' enrollment representatives. This modification adds one new routine use.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses in this action will become effective on March 27, 2026, unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana Yates, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates, (202) 418–0683, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice modifies the FCC/WCB–3 system of records as a result of necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/WCB–3 system of records include adding one new routine use (listed by the routine use number provided in this notice): (17) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse).

SYSTEM NAME AND NUMBER:

FCC/WCB–3, Affordable Connectivity Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; and Wireline Competition Bureau (WCB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

USAC administers the ACP for the FCC. Address inquiries to the Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; or Wireline Competition Bureau (WCB), 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 201–205, 214, 403; Consolidated Appropriations Act, 2021, Public Law 116–260 sec. 904; Infrastructure Investment and Jobs Act, Public Law 117–58 secs. 60501 *et seq.*

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for use in determining whether a member of a household meets the eligibility criteria to qualify for and/or recertify for a discount on the cost of internet service and a subsidy for low-cost devices such as computers and tablets; ensuring benefits are not duplicated; dispute resolution regarding eligibility for the ACP; customer surveys and program notifications; audit; verification of a provider's representative identity; and statistical studies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals in this system include, but are not limited to, those individuals who have applied for the ACP; are individuals currently receiving ACP benefits; are individuals who enable another individual to qualify for benefits, including veterans or their beneficiaries; are minors whose status qualifies a household for benefits; are individuals who have received benefits under the Lifeline Program, including survivors, as that term is defined in the Safe Connections Act (SCA) and FCC regulations or orders, receiving emergency communications support; or are individuals acting on behalf of a participating provider as enrollment representatives who have enrolled or verified the eligibility of a household in the ACP.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include an applicant's first and last name; email address; residential address; information on whether the individual resides on Tribal lands or certain high-cost areas; information on whether the address is temporary and/or descriptive and whether it includes coordinates; mailing address (if different); address based on geographic coordinates (geocoding); internet Protocol (IP) address; date of birth; last four digits of social security number, full Tribal identification number, or identification number assigned by the Veterans Administration; telephone number; full name of the qualifying person (if different from the individual applicant); qualifying person's date of birth; qualifying person's email address; qualifying person's residential address; qualifying person's mailing address; the last four digits of the qualifying person's social security number, their full Tribal identification number, or identification number assigned by the Veterans Administration; information on whether the qualifying person resides on Tribal lands or certain high cost areas; full name of the veteran (if different from the individual applicant and qualifying person); veteran's date of birth (if different from the individual applicant and qualifying person); the veteran's identification number assigned by the Veterans Administration; veteran's email address; the veteran's residential address (if different from the individual applicant and qualifying person); the veteran's mailing address; means of qualification for the ACP (*i.e.,* participation in Lifeline (including survivors of domestic violence receiving emergency communications support, whose eligibility records include documentation related to the submission of a legitimate line separation request to a telecommunications provider and documentation of financial hardship), receipt of a Pell Grant, qualification for Federal nutrition programs, etc.); documents demonstrating eligibility; ACP subscriber identification number; ACP application number; identifying numbers assigned by USAC, such as Application ID, Eligibility Check ID, or eligibility ID numbers; security question; answer to security question; user name; password; agent identification information (if an agent is assisting in completing the application); individual applicant's eligibility certifications; individual applicant's signature and date of application; ACP service initiation date and termination date; amount of discount received; and amount of device benefit received.

For participating provider enrollment representatives who register to access the National Verifier or National Lifeline Accountability Database the following information may be collected: first and last name, date of birth, the last four digits of his or her social security number, email address, and address, or other identity proof documentation.

RECORD SOURCE CATEGORIES:

Participating providers and their registered enrollment representatives; individuals applying on behalf of a household; schools; Lifeline databases; and State, Federal, Local and Tribal Government databases; and third-party identity verifiers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Program Management—Records may be disclosed to USAC employees to conduct official duties associated with the management, operation, and oversight of the ACP, the National Lifeline Accountability Database (NLAD), the National Verifier, and the Representative Accountability Database (RAD), as directed by the Commission.

2. Application, Enrollment, and Recertification—To facilitate the ACP application, enrollment, or recertification processes, records from this system may be disclosed to the individual who originally submitted the records, to the individual to whom the records pertain, or to an authorized representative, entity or organization supporting the individual in the

application, enrollment, or recertification process.

3. Third Party Contractors—Records may be disclosed to an employee of a third-party contractor engaged by USAC or a participating provider, or to a subcontractor engaged by a third-party contractor engaged by USAC, to, among other things, develop the ACP Eligibility Database, perform and review eligibility evaluations where the National Verifier conducts such processes for purposes of performing manual eligibility verification (when needed), conduct the eligibility verification or recertification process, run call center and email support operations, assist in dispute resolution, and develop, test, and operate the database system and network.

4. Federal, State, and Local Agencies, Tribal Nations and Agencies, and Other Authorized Government Entities—For purposes of (a) eligibility verification and recertification, including through a computer matching program, (b) providing enrollment and other selected reports, or (c) comparing information contained in NLAD and ACP eligibility, records may be disclosed to designated Tribal Nations; designated Federal, State, Local, and Tribal agencies, including public utility commissions and departments of health and human services; and other authorized governmental entities that share data with USAC or the FCC.

5. Social Service Agencies, Housing Agencies, and Other Approved Third Parties—Records maybe disclosed to social service or housing agencies and other third parties (including nonprofit organizations) that have been approved by the FCC or USAC for purposes of assisting individuals in applying for and recertifying for the ACP.

6. Tribal Nations—Records may be disclosed to Tribal Nations for purposes of assisting individuals in applying for and recertifying for the ACP.

7. Service Providers—Records may be disclosed to broadband providers, and their registered representatives, in order to confirm an individual's eligibility, complete benefit transfer requests, facilitate the provision of service, complete de-enrollments, allow for the provider to receive reimbursement through the ACP, to provide information to the relevant provider about a registered enrollment representative whose account has been disabled for cause, and provide enrollment and other selected reports.

8. Other Federal Program Eligibility—An individual's ACP participation status may be disclosed to a Federal agency or contractor, including through a computer matching program, when a Federal program administered by the agency or its contractor uses qualification for the ACP as an eligibility criterion.

9. FCC Enforcement Actions—When a record in this system involves an informal complaint filed alleging a violation of the Communications Act of 1934, as amended, or FCC regulations or orders (FCC Rules and Regulations) by an applicant, licensee, certified or regulated entity, or an unlicensed person or entity, the complaint may be provided to the alleged violator for a response. Where a complainant in filing his or her complaint explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

10. Congressional Inquiries—Information maybe provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

11. Government-Wide Program Management and Oversight—Records may be disclosed to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

12. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal (including the Internal Revenue Service to investigate income eligibility verification), State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, order, or other compulsory obligation.

13. Litigation—Records may be disclosed to the Department of Justice (DOJ) when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

14. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

15. Breach Notification—Records may be disclosed to appropriate agencies, entities (including USAC), and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity or USAC, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

17. Department of Treasury—Records may be disclosed to the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

18. Prevention of Fraud, Waste, and Abuse Disclosure—Records may be disclosed to Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, cooperative agreement, or computer matching agreement for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC or USAC provides information under this routine use.

19. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including FCC or USAC contractors, other vendors (*e.g.,* identity verification services), grantees, or volunteers who have been engaged to assist the FCC or USAC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records that has not been otherwise identified in this Notice and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The information pertaining to the ACP includes electronic records, files, data, paper documents, records, and may include audio recordings of calls. Records are maintained in secure, limited-access areas. Physical entry is restricted to authorized users through the use of locks, passwords, and other security measures. Both USAC and its contractors will jointly manage the electronic data housed at USAC and at the contractors' locations. Paper documents and other physical records (*i.e.,* tapes, compact discs, etc.) will be kept in locked, controlled-access areas. Paper documents submitted by applicants to the ACP and provider representatives will be digitized, and paper copies will be immediately destroyed after digitization.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the ACP system of records may be retrieved by various identifiers, including, but not limited to the individual's name, last four digits of the social security number, Tribal identification number, identification number assigned by the Veterans Administration, date of birth, email address, phone number, address, and ACP subscriber identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) Records Schedule DAA–0173–2021–0022, Emergency Broadband Benefit Program (EBB Program)/Affordable Connectivity Program (ACP).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC and the USAC computer network databases, which are protected by the FCC's and USAC's privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by OMB, the National Institute of Standard and Technology (NIST) and the Federal Information Security Modernization Act of 2014 (FISMA). In addition, access to the electronic files is restricted to authorized USAC and contractors', supervisors, and staff;, the FCC's supervisors and staff in WCB; and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis. In addition, data in the network servers for both USAC and its contractors will be routinely backed-up. The servers will be stored in secured environments to protect the data. The paper documents, files, and other physical records are maintained in file cabinets in USAC and the contractors' office suites. The file cabinets are locked when not in use and at the end of the business day. Access to these files is restricted to authorized USAC and its contractors' staffs.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to the records (47 CFR part 0, subpart E).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03737 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 332373]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice; modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) proposes to modify a system of records, FCC/WCB–6, USAC Customer Relationship Management (CRM), subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The Universal Service Administrative Company (USAC), under the direction of the Commission and, by delegation, of the Commission's Wireline

Competition Bureau (WCB), administers the Universal Service Fund (USF) programs and certain programs funded by Congressional appropriations (appropriated programs). This system of records contains information about individuals who are customers, participants, and stakeholders of the programs who submit complaints and requests for assistance to USAC to address issues with their program participation. The modifications include the addition of one new routine use.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses in this action will become effective on March 27, 2026, unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana Yates, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates, (202) 418–0683, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/WCB–6, USAC Customer Relationship Management (CRM), system of records as a result of necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/WCB–6 system of records includes:

1. Updating the Purposes of the System to reflect that the CRM system Phase II has been launched; and

2. Adding a new routine use (listed by the routine use number provided in this notice): (14) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse).

SYSTEM NAME AND NUMBER:

FCC/WCB–6, USAC Customer Relationship Management.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; and Wireline Competition Bureau (WCB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

Address inquiries to USAC, 700 12th Street NW, Suite 900, Washington, DC 20005; or WCB, FCC, 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 201–205, 214, 403; Safe Connections Act of 2022, Public Law 117–223, 116 Stat. 2280.

PURPOSE(S) OF THE SYSTEM:

USAC administers the programs of the USF (including the Lifeline, High Cost, Rural Health Care, and E-Rate programs) and certain appropriated programs including the Affordable Connectivity Program (ACP), Emergency Connectivity Fund Program (ECF), and the COVID–19 Telehealth Program on behalf of the FCC, as set forth in 47 CFR part 54, under the direction of the Commission and, by delegation, of WCB. Under the Memorandum of Understanding Between the FCC and USAC (Dec. 19, 2018), as amended (Nov. 22, 2021) and extended (Dec. 19, 2023) (FCC/USAC MOU), USAC is responsible for the effective administration of the programs, including responding to inquiries from program participants and providing timely and relevant data and analysis to inform the Commission in its policy making and oversight of the USF and appropriated programs. The USAC CRM handles and processes inquiries from individuals, groups, and other entities, for all of the programs administered by USAC. The system allows USAC customer service representatives to access prior related inquiries in order to provide excellent customer service. It includes a portal to allow customers to easily interact with USAC through one channel of communication, maintaining the ability to view case status, create new cases, and review closed cases within the same interface. This system of records includes existing data from the established USF and appropriated programs administered by USAC. The system can also accommodate data from any future programs assigned by the FCC to be administered by USAC. The system allows USAC to retrieve records based on an individual's information within the system. The CRM system will be launched in phases on a program by program basis. Phase I currently includes High Cost, Rural Health Care, and Finance (Contributions) customer support. Phase II incorporates Lifeline and the Affordable Connectivity Program for customer support. Phase III will commence the consumer portal.

This system of records is maintained to provide a unified tool to enable USAC, on behalf of the FCC, to respond to inquiries from consumers, participants, and stakeholders in the USF and appropriated programs; to inform the FCC of concerns regarding the USF and appropriated programs in support of the agency's policymaking and enforcement endeavors or otherwise to evaluate the efficiency and administration of FCC programs and to inform future FCC rulemaking activity; to provide consumers with access to a unified portal to view case status, create new cases, and review closed cases; and to provide USAC staff with access to documents and otherwise improve staff efficiency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals in this system include, but are not limited to, individuals who contact USAC with inquiries concerning USF and appropriated programs administered by USAC on behalf of the FCC. These individuals include, but are not limited to, individuals and representatives of individuals who participate in these programs; individuals making inquiries on behalf of program participants and stakeholders; and employees of USAC, USAC's vendors, and the FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system collected by design include first and last name, telephone number, email address, and user ID numbers; service representative names and ID numbers; USAC-assigned identifying numbers, such as Application ID, Eligibility Check ID, or eligibility ID numbers; and the name of the organization associated with the individual. Examples for organization names include but are not limited to carrier and school names. Customers or customer representatives may provide data elements that have not been specifically requested, including date of birth, home address, place of birth, gender, work address, taxpayer ID numbers, facsimile numbers, Social Security numbers (SSNs), mother's maiden name, information contained in birth, death, or marriage certificates, financial account numbers, employment status, employer identification numbers (EINs), and a driver's licenses or State ID (or foreign country equivalent). This system of records also includes existing data from the established USF and appropriated programs administered by USAC.

RECORD SOURCE CATEGORIES:

Information systems for established USF and appropriated programs administered by USAC; participants in USF and appropriated programs; participating providers and their registered enrollment representatives; and USAC employees or contractors or FCC employees or contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC, as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Customer Relations—Records may be disclosed to the individual to whom a record pertains in order to respond to inquiries about that individual's participation in USF and appropriated programs or otherwise assist that individual.

2. Program Management—Records may be disclosed to USAC employees to conduct official duties associated with the administration of FCC programs or the management, operation, and oversight of the CRM, as directed by the Commission.

3. Third Party Contractors—Records may be disclosed to an employee of a third-party contractor engaged by USAC or a participating provider, or to a subcontractor engaged by a third-party contractor, engaged by USAC, to, among other things, develop the CRM, respond to inquiries concerning USF and appropriated programs, run call center and email support operations, assist in dispute resolution, and develop, test, and operate the database system and network.

4. Service Providers—Records may be disclosed to service providers, and their registered representatives, limited to information that may be required to help resolve a consumer complaint or dispute.

5. State, Tribal, or Local Governmental Agencies and Other Authorized Governmental Entities—Records may be disclosed to State, Tribal, or local government agencies and other authorized governmental entities, including public utility commissions, limited to information that may be required to help resolve a consumer complaint or dispute.

6. FCC Enforcement Actions—When a record in this system involves an informal complaint filed alleging a violation of the Communications Act of 1934, as amended, or FCC regulations or orders (FCC Rules and Regulations) by an applicant, licensee, certified or regulated entity, or an unlicensed person or entity, the complaint may be provided to the alleged violator for a response. Where a complainant, in filing his or her complaint, explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

7. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

8. Government-Wide Program Management and Oversight—Records may be disclosed to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

9. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal (including the Internal Revenue Service to investigate income eligibility verification), State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, order, or other compulsory obligation.

10. Litigation—Records may be disclosed to the DOJ when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

11. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

12. Breach Notification—Records may be disclosed to appropriate agencies, entities (including USAC), and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

13. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

14. Department of Treasury—Records may be disclosed to the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

15. Prevention of Fraud, Waste, and Abuse Disclosure—Records may be disclosed to Federal agencies, or to an

instrumentality of any governmental jurisdiction within or under the control of the United States (including any State, Tribal, or local governmental agency), and their employees and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, cooperative agreement, or computer matching agreement for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC or USAC provides information under this routine use.

16. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including FCC or USAC contractors, other vendors (*e.g.,* identity verification services), grantees, or volunteers who have been engaged to assist the FCC or USAC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records that has not been otherwise identified in this Notice and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The information pertaining to the CRM includes electronic records, files, data, records, and may include audio recordings of calls. Records are maintained in secure, limited access areas. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Both USAC and its contractors will jointly manage the electronic data housed at USAC and contractors will have access to the data at their locations.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the CRM system of records may be retrieved by various identifiers, including, but not limited to the individual's name or identification number. USAC employees and contractors information can also be retrieved through identifiers including first or last name, title, email address, and username.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Data from USF programs contained in the CRM system are maintained and disposed of in accordance with the National Archives and Records Administration (NARA) Records Schedule DAA–0173–2017–0001. ACP records are maintained and disposed of in accordance with NARA Records Schedule DAA–0173–2021–0022, Emergency Broadband Benefit Program (EBB Program)/Affordable Connectivity Program (ACP). Records related to the Connected Care Pilot Program/COVID–19 Telehealth Program are maintained and disposed of in accordance with NARA Records Schedule DAA–0173–2020–0006.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC and the USAC computer network databases, which are protected by the FCC's and USAC's privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by OMB, the National Institute of Standard and Technology (NIST) and the Federal Information Security Modernization Act of 2014 (FISMA). In addition, access to the electronic files is restricted to authorized USAC and contractors' supervisors and staff, to the FCC's supervisors and staff in WCB, and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis. In addition, data in USAC's network servers which are accessible by USAC's contractors will be routinely backed-up. The servers will be stored in secured environments to protect the data.

The paper documents and files are maintained in file cabinets in USAC and the contractors' office suites. The file cabinets are locked when not in use and at the end of the business day. Access to these files is restricted to authorized USAC and its contractors' staffs.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov*. Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to the records (47 CFR part 0, subpart E).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

89 FR 28774 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03740 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 332369]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communication Commission (FCC or Commission, or the Agency) proposes to modify an existing system of records, FCC/OMD–25, Financial Operations Information System (FOIS), subject to the Privacy Act of 1974 as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The records in this system pertain to the mission and activities of the FCC's Financial Operations (FO) organization in the Office of Managing Director (OMD), which are associated with the Commission's financial and budgetary operations, programs, activities, and transactions. This modification makes various necessary changes and updates, including formatting changes required by the Office of Management and Budget (OMB) Circular A–108 since its previous publication, the addition of one new

routine use, and the revision of one existing routine use.

DATES: This modified system of records will become effective on February 25, 2026. Written comments on the routine uses are due by March 27, 2026. The routine uses in this action will become effective on March 27, 2026, unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Shana M. Yates, at *privacy@fcc.gov,* or at Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Shana M. Yates, (202) 418–0683, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/OMD–25 as a result of various necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/OMD–25 system of records include:

1. Updating and/or revising language in the following routine use (listed by the routine use number provided in this notice): (10) Law Enforcement and Investigation; and

2. Adding one new routine use: (5) Department of Treasury (as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse).

SYSTEM NAME AND NUMBER:

FCC/OMD–25, Financial Operations Information Systems (FOIS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Financial Operations (FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

Financial Operations (FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapter 57; 31 U.S.C. 525, 3302(e); 44 U.S.C. 3101, 3102, 3309; Debt Collection Act of 1982 (Pub. L. 97–365), as amended by Debt Collection Improvement Act of 1996 (Pub. L. 104–134); section 639 of the Consolidated Appropriations Act of 2005 (Pub. L. 108–447); Federal Financial Management Improvement Act of 1996 (Pub. L. 104–208); Chief Financial Officers Act of 1990 (Pub. L. 101–576); Federal Managers Financial Integrity Act of 1982 (Pub. L. 97–255); Executive Order 9397; Budget and Accounting Procedures Act of 1950 (Pub. L. 81–784); section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690), as amended by section 1002(d) of the Crime Control Act of 1990 (Pub. L. 100–647); and 47 U.S.C. 154(i) and (j).

PURPOSE(S) OF THE SYSTEM:

This system collects and maintains records contained in the information systems, subsystems, databases, and paper document files of the Financial Operations organization (FO) within OMD.[1] Collecting and maintaining this information allows staff access to documents necessary for key activities discussed in this SORN, including maintaining identity, regulatory, and financial information regarding individuals and entities doing business with the Commission, as well as information regarding the Commission's financial and budgetary operations, programs, functions, and transactions. These various systems include, but are not limited to FCC User Registration System, Commission Registration System (CORES), Financial Operations API, Financial Operations API Cloud, the Financial Operations Administration System, Genesis and related applications (*i.e.,* Genesis Portal, Genesis E2 WSDL, Genesis E2, and Genesis Reports), Alfresco, databases, and related FO documents and forms. Authorized FCC personnel (including authorized contract employees) use these records on a need-to-know basis to conduct the Commission financial and budgetary operations, programs, transactions, and statements, which include but are not limited to:

1. Processing and tracking payments made and monies owed from or to individuals (including FCC employees and authorized contract employees), FCC regulatees and licensees, and the FCC; and to ensure that payments by the FCC are based on a lawful official commitment and obligation of government funds, including but not limited to payments to cover administrative charges, penalties, forfeitures assessed, fees collected, services rendered, and direct loans;

2. Establishing records of ''receivables'' and tracking repayment status for any amount(s) claimed in the event of a debt owed to the FCC, which include but are not limited to repayment of overpayments and excess disbursements (including reimbursements and/or refunds for incorrect payments or overpayments), and other debts, advance payments, including but not limited to application processing fees, travel advances (including reimbursements authorized under the Travel Reimbursement Program covered by GSA/GOVT–3 and GSA/GOVT–4), advanced sick leave, and advanced annual leave, and withholding services from individuals who owe delinquent debt to the FCC or an FCC component, including billing and collection of bad checks;

3. Developing reports of taxable income using the records of payments and uncollectible debts that are provided to the Internal Revenue Service (IRS) and applicable State and local taxing officials;

4. Tracking overdue and delinquent federal debts for debt collection purposes;

5. Initiating and completing computer matching to verify benefit and payment eligibility under relevant related Federal Government systems such as, but not limited to Treasury's ''Do Not Pay'' portal verification system, the GSA Excluded Parties and Debarment List, and the Department of Justice Drug Debarment Roster in connection with implementation of section 5301 of the Anti-Drug Abuse Act of 1998;

6. Populating FCC forms, which include but are not limited to Forms 44 and 45, the 159 series, 160 and 161, and 1064, and other financial and budgetary forms and related documents and records, which are used to carry out these various financial, accounting, and budgetary activities, functions, and purposes;

7. Providing the viewing function for images of auction loans that the FCC has made to customers, to provide them access to their loan payment history (retained for historical purposes); and

8. Storing the information that the Department of Justice (DOJ) exchanges with the FCC in connection with the implementation of section 5301 of the Anti-Drug Abuse Act of 1988.[2]

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. FCC staff, including but not limited to employees (including interns), and

[1] The FO specifically maintains the FCC's Registration Number (FRN) system, the Commission-wide method for identifying and interacting with those individuals who have registered to do business with the FCC under 31 U.S.C. 7701(c)(2) and who incur application and/or regulatory fee obligations. An FRN collaterally allows that monies paid are properly matched with debts and obligations.

[2] This permits the FCC to perform the General Services Administration (GSA) Debarment List check as provided for in the Office of National Drug Control Policy plan for implementation of section 5301 through use of information generated by DOJ. The FCC will use the automated records obtained from DOJ only to make an initial determination of whether an individual applicant is subject to a denial of all Federal benefits or FCC benefits imposed under section 5301 of the Anti-Drug Abuse Act of 1988.

contractors and vendors, who handle information in the FCC's financial and budgetary operations, which include but are not limited to FO's programs, processes, activities, and functions;

2. Individuals and representatives of entities who register with the FCC to receive a FCC Registration Number (FRN) to conduct business with the Commission; and

3. Individuals who intend to or do conduct business with the FCC as a regulatee, licensee, contractor, or vendor and who are listed on the Drug Debarment Roster (as a result of drug convictions for the distribution or possession of controlled substances) who have been denied all Federal benefits as part of their sentence pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, and who have filed application(s) for any FCC professional or commercial license(s) and/or authorization(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

1. FCC employees (including interns)—individual's name, Social Security number (SSN), home address, phone number, bank account data, and miscellaneous monies received by the Commission (including, but not limited to reimbursement(s) authorized under the Travel Reimbursement Program covered by the government-wide system of records GSA/GOVT–3 and GSA/GOVT–4,[3] and related financial requirements);

2. Independent contractors—individual's name and SSN (required when the fee exceeds the minimum $600.00 threshold authorized by IRS Form 1099);

3. Individuals and representatives of entities who register to do business with the FCC and receive a FCC Registration Number (FRN)—individual's name, address(es), SSN, Individual Taxpayer Identification Number (ITIN), telephone number(s), fax number(s), email address(es), records of services rendered, loan payment information, forfeitures assessed and collected, billing and collection of bad checks, bank deposit information, transaction type information, United States Treasury deposit data (notification of completion of FCC financial transactions with the U.S. Treasury), and information substantiating fees collected, refunds issues, and interest, penalties, and administrative charges assessed to individuals.

4. Individuals on the DOJ's Drug Debarment List—individual's name, DOJ identification number (ID) (for the person denied Federal benefits), ITIN, starting and ending date of the denial of Federal benefits, address, zip code, and (if required by the FCC application) birthdate, and confirmation report for DOJ matching; (Upon such a match, the FCC will initiate correspondence with the applicant, which will also be associated with the application. The confirmation report and any correspondence with the applicant will be among the records found in this system.); and

5. FCC Forms which include, but are not limited to, Forms 44 and 45; the 159 series; 160 and 161; 1064, and other related financial and/or budgetary forms, assessments, and related documents.

RECORD SOURCE CATEGORIES:

Information in this system is provided by the following individuals: FCC employees (including interns), contractor employees, and individuals or representatives of entities who register to do business with the FCC, and the information obtained from the Federal Drug Debarment List database(s).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3). In each of these cases, however, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. Public Access—FCC Registration Numbers (FRNs) and certain information (excluding security/sensitive information) provided by individuals and representatives who register to do business with the Commission by obtaining an FRN are routinely made public. Individuals who have so registered also can use the Commission's automated reporting tools to access their own nonpublic information, which includes but is not limited to Regulatory Fees, fines, forfeitures, penalties, Debt Collection Improvement Act and other administrative changes, and related payments and assessments, and to determine the amount(s) owed.

2. Drug Debarment List—Records from CORES may be matched against the Department of Justice Drug Debarment List, and any results (not including the DOJ ID Number) and any correspondence with the applicant regarding this match will be associated with the FCC applicant for a license or authorization or recipient of FCC funds, and thus be made routinely available (with redactions for date of birth and Social Security number) for public inspection as part of the applicant's or recipient's file within the relevant FCC system.

3. '' *Pay.gov* '' System—The name and address of individuals may be disclosed to the Department of the Treasury to facilitate the collection of any fees owed to the FCC when an individual chooses to pay online using the Treasury's *Pay.gov* system.

4. Compliance with Welfare Reform Requirements—Names, Social Security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act.

5. Department of Treasury—Records may be disclosed to the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

6. Financial Obligations Under the Debt Collection Acts and ''Do Not Pay''—Records may be disclosed to other Federal agencies (including the Treasury Department, Bureau of Public Debt, and its authorized contractors) for the purpose of collecting and reporting on delinquent debts as authorized by the Debt Collection Improvement Act of 1996, as amended, and to prevent improper payment and to verify

[3] The PII contained in the FCC's Travel and Reimbursement Program is covered by one or the other of the two government-wide systems of records maintained by the General Services Administration (GSA): GSA/GOV–3, ''Travel Charge Card Program,'' 78 FR 20108; or GSA/GOVT–4, ''Contracted Travel Services Program,'' 64 FR 20108.

payment eligibility using Treasury's ''Do Not Pay'' (DNP) system and effecting payments. Records may also be disclosed to the Treasury Department and its contractors, pursuant to a DNP computer matching agreement between the FCC and Treasury for purposes authorized by 31 U.S.C. 3321, if the matching program requires data from this system of records, and to the Treasury Department and the Department of Justice, and their representatives and contractors, to report the results of debt collection or debt compromise to prepare necessary Federal, State, or local income and tax reporting records and reports (*e.g.,* IRS Form 1099). A record from this system also may be disclosed to any Federal, State, Tribal, or local agency to conduct an authorized computer matching program to identify and locate individuals who are delinquent in their repayment of certain debts owed to the U.S. Government. A record from this system may be used to prepare information on items included, but not limited to, income assessments required for taxation or other purposes to be disclosed to Federal (*i.e.,* IRS), State, and local governments.

7. Financial Obligations as Required by the National Finance Center (USDA), *et al.*—Records may be disclosed to the National Finance Center (the FCC's authorized payroll office), the Department of the Treasury Debt Management Services, and/or a current employer for financial obligations that include, but are not limited to those that effect a salary, IRS tax refund, tax or other debt liabilities of State, Municipality, or other government agencies and entities, or administrative offsets necessary to satisfy an indebtedness; and to Federal agencies to identify and locate former employees for the purposes of collecting such indebtedness, including through administrative, salary, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs, following procedures required by the Debt Collection Act of 1982, the Debt Collection Improvement Act of 1996, and the computer matching provisions of the Privacy Act.

8. Litigation—Records may be disclosed to the DOJ when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

9. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

10. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal, State, Tribal, local, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, order, or other compulsory obligation.

11. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom the information pertains.

12. Government-wide Program Management and Oversight—Records may be disclosed to the DOJ to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

13. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the Agency—Records may be disclosed to a Federal, State, local, foreign, Tribal, or other public agency or authority maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter.

14. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by Other than the Agency—Records may be disclosed to a Federal, State, local, foreign, Tribal, or other public agency or authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the issuance or retention of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the agency's decision on the matter. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire records if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

15. Labor Relations—Records may be disclosed to officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

16. Federal Labor Relations Authority—Records may disclosed to the Federal Labor Relations Authority when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel (FSIP).

17. Merit Systems Protection Board—Records may be disclosed to officials of the Merit Systems Protection Board or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and

other merit systems, review of the FCC rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, *e.g.,* as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

18. Equal Employment Opportunity Commission (EEOC)—Records may be disclosed to the EEOC when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures or other functions vested in the Commission and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

19. Statistical/Analytical Studies—Records may be used to provide to Congress and OMB summary descriptive statistics and analytical studies in support of the financial and budgetary functions for which the records are collected and maintained, or for related FCC studies and reports. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

20. Breach Notification—Records may be disclosed to appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

21. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

22. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including contractors, other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract, service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information in this system is maintained as follows:

1. The electronic data, records, and files reside on the FCC's network or on an FCC vendor's network;

2. The DOJ maintains the Drug Debarment data at its facilities and transfers the Drug Debarment data files to the FCC under the terms of the matching agreement. These files are immediately discarded by the FCC after being loaded into the secure database on the FCC's computer network; and

3. Paper documents, including printouts and other related materials, records, and files are stored in the FO office suite and at a FCC authorized contractors.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

1. Records in the financial and budgetary (electronic and paper) system of records can be retrieved by category field, *e.g.,* the individual's name(s), the type of transaction, call sign, processing number, SSN, ITIN, FRN, vendor code, fee control number, payment ID number, and/or sequential number.

2. Records in the DOJ Drug Debarment (electronic) system of records are retrieved and matched between CORES and that database (primarily using name and ITIN or name and zip code or additional data elements but also by address, date of birth, or other data elements obtained from the DOJ Drug Debarment database).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) Records Schedule N1–173–00–001, Commission Registration System (CORES).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC's or a vendor's accreditation boundaries and maintained in a database housed in the FCC's or vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by the FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), OMB, and the National Institute of Standards and Technology (NIST). Paper records (generally only Form 1876 and occasional print outs, as needed) are stored in secured cabinets in the Financial Office.

RECORD ACCESS PROCEDURES:

Individuals wishing to request an amendment of records about them should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest information pertaining to him or her in the system of records should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting record access or amendment must also comply with the FCC's Privacy Act regulations regarding verification of identity as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

88 FR 81411 (Nov. 22, 2023).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03736 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 332030]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), this document announces a new computer matching program the Federal Communications Commission (FCC or ''Commission or Agency) and the Universal Service Administrative Company (USAC) will conduct with the Puerto Rico Department of the Family. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before March 27, 2026. This computer matching program will commence on March 27, 2026, and will conclude after 18 months.

ADDRESSES: Send comments to Shana Yates, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Shana Yates at (202) 418–0683 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive PAN benefits administered by the Puerto Rico Department of the Family.

Participating Agencies

Puerto Rico Department of the Family (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

Authority for Conducting the Matching Program

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a) through(b). The authority to conduct the matching program for the FCC's Lifeline program is 47 U.S.C. 254(a)through(c), (j).

Purpose(s)

The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/subscriber's participation in PAN in Puerto Rico Department of the Family. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

Categories of Individuals

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

Categories of Records

The categories of records involved in the matching program include the last four digits of the applicant's Social Security Number, date of birth, first and last name. The National Verifier will transfer these data elements to the Puerto Rico Department of the Family which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: PAN administered by the Puerto Rico Department of the Family.

System(s) of Records

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 89 FR 28777 (Apr.19, 2024).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–03746 Filed 2–24–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's

Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than March 12, 2026.

A. Federal Reserve Bank of New York (Bank Applications Officer) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *The Josephine M. Capobicanco Irrevocable Gift Trust, Anthony M. Capobianco and Sandra D. Capobianco as trustees, all of Glen Cove, New York;* to join the Capobicanco Family Control Group, a group acting in concert, to retain voting shares of American Community Bancorp, Inc., and thereby indirectly retain voting shares of American Community Bank, both of Glen Cove, New York.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–03764 Filed 2–24–26; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Trade Commission (FTC or Commission) requests that the Office of Management and Budget (OMB) extend for an additional three years the current Paperwork Reduction Act (PRA) clearance for the information collection requirements in the Used Car Rule (Rule). That clearance expires on February 28, 2026.

DATES: Comments must be received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection and its accompanying supporting statement by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. The reginfo.gov web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Elizabeth Scott, Attorney, Midwest Region, Federal Trade Commission, (312) 960–5609, *escott@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: The Used Car Rule, 16 CFR part 455.

OMB Control Number: 3084–0108.

Type of Review: Extension without change of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 3,166,352.[1]

Estimated Annual Labor Costs: $69,216,455.

Non-Labor Costs: $19,300,000.

Abstract

The Used Car Rule promotes informed purchasing decisions by requiring that used car dealers display a form called a ''Buyers Guide'' on each used car offered for sale that, among other things, discloses information about warranty coverage and other information to assist purchasers. The Rule has no recordkeeping or reporting requirements.

On December 5, 2025, the FTC sought comment on the information collection requirements associated with the Rule. 90 FR 56147. The Commission received three comments that support the renewal of the information collections.[2] Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. For more details about the Rule requirements and the basis for the calculations summarized above, see 90 FR 56147.

Request for Comment

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential'' —as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–03711 Filed 2–24–26; 8:45 am]

BILLING CODE 6750–01–P

[1] The annual burden hours and annual labor costs are slightly higher than the estimates set out in the 60-Day **Federal Register** notice, which were 3,164,100 hours and $69,167,226, respectively. This is because updates to U.S. Census Bureau surveys now indicate that approximately 13.6 percent of the U.S. population speaks Spanish at home, and 8.6 percent of the population speak English less than very well, as opposed to 13.4 percent and 8.4 percent noted as of September 30, 2025.

[2] Comment ID FTC–2025–0858–0003 (Tyler Rodriguez), received Dec. 9, 2025; Comment ID FTC–2025–0858–0002 (David Connell), received Dec. 8, 2025; and Comment ID FTC–2025–0858–0007 (Carson Loveless), received Jan. 26, 2025; all are available at *https://www.regulations.gov/document/FTC-2025-0858-0001/comment.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0614]

Proposed Information Collection Activity; Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Demographic and Service Utilization Data Report and Performance Measurement Data Report

AGENCY: Office of Early Childhood Development, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Early Childhood Development (ECD) is requesting a 3-year extension with revisions to annual reporting instruments under Office of Management and Budget (OMB) Control #: 0970–0614. This includes proposed revisions to the Demographic and Service Utilization Data Report (DSUR), an extension of the Performance Measurement Data Report (PMR) with no changes, and announces the discontinuation of the Quarterly Performance Report (QPR).

DATES: *Comments due* April 27, 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: ECD is requesting approval for the Tribal Maternal, Infant, and Early Childhood Home Visiting (Tribal MIECHV) program information collection under OMB Control #: 0970–0614, which consists of the DSUR and the PMR. These instruments are used by Tribal MIECHV grant recipients to report annual data on participant demographics, service utilization, staffing, and required performance measures. ECD uses this information to monitor program implementation, assess progress in key outcome areas, inform technical assistance, and meet required annual reporting expectations.

The DSUR includes revisions to streamline reporting and reduce burden for Tribal MIECHV grant recipients. These revisions reduce the number of data reporting tables, remove data elements that are no longer needed, and update terminology to improve clarity and alignment with current reporting requirements. The changes simplify reporting while retaining information necessary for program administration and monitoring.

The PMR is included in this request as an extension with no changes to content; however, the estimated reporting burden has been updated based on findings from a 2024 administrative burden assessment. The PMR collects annual performance data related to benchmark areas required under statute and is used by ECD to assess grant recipient performance and report on program outcomes.

The QPR is removed from under this OMB number as ECD replaced the QPR with a smaller set of operational questions that will be collected through monthly calls, as approved under OMB #: 0970–0490. This change significantly reduces burden while maintaining necessary monitoring functions.

These updates reflect ECD's ongoing effort to streamline Tribal MIECHV reporting, reduce administrative burden for grant recipients, and maintain the high-quality data needed to understand program performance and support Tribal communities effectively.

Respondents: Tribal MIECHV program grant recipients.

Annual Burden Estimates

Annual burden estimates have been updated based on findings from a 2024 administrative burden assessment of Tribal MIECHV reporting requirements. Revisions reflect reduced time to complete the streamlined DSUR, updated burden estimates for the PMR, and removal of burden associated with the discontinued QPR.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Tribal MIECHV Demographic Service Utilization Data Report (Grant Recipients).	68	1	146	9,928
Tribal MIECHV Demographic & Service Utilization Data Report (Families).	2,087	1	30 Seconds	17
Tribal MIECHV Performance Measures Report.	68	1	151.2	10,282
Estimated Total Annual Burden Hours	.....	.....	.....	20,227

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. 711.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–03712 Filed 2–24–26; 8:45 am]

BILLING CODE 4182–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0545]

Proposed Information Collection Activity; Next Generation of Enhanced Employment Strategies Project

AGENCY: Office of Planning, Research, and Evaluation, Administration for

Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Planning, Research, and Evaluation (OPRE) is requesting a one-year extension to one of the data collection activities conducted for the Next Generation of Enhanced Employment Strategies (NextGen) Project, the second follow-up survey (OMB #: 0970–0545, expiration April 30, 2026).

DATES: *Comments due* April 27, 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 *opreinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OPRE is conducting the NextGen Project to test innovative employment programs designed to help people facing complex challenges (such as physical and mental health conditions, criminal justice system involvement, or limited formal work skills and experience) secure economic independence. The project is partnering with the Social Security Administration to incorporate a focus on employment-related early interventions for people with current or foreseeable disabilities who have limited work history and are potential applicants for Supplemental Security Income.

The project includes an impact study, descriptive study, and cost study. The descriptive and cost studies are now complete. The impact study has concluded enrolling participants and fielding the first follow-up survey. OPRE seeks approval for an extension, without change, to one of the currently approved data collection activities for the impact study, the second follow-up survey. This survey collects data on key outcomes of interest, including service receipt, employment, earnings, economic independence, well-being, health status, substance use, and involvement in the criminal justice system. The second follow-up survey allows the study to assess NextGen programs' impact on these participant outcomes 18 or 21 months after study enrollment, depending on the program. Reporting on the intermediate-term impacts of the programs is critical for fully understanding the programs' effectiveness given that some outcomes are not likely to emerge until 18 to 21 months after program entry. OPRE seeks a one-year extension to capture additional responses to the second follow-up survey and ensure low differential attrition between the treatment and control groups at each NextGen program. Without this extension, participants who enrolled in NextGen most recently would be less likely to have their data captured, which could compromise data quality. The extension is requested to allow all participants to have follow-up periods of similar length (up to six months), which is likely to reduce nonresponse bias in impact estimates of the effectiveness of each NextGen program.

Respondents: Individuals enrolled in the NextGen Project.

Annual Burden Estimates

This extension request does not change the average burden per response for the remaining data collection. The total/annual burden estimates under this request are for an additional one year of data collection through April 2027. All other previously approved data collection activities under this OMB number have been completed.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total/annual burden (in hours)
Second follow-up survey—participants	200	1	0.83	166

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: Section 413 of the Social Security Act, as amended by the Fiscal Year 2017 Consolidated Appropriations Act, 2017 (Public Law 115–31).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–03722 Filed 2–24–26; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–D–1256]

Considerations for the Use of the Plausible Mechanism Framework To Develop Individualized Therapies That Target Specific Genetic Conditions With Known Biological Cause; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled ''Considerations for the use of the Plausible Mechanism Framework to Develop Individualized Therapies that Target Specific Genetic Conditions with Known Biological Cause.'' The draft guidance document describes considerations for generating substantial evidence of effectiveness and evidence of safety of individualized therapies based on a plausible mechanism framework.

DATES: Submit either electronic or written comments on the draft guidance by April 27, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–D–1256 for ''Considerations for the use of the Plausible Mechanism Framework to Develop Individualized Therapies that Target Specific Genetic Conditions with Known Biological Cause.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, by emailing *industry.biologics@fda.hhs.gov.* The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, Food and Drug Administration, 240–402–7911. Teresa Buracchio, Center for Drug Evaluation and Research, Food and Drug Administration, Food and Drug Administration, 240–402–4274.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Considerations for the use of the Plausible Mechanism Framework to Develop Individualized Therapies that Target Specific Genetic Conditions with Known Biological Cause.'' The draft guidance describes considerations for generating substantial evidence of effectiveness and evidence of safety of individualized therapies based on a plausible mechanism framework. The guidance specifically discusses genome editing and RNA-based therapies; however, the general concepts may apply to other types of individualized therapies. Specifically, the draft guidance applies when clinical evidence from a limited number of patients will be available to support the individualized product's safety or efficacy in the intended patient population.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Considerations for the use of the Plausible Mechanism Framework to

Develop Individualized Therapies that Target Specific Genetic Conditions with Known Biological Cause.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR parts 210 and 211 relating to current good manufacturing practice have been approved under OMB control number 0910–0139. The collections of information in 21 CFR part 312 related to the submission of investigational new drug applications have been approved under 0910–0014. The collections of information in 21 CFR part 314 for submission of a new drug application have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 relating to the submissions of biologic license applications have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–03713 Filed 2–23–26; 11:15 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0496]

Agency Information Collection Activities; Proposed Collection; Comment Request; Current Good Manufacturing Practice Regulations for Medicated Feeds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the recordkeeping requirements for manufacturers of medicated animal feeds.

DATES: Either electronic or written comments on the collection of information must be submitted by April 27, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 27, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–0496 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Current Good Manufacturing Practice Regulations For Medicated Feeds.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Kelly Covington, Office of Operations, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 240–402–5661, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this

requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Current Good Manufacturing Practice Regulations For Medicated Feeds—21 CFR parts 225 & 226

OMB Control Number 0910–0152 and 0910–0154—Revision

This information collection supports implementation of section 501 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 351), which governs current good manufacturing practice (CGMP) for drugs, including medicated feeds and Type A medicated articles. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease or for growth promotion and feed efficiency. A Type A medicated article is an animal feed product containing a concentrated drug diluted with a feed carrier substance. A Type A medicated article is intended solely for use in the manufacture of another Type A medicated article or a Type B or Type C medicated feed.

Under part 225, a manufacturer is required to establish, maintain, and retain records for a medicated feed, including records to document procedures required during the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (*i.e.,* batch and stability testing), labels, and product distribution.

Manufacturers are required to establish, maintain, and retain records for Type A medicated articles including records to document procedures required under the manufacturing process to assure that proper quality control is maintained under part 226. Type A medicated articles which are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)).

This information is needed so that FDA can monitor drug usage and possible misformulation of medicated feeds to investigate violative drug residues in products from treated animals and to investigate product defects when a drug is recalled. In addition, FDA will use the CGMP criteria in part 225 to determine whether the systems and procedures used by manufacturers of medicated feeds are adequate to ensure that their feeds meet the requirements of the FD&C Act as to safety, and also that they meet their claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the FD&C Act.

A license is required when the manufacturer of a medicated feed involves the use of a drug or drugs that FDA has determined requires more control because of the need for a withdrawal period before slaughter or because of carcinogenic concerns. Conversely, a license is not required, and the recordkeeping requirements are less demanding, for those medicated feeds for which FDA has determined that the drugs used in their manufacture need less control.

The information collection provisions approved under OMB control number 0910–0152 and 0910–0154 are similar in that they support FDA's CGMP regulations for medicated feeds. Thus, with this notice, FDA proposes to consolidate these collections of information into one OMB control number for all reporting associated with CGMPs for medicated feeds. FDA further proposes to consolidate all the regulations into a summary. FDA has combined the commercial feed mills and the mixer feeders, as the requirements for licensed medicated feedmills are the same for commercial feed mills and mixer feeders. FDA will continue to separate the licensed feed mills vs. the non-licensed feed mills, as the recordkeeping requirements for non-licensed feedmills require less burden than licensed feedmills. As with the licensed facilities, we will combine the commercial feedmills with the mixer/feeders as the requirements and burdens remain the same. The number of non-licensed feedmills were updated with our current inventory data utilizing production code for manufacturers of medicated feeds.

Because we are proposing to combine all reporting associated with CGMPs for medicated feeds into one collection, we are consolidating the burden under OMB control number 0910–0152 and discontinuing OMB control number 0910–0154.

Description of Respondents: Respondents to this collection of information are manufacturers of medicated feeds, commercial feed mills, and licensed mixer/feeders.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN (REGISTERED LICENSED COMMERCIAL FEED MILLS)

21 CFR section, activity	Number of respondents	Noumber of responses per respondent	Total annual responses	Average burden per response	Total hours
225.42, 225.58, 225.80, 225.102, 225.110, and 225.115; Recordkeeping and maintenance of records for components used in the manufacture of the medicated feeds and premixes, laboratory controls, packaging and labeling, master formula and batch-production, distribution records and complaint files.	768	2919	2,241,792	.305 (18.3 minutes)	683,747

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN (NONREGISTERED NON-LICENSED COMMERCIAL FEED MILLS)

21 CFR section, activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.142, 225.158, 225.180, and 225.202; Recordkeeping and maintenance of records for components used in the manufacture of the medicated feeds and premixes, laboratory controls, packaging and labeling, production and distribution records.	1658	91	150,878	1.44	217,265

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL RECORDKEEPING BURDEN (NONREGISTERED NON-LICENSED MIXER/FEEDERS)

21 CFR section, activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.142, 225.158, 225.180, and 225.202; Recordkeeping and maintenance of records for components used in the manufacture of the medicated feeds and premixes, laboratory controls, packaging and labeling, production and distribution records.	3,400	91	309,400	1.36	420,784

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN (MANUFACTURERS OF TYPE A MEDICATED FEEDS)

21 CFR section, activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
226.42, 226.58, 226.80, 226.102, 226.110, and 226.115; Recordkeeping and maintenance of records for components used in the manufacture of the medicated premixes, laboratory controls, packaging and labeling, master formula and batch-production, distribution records and complaint files.	65	1,370	89,050	~ 1 hour	89,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

After review of the information collection, we have adjusted our estimated burden of the number of CGMP for medicated feeds recordkeepers by 2,722. The reduction accurately reflects the current number of firms that hold a medicated feed mill license and the number of firms that are listed in the FDA database as manufacturing with medicated feeds and meet the definition of a commercial feed manufacturing facility. With this update, we note a corresponding decrease of 13,731,017 records and a decrease of 913,153 hours.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–03772 Filed 2–24–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0027]

Agency Information Collection Activities; Proposed Collection; Comment Request; Biological Products: Reporting of Biological Product Deviations and Human Cells, Tissues, and Cellular and Tissue-Based Product Deviations in Manufacturing.

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to the reporting of biological product deviations and human cells, tissues, and cellular and tissue-based product (HCT/P) deviations in manufacturing, and Forms FDA 3486 and 3486A.

DATES: Submit either electronic or written comments on the collection of information by April 27, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 27, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted,

such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. [Insert docket number xxxxx] for '' Agency Information Collection Activities; Proposed Collection; Comment Request; Biological Products: Reporting of Biological Product Deviations and Human Cells, Tissues, and Cellular and Tissue-Based Deviations in Manufacturing; Forms FDA 3486 and 3486A.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: 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, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Biological Products: Reporting of Biological Product Deviations and Human Cells, Tissues, and Cellular and Tissue-Based Product Deviations in Manufacturing; Forms FDA 3486 and 3486A (OMB Control Number 0910–0458)—Extension

Under section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262), all biological products, including human blood and blood components, offered for sale in interstate commerce must be licensed and meet standards, including those prescribed in the FDA regulations, designed to ensure the continued safety, purity, and potency of such products. In addition, under section 361 of the PHS Act (42 U.S.C. 264), FDA may issue and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases between the States or possessions or from foreign countries into the States or possessions. Further, the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 351) provides that drugs and devices (including human blood and blood components) are adulterated if they do not conform with current good manufacturing practice (CGMP) assuring that they meet the requirements of the FD&C Act. Establishments manufacturing biological products, including human blood and blood components, must comply with the applicable CGMP regulations (parts 211, 606, and 820 (21 CFR parts 211, 606, and 820)) and current good tissue practice (CGTP) regulations (part 1271 (21 CFR part 1271)) as appropriate. FDA regards biological product deviation (BPD) reporting and HCT/P deviation reporting to be an essential tool in its directive to protect public health by establishing and maintaining surveillance programs that provide timely and useful information.

Section 600.14 (21 CFR 600.14), in brief, requires the manufacturer who holds the biological product license, for other than human blood and blood components, and who had control over a distributed product when the deviation occurred, to report to the Center for Biologics Evaluation and

Research (CBER) or to the Center for Drugs Evaluation and Research (CDER) as soon as possible but at a date not to exceed 45 calendar days after acquiring information reasonably suggesting that a reportable event has occurred. Section 606.171, in brief, requires licensed manufacturers of human blood and blood components, including Source Plasma, unlicensed registered blood establishments, and transfusion services, who had control over a distributed product when the deviation occurred, to report to CBER as soon as possible but at a date not to exceed 45 calendar days after acquiring information reasonably suggesting that a reportable event has occurred. Similarly, § 1271.350(b), in brief, requires HCT/P establishments that manufacture non-reproductive HCT/Ps described in § 1271.10 to investigate and report to CBER all HCT/P deviations relating to a distributed HCT/P that relates to the core CGTP requirements, if the deviation occurred in the establishment's facility or in a facility that performed a manufacturing step for the establishment under contract, agreement or other arrangement. Form FDA 3486 is used to submit BPD reports and HCT/P deviation reports.

Respondents to this collection of information are (1) Licensed manufacturers of biological products other than human blood and blood components, (2) licensed manufacturers of blood and blood components including Source Plasma, (3) unlicensed registered blood establishments, (4) transfusion services, and (5) establishments that manufacture non-reproductive HCT/Ps regulated solely under section 361 of the PHS Act as described in § 1271.10. The number of respondents and total annual responses are based on the BPD reports and HCT/P deviation reports FDA received in fiscal year (FY) 2024. The number of licensed manufacturers and total annual responses under § 600.14 include the estimates for BPD reports submitted to both CBER and CDER. Based on the information from industry, the estimated average time to complete a deviation report is 2 hours, which includes a minimal one-time burden to create a user account for those reports submitted electronically. The availability of the standardized report form, Form FDA 3486, and the ability to submit this report electronically to CBER (CDER does not currently accept electronic filings) further streamlines the report submission process.

CBER has developed a Web-based addendum to Form FDA 3486 (Form FDA 3486A) to provide additional information when a BPD report has been reviewed by FDA and evaluated as a possible recall. The additional information requested includes information not contained in the Form FDA 3486 such as: (1) Distribution pattern; (2) method of consignee notification; (3) consignee(s) of products for further manufacture; (4) additional product information; (5) updated product disposition; and (6) industry recall contacts. This information is requested by CBER through email notification to the submitter of the BPD report. This information is used by CBER for recall classification purposes. CBER estimates that 5 percent of the total BPD reports submitted to CBER would need additional information submitted in the addendum. CBER further estimates that it would take between 10 to 20 minutes to complete the addendum. For calculation purposes, CBER is using 15 minutes.

Activities such as investigating, changing standard operating procedures or processes, and follow up are currently required under 21 CFR parts 211, (approved under OMB control number 0910–0139), 606 (approved under OMB control number 0910–0116), 820 (approved under OMB control number 0910–0073) and 1271 (approved under OMB control number 0910–0543) and, therefore, are not included in the burden calculation for the separate requirement of submitting a deviation report to FDA.

We estimate the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR section	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
600.14 Reporting of product deviations by licensed manufacturers	3486	70	7.186	503	2.0	10,060
606.171 Reporting of product deviations by licensed manufacturers, unlicensed registered blood establishments and transfusion services	3486	2,455	6.630	16,278	2.0	32,556
1271.350(b) Reporting requirements (human cells tissues and cellular and tissue-based products)	3486	86	2.465	212	2.0	424
1271.350(b) CBER addendum report	[2]3486A	127	6.50	825	0.25	206.25
Total				17,818		43,246.25

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Five percent of the number of respondents ((2,455 + 86 × 0.05 = 127) and total annual responses to CBER ((16,278 + 212) x 0.05 = 825).

Our estimated burden for the information collection reflects an overall increase of approximately 13,602.95 hours and a corresponding increase of 2,383 responses. We attribute this adjustment to an increase in the number of product deviations we received in FY 2024 from licensed manufacturers, unlicensed registered blood establishments and transfusion services under § 606.171. This is likely due to the issuance of the revised guidance document titled, ''Biological product Deviation Reporting for Blood and Plasma Establishments'' (85 FR 14682; March 13, 2020), which provided blood and plasma establishments with revised recommendations related to BPD reporting.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–03773 Filed 2–24–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2025–N–0706; FDA–2025–N–0373; FDA–2025–N–0734; FDA–2025–N–0195; FDA–2024–N–5579; FDA–2024–N–5944; FDA–2025–N–0339; FDA–2025–N–0418; FDA–2011–N–0179]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain.* 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Environmental Impact Considerations	0910–0322	11/30/2028
Registration of Food Facilities	0910–0502	11/30/2028
Manufactured Food Regulatory Program Standards	0910–0601	12/31/2028
Production, Storage, and Transportation of Shell Eggs (preventing Salmonella Enteritidis (SE))	0910–0660	11/30/2028
Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and Issue Certifications	0910–0750	11/30/2028
Sanitary Transportation of Human and Animal Food	0910–0773	11/30/2028
Mitigation Strategies to Protect Food Against Intentional Adulteration	0910–0812	11/30/2028
Tropical Disease Priority Review Vouchers	0910–0822	12/31/2028
Adding Requirement to Submit Mail Tracking Number for Articles of Food Arriving by International Mail and Timeframe for Post-Refusal and Post-Hold Submissions	0910–0923	12/31/2028

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–03774 Filed 2–24–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0350]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tobacco Retailer Training Programs

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 27, 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 0910–0745. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tobacco Retailer Training Programs

OMB Control Number 0910–0745—Extension

Tobacco products are governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387u). FDA intends to issue regulations establishing standards for approved tobacco retailer training programs under section 906(d) of the FD&C Act (21 U.S.C. 387f(d)). In the interim, FDA published a guidance document entitled ''Tobacco Retailer Training Programs (Revised)'' (2018) that can be downloaded at *https://www.fda.gov/media/79013/download.* The guidance is intended to assist tobacco retailers to voluntarily implement effective training programs for employees.

The guidance discusses recommended elements that should be covered in a training program, such as: (1) Federal laws restricting the access to, and the advertising and promotion of, cigarettes, smokeless, and covered tobacco products; (2) the health and economic effects of tobacco use, especially when the tobacco use begins at a young age; (3) written company policies against sales to youth and other restrictions on the access to, and the advertising and promotion of, tobacco products; (4) identification of the tobacco products sold in the retail establishment that are subject to the Federal laws and regulations prohibiting their sale to underage persons; (5) age verification methods; (6) practical guidelines for refusing sales; and (7) testing to ensure that employees have the required

knowledge. The guidance recommends that retailers require current and new employees to take a written test prior to selling tobacco products and that refresher training be provided at least annually and more frequently as needed. The guidance recommends that retailers maintain certain written records documenting that all individual employees have been trained and that retailers retain these records for 4 years in order to be able to provide evidence of a training program during the 48-month time period covered by the civil money penalty schedules outlined in the law.

The guidance also recommends that retailers implement certain hiring and management practices as part of an effective retailer training program. The guidance suggests that applicants and current employees be notified both verbally and in writing of the importance of complying with laws prohibiting the sales of tobacco products to underage persons. In addition, FDA recommends that retailers implement an internal compliance check program and document the procedures and corrective actions for the program. In the **Federal Register** of August 22, 2025 (90 FR 41081), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received two comments that were PRA related.

Both comments agreed that the proposed information collection is necessary and has practical utility. One of the comments explained that the retailer training program recommendations are linked to preventing youth access to tobacco products and improving compliance. The other comment explained that retailer training programs are a critical component of preventing youth access to tobacco products and ensuring compliance with federal law. FDA agrees with these comments.

One of the comments requested that FDA provide materials to the public for the development of retail training programs, such as retailer checklists covering the guidance recommendations, model nonbinding templates for written policies and standard operating procedures, and minimal data fields for employee records, to improve uniformity. The same comment suggested that FDA could leverage specific automation and information technology tools to minimize the burden on respondents. FDA disagrees with the comment. The guidance provides recommendations for elements to be included in retailer training programs and recommended hiring and management practices to assist retailers in complying with Federal tobacco laws and regulations. Retailers who want to train employees about Federal requirements may incorporate the elements described in the guidance into their existing training programs, as appropriate. The guidance also encourages the inclusion of training related to specific age verification techniques using point of sale scanning systems and electronic age verification devices. Additionally, FDA has provided several resources, such as webinars and downloadable materials through FDA's ''This is Our Watch'' Program, to assist retailers in complying with the requirements under the law.

Both comments suggested that FDA approve or otherwise explicitly recognize that certain existing retailer training programs and certifications satisfy recommended elements of the guidance. The comments suggest that FDA approval or recognition of these programs and certifications will improve the quality and usefulness of the collected information. FDA disagrees with this comment. The Tobacco Control Act does not require retailers to implement retailer training programs, and retailers are under no obligation to submit their training programs for FDA review because this is a voluntary program. Additionally, the guidance establishes non-binding recommendations for the elements that should be included in a retailer training program, it does not establish requirements. To do so, FDA must first promulgate regulations establishing standards for approved retailer training programs. FDA has not yet promulgated these regulations, and currently FDA is not in a position to recognize any program or certification as an approved retailer training program.

With respect to the burden estimates, one comment indicated that FDA may have overestimated the number of retailers that would need to develop a training program as many may already have training programs in place or may adopt existing programs. The same comment suggested that FDA may have underestimated the burden per recordkeeper in Tables 1 and 2, but its estimates may be reasonable if FDA evaluates the burden by retailer size and type. The other comment indicated that FDA's burden estimates are likely reasonable. FDA agrees that it may have overestimated the number of retailers that would develop new retailer training programs and has adjusted the number of recordkeepers in Table 1 as described below. FDA is not adjusting the average burden values, as both commentors agree that those estimates could be reasonable. While one comment noted that the burden may change per size and sophistication of the retailer, the recommendations of the guidance are not retail size or type specific. Additionally, FDA considered the availability of online support resources provided by FDA to assist all retail establishments in developing training programs and internal compliance check programs in determining the average burden per recordkeeper.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ONE TIME ANNUAL RECORDREPORTING BURDEN[1]

Activity (guidance section IV)	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper in hours	Total hours
Develop training program	18,969	1	18,969	16	303,504
Develop written policy against sales to minors and employee acknowledgement	18,969	1	18,969	1	18,969
Develop internal compliance check program	18,969	1	18,969	8	151,752
Total		3		25	474,225

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity (guidance section IV)	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper in hours	Total hours
Training program	237,113	4	948,452	0.25 (15 minutes)	237,113
Written policy against sales to minors and employee acknowledgement.	237,113	4	948,452	0.10 (6 minutes)	94,845
Internal compliance check program	237,113	2	474,226	0.5 (30 minutes)	237,113
Total					569,071

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

As explained above, FDA is adjusting its burden calculations based on more recently available retailer data. FDA's estimate of the number of respondents in tables 1 and 2 is based on 2022 data from the Census Bureau's Economic Census,[1] Statistics of U.S. Businesses (SUSB),[2] and Business Dynamics Statistics (BDS).[3]

We use SUSB and Economic Census data to estimate the counts of retail establishments that sell tobacco products,[4] resulting in a count of 237,113 total tobacco product retail establishments who keep records of training programs, written policies, and internal compliance check programs (Table 2) annually. From the 2022 Business Dynamics Statistics, we calculate establishment entry and exit rate of approximately 8 percent, on average, for NAICS industry codes 4451 (Grocery and Convenience Retailers) and 4471 (Gasoline Stations)—these two categories represent more than 60% of our estimated total count of tobacco product retail establishments. In Table 1, we estimate 18,969 tobacco retail establishments (= 237,113 total establishments × 8 percent) may newly develop retailer training programs, written policies, and internal compliance check programs annually.

In Table 1, FDA estimates that developing a training program will require 16 hours, creating a written procedure may take 1 hour, and developing an internal compliance check program will require 8 hours for a total of 25 hours per respondent.

For Table 2, the guidance recommends retailers periodically review and update their established training program, written policies, and internal compliance checks. Annually, we assume training programs and written policies will be reviewed and updated quarterly and therefore estimate 4 records per recordkeeper, taking 21 minutes per quarter (= 15 minutes + 6 minutes). Following the guidance, we assume retailers will conduct internal compliance checks every 6 months and therefore estimate 2 records per recordkeeper annually, taking 30 minutes per record.

FDA has updated the counts of tobacco product retail establishments in Table 1 and Table 2 using more recent data from Census Bureau on the number of retail establishments that sell tobacco products and retail establishment entry and exit rates. FDA considered the availability of online support resources provided by FDA to assist retail establishments in developing training programs and internal compliance check programs, and believe that the average burden values are appropriate

Since publication of the 60-day notice, FDA has updated the estimated annual burden for this information collection in response to a public comment received during the 60-day comment period. Based on further review of the assumptions used to calculate burden, the total estimated annual hours have changed from 2,183,780 hours to 1,043,296 hours, an overall decrease of 1,140,484 hours.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–03771 Filed 2–24–26; 8:45 am]

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[1] *www.census.gov/programs-surveys/economic-census/year/2022/news-updates/ecdata-releases.html.* (EC2200NAPCSINDPRD Industry by Product and EC2200NAPCSPRDIND

[2] *www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html.*

[3] *www.census.gov/data/data-tools/bds-explorer.html.*

[4] NAICS codes—44511 (Supermarkets and Other Grocery (except Convenience) Stores), 44512 (Convenience Stores), 44530 (Beer, Wine, and Liquor Stores), 44611 (Pharmacies and Drug Stores), 44711 (Gasoline Stations with Convenience Stores), 44719 (Other Gasoline Stations), 452311 (Warehouse Clubs and Supercenters), 452319 (All Other General Merchandise Stores), and 453991 (Tobacco Stores). Economic Census data were used to determine the percent of establishments within each NAICS code that sell tobacco products.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection: 30-Day Comment Request; The Clinical Trials Reporting Program (CTRP) Database (NCI)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide an opportunity for public comment on proposed data collection projects, the National Institutes of Health, National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Melissa Park, PRA Liaison, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Room 2E196, Bethesda, MD 20892 or call non-toll-free number (240) 276–5717 or email your request, including your address to: *melissa.park@nih.gov.*

Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on December 23, 2025 (Vol. 90, No. 244, FR 60112) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: The Clinical Trials Reporting Program (CTRP) Database, 0925–0600, Expiration Date 02/28/2026–REVISION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The Clinical Trials Reporting Program (CTRP) is an electronic resource that serves as a single, definitive source of information about all NCI-supported clinical research. This resource allows the NCI to consolidate reporting, aggregate data, and reduce redundant submissions. Clinical research administrators submit information as designees of clinical investigators who conduct NCI-supported clinical research. The designees can electronically access the CTRP website to complete the initial trial registration. After registration, four amendments and four study subject accrual updates occur per trial annually.

OMB approval is requested for three years. There are no costs to respondents other than their time. The estimated annualized burden hours are 18,000.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Initial Registration	Clinical Trials	3,000	1	1	3,000
Amendment		1,500	4	1	6,000
Update		1,500	4	1	6,000
Accrual Updates		3,000	4	15/60	3,000
Totals		9,000	27,000		18,000

Dated: February 20, 2026.

Melissa Park,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2026–03709 Filed 2–24–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLAK941200; AKAK106589311; FF–14223, AKAK106577812; F–16304]

Public Land Order No. 7966; Partial Revocation of Public Land Order Nos. 5150 and 5180, as Amended, Modified, or Corrected; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Public Land Orders (PLOs) insofar as they affect approximately 2,127,845 acres of public land reserved for use as the Dalton Utility Corridor and for study and classification, as appropriate, by the Department of the Interior. Revocation of the PLOs within the Dalton Utility Corridor opens these lands to mineral and resource development opportunity. The Bureau of Land Management (BLM) analyzed partial revocation of these PLOs in the Final Environmental Impact Statement for the Central Yukon Proposed Resource Management Plan, published April 19, 2024.

DATES: This PLO takes effect on February 25, 2026.

FOR FURTHER INFORMATION CONTACT: Brittany Templeton, Realty Specialist, Bureau of Land Management (BLM) Alaska State Office, 222 West Seventh Avenue, Mailstop #13, Anchorage, AK 99513–7504, (907) 271–4214, or *btempleton@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States.

SUPPLEMENTARY INFORMATION: The two PLOs revoked in part by this order were established pursuant to Executive Order 10355, section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA), and section 17(c) of ANCSA. The BLM analyzed partial revocation of these PLOs and the opening of the affected lands for location and entry under the public mining laws, and to selection by the State of Alaska under the Alaska Statehood Act in the Final Environmental Impact Statement for the Central Yukon Proposed Resource Management Plan (PRMP/FEIS). The BLM has determined that the analysis in the PRMP/FEIS is adequate to support this decision.

The BLM analyzed the effects of this action and determined, pursuant to section 810 of the Alaska National Interest Lands Conservation Act, that (A) Such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of public lands; (B) These partial revocations will involve the minimal amount of public lands necessary to accomplish the purposes of these revocations; and (C) Reasonable steps will be taken to minimize the adverse impacts upon subsistence uses and resources from these revocations.

PLO No. 5150, as amended, modified, or corrected, withdrew public lands for use as a utility and transportation corridor within the meaning of ANCSA 17(c) in aid of programs for the U.S. Government and the State of Alaska. PLO No. 5180, as amended, modified, or corrected, withdrew public lands to allow for classification and for the protection of the public interest in these lands.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, and section 17(d)(1) of the Alaska

Native Claims Settlement Act of 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Subject to valid existing rights, Public Land Order Nos. 5150 (36 FR 25410) and 5180 (37 FR 5583) and any amendments, modifications, or corrections to these Orders, if any, are hereby partially revoked, insofar as they affect the following described public lands:

Fairbanks Meridian, Alaska

T. 33 N., R. 9 W., unsurveyed.
T. 34 N., R. 9 W., unsurveyed,
Secs. 1 thru 23;
Sec. 24, excepting U.S. Survey No. 5268;
Secs. 25 thru 36.
Tps. 35, 36, and 37 N., R. 9 W., unsurveyed.
T. 12 N., R. 10 W.,
Secs. 1 thru 6;
Sec. 7, lot 1, including U.S. Survey No. 12924;
Sec. 8 and 9;
Sec 10, lot 1;
Sec. 11, lot 1;
Sec. 12, lot 1.
T. 13 N., R. 10 W., unsurveyed.
T. 30 N., R. 10 W., unsurveyed.
T. 31 N., R. 10 W., unsurveyed,
Secs. 1 thru 18;
Sec. 19, excepting lots 1 and 2, U.S. Survey No. 5199;
Secs. 20 thru 29;
Sec. 30, excepting lot 2, U.S. Survey No. 5199;
Secs. 31 thru 36.
T. 32 N., R. 10 W, unsurveyed,
Secs. 1 thru 5;
Secs. 6 and 7, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 8 thru 17;
Secs. 18 and 19, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 20 thru 29;
Secs. 30 and 31, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 32 thru 36.
T. 33 N., R. 10 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5, 8, and 9, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 10 thru 15;
Secs. 16, 20, and 21, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 22 thru 28;
Secs. 29 and 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 thru 36.
T. 34 N., R. 10 W., unsurveyed,
Secs. 1 thru 5;
Sec. 6, that portion lying outside the boundary of Gates of the Arctic National Park;
Secs. 7 thru 18;
Sec. 19, that portion lying outside the boundary of Gates of the Arctic National Park;
Secs. 20 thru 28;
Secs. 29, 30, and 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 thru 36.
T. 35 N., R. 10 W., unsurveyed,
Secs. 1 thru 5;
Secs. 6 and 7, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 8 thru 17;
Secs. 18 and 19, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 20 thru 29;
Secs. 30 and 31, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 32 thru 36.
T. 36 N., R. 10 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4, 5, 8, and 9, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 10 thru 16;
Sec. 17, that portion lying outside the boundary of Gates of the Arctic National Park;
Sec. 20, that portion lying outside the boundary of Gates of the Arctic National Park, excepting lot 2, U.S. Survey No. 11859;
Sec. 21, excepting U.S. Survey No. 11859;
Secs. 22 thru 28;
Secs. 29 thru 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 thru 36.
T. 37 N., R. 10 W., unsurveyed,
Secs. 25 and 26;
Secs. 27, 28, and 33, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 34, 35, and 36.
T. 12 N., R. 11 W.,
Sec. 1, lot 1;
Sec. 2, lots 1 and 2;
Sec. 3, lots 1 thru 4;
Secs. 4 thru 9;
Sec. 10, lots 1, 2, and 3;
Sec.11, lot 1;
Sec. 12, lot 1;
Sec. 14, lot 1;
Sec. 15, lot 1;
Secs. 16, 17, and 18;
Sec. 19, lots 1 and 2;
Sec. 20, lot 1;
Sec. 21, lot 1;
Sec. 22, lot 1;
Sec. 23, lot 2;
Sec. 30, lot 1.
T. 13 N., R. 11 W.,
Secs. 1 thru 20;
Sec. 21, lot 1;
Sec. 22, lot 1;
Secs. 23 and 24;
Sec. 25, lot 1;
Sec. 26, lot 1;
Secs. 27 thru 34;
Sec. 35, lot 1;
Sec. 36;
U.S. Survey No. 12920.
Tps. 14, 15, and 16 N., R. 11 W.
Tps. 27 thru 30 N., R. 11 W., unsurveyed.
T. 31 N., R. 11 W., unsurveyed,
Secs. 1, 2, 7, 8, 9, and 11, those portions lying outside the boundary of Gates of the Arctic National Park;
Sec. 12 and 13;
Secs. 14 thru 17, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 18 thru 21;
Secs. 22 and 23, those portions lying outside the boundary of Gates of the Arctic National Park;
Sec. 24, excepting U.S. Survey No. 5199;
Sec. 25, excepting lot 2, U.S. Survey No. 5199;
Secs. 26 thru 36.
T. 32 N., R. 11 W., unsurveyed,
Sec. 36, that portion lying outside the boundary of Gates of the Arctic National Park.
T. 34 N., R. 11 W., unsurveyed,
Secs. 1, 11, and 12, those portions lying outside the boundary of Gates of the Arctic National Park;
Sec. 13;
Secs. 14, 23, and 24, those portions lying outside the boundary of Gates of the Arctic National Park.
T. 36 N., R. 11 W., unsurveyed,
Secs. 25 and 36, those portions lying outside the boundary of Gates of the Arctic National Park.
Tps.13 thru 18 N., R. 12 W.
Tps. 25, 26, and 27 N., R. 12 W., unsurveyed.
T. 28 N., R. 12 W., unsurveyed,
Secs. 1 and 2;
Sec. 4, excepting Tentative Approval F–85336;
Secs. 5 thru 8;
Sec. 9, excepting Tentative Approval F–85336;
Secs. 11 thru 14;
Sec. 16, excepting U.S. Survey Nos. 12937 and 13175 and Tentative Approval F–85336;
Sec. 17, excepting Tentative Approval F–85336;
Secs. 18 and 19;
Sec. 20, excepting Tentative Approval F–85336;
Secs. 23 thru 36;
U.S. Survey Nos. 12937 and 13175.
T. 29 N., R. 12 W., unsurveyed,
Secs. 1 thru 5;
Sec. 6, that portion lying outside the boundary of Gates of the Arctic National Park;
Secs. 7 thru 22;
Sec. 23, excepting U.S. Survey No. 13176 and Tentative Approval F–85362;
Sec. 25, S½;
Sec. 26, excepting lot 2, U.S. Survey No. 13176 and Tentative Approval F–85362;
Sec. 27, excepting Tentative Approval F–85362;
Secs. 28 thru 33;
Secs. 34 and 35, excepting Tentative Approval F–85362;
Sec. 36;
U.S. Survey No. 13176.
T. 30 N., R. 12 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 and 8, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 9 thru 16;
Secs. 17 and 20, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 21, 22, and 23;

Sec. 24, excepting U.S. Survey No. 4181, lots 1 thru 17 and lots 19 thru 26, U.S. Survey No. 5276, and lots 1, 3, and 4, U.S. Survey No. 7319;
Sec. 25, excepting lots 3 and 4, U.S. Survey No. 7319;
Secs. 26, 27, and 28;
Secs. 29, 31, and 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 thru 36;
lots 1 thru 17 and lots 19 thru 26, U.S. Survey No. 5276;
lot 3, U.S. Survey No. 7319.
T. 31 N., R. 12 W., unsurveyed,
Sec. 2 and secs. 9 thru 12, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 13, 14, and 15;
Secs. 16, 17, and 20, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 21 thru 28;
Secs. 29 and 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 thru 36.
Tps. 14 thru 18 N., R. 13 W.
Tps. 19 thru 26 N., R. 13 W., unsurveyed.
T. 27 N., R. 13 W., unsurveyed,
Secs. 1 thru 16;
Secs. 17 and 20, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 21 thru 36.
T. 28 N., R. 13 W., unsurveyed,
Secs. 1 and 2;
Secs. 3, 4, 5, 7, and 8, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 9 thru 17;
Sec. 18, that portion lying outside the boundary of Gates of the Arctic National Park;
Secs. 19 thru 36.
T. 29 N., R. 13 W.,
Secs. 23, 24, 25, 35, and 36, those portions lying outside the boundary of Gates of the Arctic National Park.
Tps. 15 thru 17 N., R. 14 W., unsurveyed.
T. 18 N., R. 14 W., unsurveyed,
Secs. 1, 2, and 3;
Sec. 4, excepting lot 1 and 2, U.S. Survey No. 6892;
Secs. 5 thru 8;
Sec. 9, excepting U.S. Survey No. 6892;
Secs. 10 thru 36;
U.S. Survey No. 6892, lots 2, 4, and 6.
Tps. 19 thru 22 N., R. 14 W., unsurveyed.
T. 23 N., R. 14 W., unsurveyed, including Mineral Survey No. 2425.
Tps. 24 and 25 N., R. 14 W., unsurveyed.
T. 26 N., R. 14 W., unsurveyed,
Sec. 1, E½;
Sec. 12, E½ and E½SW¼;
Sec. 13, E½, E½NW¼, SW¼NW¼, and SW¼;
Secs. 14, 15, 16, 20, and 21, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 22 thru 28;
Secs. 29 and 30, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 31 thru 36.
T. 27 N., R. 14 W., unsurveyed,
Sec. 1;
Secs. 2 and 11, those portions lying outside the boundary of Gates of the Arctic National Park;
Sec. 12;
Sec. 36, E½.
T. 28 N., R. 14 W.,
Secs. 13, 24, 25, 35, and 36, those portions lying outside the boundary of Gates of the Arctic National Park.
Tps. 17 thru 25 N., R. 15 W., unsurveyed.
T. 26 N., R. 15 W., unsurveyed,
Secs. 25 thru 29 and Secs. 31 and 32, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 33 and 34;
Secs. 35, that portion lying outside the boundary of Gates of the Arctic National Park;
Sec. 36.
T. 19 N., R. 16 W., unsurveyed,
Secs. 1 thru 7;
Sec. 8, excepting U.S. Survey No. 13858;
Secs. 9 thru 16;
Sec. 17, excepting U.S. Survey No. 13858;
Secs. 18 thru 36.
Tps. 20, 21, and 22 N., R. 16 W., unsurveyed.
T. 23 N., R. 16 W., unsurveyed,
Secs. 1 thru 5;
Sec. 6, excepting U.S. Survey No. 6313;
Secs. 7 thru 36.
T. 24 N., R. 16 W., unsurveyed.
Umiat Meridian, Alaska
T. 16 S., R. 10 E., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4, 5, 6, 9, and 10, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 11 thru 14;
Secs. 15 and 22, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 23 thru 26;
Secs. 27, 33, and 34, those portions lying outside the boundary of Gates of the Arctic National Park;
Secs. 35 and 36.
T. 17 S., R. 10 E., unsurveyed,
Secs. 1, 2, and 3;
Sec. 4, that portion lying outside the boundary of Gates of the Arctic National Park.
Tps. 9, 10, and 11 S., R. 11 E., unsurveyed.
T. 12 S., R. 11 E., unsurveyed,
Secs. 1 thru 5;
Secs. 6, 7, and 8, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 9 thru 16;
Secs. 17, 18, and 20, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 21 thru 28;
Secs. 29, 32, and 33, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 34, 35, and 36.
T. 13 S., R. 11 E., unsurveyed,
Secs. 1 and 2;
Secs. 3, 10, and 11, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 12 and 13;
Secs. 14, 15, and 22, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 23 thru 26;
Secs. 27, 32, 33, and 34, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 35 and 36.
T. 14 S., R. 11 E., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4 thru 7, those portions lying outside the boundary of Gates of the Arctic National Preserve;
Secs. 8 thru 36.
Tps. 15, 16, and 17 S., R. 11 E., unsurveyed.
Tps. 9 and 10 S., R. 12 E., unsurveyed.
T. 11 S., R. 12 E., unsurveyed,
Secs. 2 thru 11;
Sec. 17, N1/2;
Secs. 18 and 19 and secs. 29 thru 32.
Tps. 12 thru 15 S., R. 12 E., unsurveyed.
Tps. 9 and 10 S., Rs. 13 and 14 E., unsurveyed.
The areas described aggregate approximately 2,127,845 acres.

2. At 8 a.m. Alaska time on March 27, 2026, the lands described in Paragraph 1 shall be open to all forms of appropriation under the general public land laws, including location and entry under the mining laws, leasing under the Mineral Leasing Act of February 25, 1920, as amended, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. Alaska time on March 27, 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 PLO under the general mining laws prior to the date and time of revocation remain unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. State law governs acts required to establish a location and to initiate a right of possession where not in conflict with Federal law. The BLM will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

(Authority: 43 U.S.C. 1714)

Doug Burgum,

Secretary of the Interior.

[FR Doc. 2026–03777 Filed 2–24–26; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222;LLAK930000.L13100000.EI0000]

Notice of Availability of the 2025 Record of Decision for the Final Environmental Impact Statement for the National Petroleum Reserve—Alaska, Integrated Activity Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM), Alaska State Office, announces the availability of the record of decision (ROD) for the final environmental impact statement (EIS) for the National Petroleum Reserve—Alaska, Integrated Activity Plan (NPR–A IAP).

DATES: The Secretary of the Interior signed the ROD on December 22, 2025.

ADDRESSES: The ROD is available on the BLM ePlanning website at *https://eplanning.blm.gov/eplanning-ui/project/117408/510.*

FOR FURTHER INFORMATION CONTACT: Serena Sweet, BLM Alaska State Office Planning and Project Management Branch, phone 907–271–4543 or email, *ssweet@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 for contacting Ms. Sweet. Individuals outside the United States should use the relay services within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Naval Petroleum Reserves Production Act (NPRPA) of 1976 (42 U.S.C. 6501 *et seq.*), as amended, and its implementing regulations, require oil and gas leasing in the NPR–A and the protection of surface values to the extent consistent with the exploration, development, and transportation of oil and gas. The NPRPA, a dominant-use statute, excludes the NPR–A from the application of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), as amended, which provides the statutory authority for the BLM to develop resource management plans to guide management of the public lands. Because of this exemption, the BLM conducts planning of all BLM-managed lands within the NPR–A with an IAP, which is not developed as a resource management plan and does not implement the multiple use mission otherwise applicable on BLM lands.

The ROD being noticed here completes the priorities set forth in sections 3(b)(xii) and (xiv) of Executive Order 14153, ''Unleashing Alaska's Extraordinary Resource Potential.'' In the ROD, the Secretary adopted alternative E as described and analyzed in the 2020 IAP EIS and the 2025 IAP environmental assessment. The ROD, effective immediately as the Department's operative decision for the NPR–A IAP, is consistent with section 50105 of Public Law 119–21 (known as the One Big Beautiful Bill Act), enacted July 4, 2025, and Public Law 119–47, enacted December 5, 2025, a joint resolution providing for congressional disapproval of the 2022 NPR–A IAP ROD under the Congressional Review Act, 5 U.S.C. 801–808.

(Authority: 42 U.S.C. 6501 *et seq.*)

Kevin J. Pendergast,

State Director, Alaska.

[FR Doc. 2026–03784 Filed 2–24–26; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2023–0046]

Gulf of America, Outer Continental Shelf, Record of Decision To Reaffirm Decisions for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 259 and 261 and Gulf of America Regional OCS Oil and Gas Lease Sales and Post-Lease Activities: Final Programmatic Environmental Impact Statement

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability; record of decision.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the record of decision (ROD) to reaffirm decisions for Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Oil and Gas Lease Sales 259 and 261 (Lease Sales 259 and 261) and its intent to use the Gulf of America Regional OCS Oil and Gas Lease Sales and Post-Lease Activities: Final Programmatic Environmental Impact Statement (GOA Oil and Gas Programmatic EIS) for, among other things, a National Environmental Policy Act (NEPA) analysis that can be tiered to when conducting post-lease and site-specific reviews of plans, permits and other approvals. This ROD concludes the programmatic NEPA process for the GOA Oil and Gas Programmatic EIS.

ADDRESSES: The ROD and associated information are available on BOEM's website at *https://www.boem.gov/oil-gas-energy/gulf-america-lease-sales-259-and-261-supplemental-environmental-impact-statement.*

FOR FURTHER INFORMATION CONTACT: Helen Rucker, Supervisor, Environmental Assessment Section, Office of Environment, 1201 Elmwood Park Blvd. (MS GM 623E), New Orleans, LA 70123–2394, by telephone at 504–736–2421, or by email at *BOEMGOANEPA@boem.gov.*

SUPPLEMENTARY INFORMATION: BOEM is reaffirming the decisions for Lease Sales 259 and 261 as they were held and is also relying on the GOA Oil and Gas Programmatic EIS for that decision. Secretary of the Interior Doug Burgum issued Secretary's Order (S.O.) 3423 (February 7, 2025), which directed the renaming of the Gulf of Mexico (GOM) to the Gulf of America (GOA) in accordance with Executive Order (E.O.) 14172, ''Restoring Names that Honor American Greatness'', (January 20, 2025). Throughout this ROD, BOEM uses the new GOA name where appropriate. However, legacy documents, such as previously published reports and environmental documents, remain unchanged as the GOM.

On March 6, 2023, in *Healthy Gulf* v. *Burgum,* several environmental nonprofit organizations (plaintiffs) filed a lawsuit in the U.S. District Court for the District of Columbia, against the Secretary of the Interior and BOEM challenging Lease Sale 259.

Additionally, on August 25, 2023, the same plaintiffs filed a complaint challenging Lease Sale 261. In those complaints, Plaintiffs allege that the ROD and SEIS violate the National Environmental Policy Act and the Administrative Procedure Act, and request that the court find that any bids that BOEM received during the lease sales are not acceptable, vacate the ROD and SEIS, and vacate or enjoin any leases executed pursuant to the ROD and any lease activities executed pursuant to the lease sales. On November 29, 2023, the court stayed the Lease Sale 261 pending resolution of Lease Sale 259 litigation.

On March 27, 2025, in the challenge to Lease Sale 259, the court found that BOEM's NEPA analysis for Lease Sale 259 had improperly evaluated greenhouse gas (GHG) emissions and impacts to the Rice's whale. Concerning BOEM's GHG analysis, the court found that BOEM had not adequately

examined laws and policies postdating its modeling baseline. The court also found that BOEM failed to address a National Marine Fisheries Service determination that the Rice whale's habitat extends into the western and central Gulf of America. The court ordered briefing from the parties on remedy. The parties' final remedy briefs were filed on June 6, 2025. Plaintiffs' Remedy Brief modified their request and asked the court to vacate the SEIS and remand it to BOEM and partially vacate the leases issued pursuant to Lease Sale 259. Federal Defendants and Intervenors argued that the analysis can be remedied without vacatur of the SEIS, the lease sale, or the leases. The Court has not yet issued a remedy and there is no injunction restraining BOEM's management of the leases in question.

During the pendency of the above litigation, BOEM was in the process of preparing a programmatic environmental impact statement for potential future lease sales and ongoing and future post-lease activities in the GOA. On August 29, 2025, the notice of availability for the Gulf of America Regional OCS Oil and Gas Lease Sales and Post-Lease Activities: Final Programmatic Environmental Impact Statement (GOA Oil and Gas Programmatic EIS) was published in the **Federal Register** (90 FR 42243). In addition to the analysis of a proposed Federal action to hold an oil and gas lease sale offered on the U.S. OCS within BOEM's GOA Western, Central, and Eastern Planning Areas, the GOA Oil and Gas Programmatic EIS also addresses the court's findings regarding BOEM's previous assessment of GHG emissions and potential impacts to the Rice's whales. On August 27, 2025, counsel for Defendants notified the court handling the Lease Sale 259 litigation that BOEM had completed the GOA Oil and Gas Programmatic EIS, and that BOEM would begin acting on pending plans.

The GOA Oil and Gas Programmatic EIS also provides the context and setting of future proposed actions, including future discretionary oil and gas lease sales, site-specific OCS oil- and gas-related activities, the potential impact-producing factors associated with these activities, and the reasonably foreseeable impacts on GOA resources. BOEM plans to use the GOA Oil and Gas Programmatic EIS for, among other things, a NEPA analysis that can be tiered to when conducting post-lease and site-specific reviews of plans, permits and other approvals, regardless of when the leased area on which the activities are proposed may have been leased. The Programmatic EIS may also inform extraordinary circumstance reviews to ensure categorical exclusions are used appropriately.

After careful consideration, the Department of the Interior decided to reaffirm the decision for holding Lease Sales 259 and 261 according to the terms in the notices of sale published in 2023 and to reaffirm the leases issued as a result of those sales.

Authority: 42 U.S.C. 4321 *et seq.* (National Environmental Policy Act) and 43 CFR part 46.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–03727 Filed 2–24–26; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR85672000, 21XR0680A2, RX.31480001.0040000; OMB Control Number 1006–0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Recreation Survey Questions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Ronnie Baca, Bureau of Reclamation, Asset Management Office, 86–67200, P.O. Box 25007, Denver, CO 80225–0007; or by email to *rbaca@usbr.gov.* Please reference OMB Control Number 1006–0028 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Ronnie Baca by email at *rbaca@usbr.gov,* or by telephone at (303) 445–3257. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on December 23, 2025 (90 FR 60123). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you

should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Reclamation is responsible for recreation development at all of its reservoirs. Presently, there are more than 240 designated recreation areas on our lands within the 17 Western States hosting approximately 40 million visitors annually. As a result, we must be able to respond to emerging trends, changes in the demographic profile of users, changing values, needs, wants, and desires, and conflicts between user groups.

Statistically valid and up-to-date data derived from the user is essential to developing and providing recreation programs relevant to today's visitor. Reclamation is requesting re-approval for the collection of data from recreational users on Reclamation lands and waterbodies.

To meet our needs for the collection of visitor use data, we will be requesting OMB to authorize a two-part request: survey questions for our regional offices to choose from, and a survey form template. This will allow for a custom designed survey instrument to fit a specific activity or recreation site. The custom designed survey would be created by extracting questions from the approved list of survey questions that are applicable to the recreation area and issue being evaluated. Only questions included in the pre-approved list of survey questions will be used.

Revisions to this collection will be made to adjust respondent demographic questions to conform with Executive Order 14168, ''Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government'' (January 20, 2025) and OMB's ''2024 Statistical Policy Directive No. 15: Federal Race and Ethnicity Data Standards.''

Title of Collection: Recreation Survey Questions.

OMB Control Number: 1006–0028.

Form Number: 7–2675, Recreation Survey Questions.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Respondents to the surveys will be members of the public engaged in recreational activities on Reclamation lands and waterbodies. Visitors will primarily consist of local residents, people from large metropolitan areas in the vicinity of the lake/reservoir, and people from out of state.

Total Estimated Number of Annual Respondents: 696.

Total Estimated Number of Annual Responses: 696.

Estimated Completion Time per Response: 15 minutes per survey (an average of 20 questions will be used on each survey; each question will take approximately 45 seconds to complete on average).

Total Estimated Number of Annual Burden Hours: 140.

Respondent's Obligation: Voluntary.

Frequency of Collection: Twice annually.

Total Estimated Annual Nonhour Burden cost: None.

Reclamation estimates that there will be a total of 140 out of 696 contacts that choose not to respond to the survey. These non-respondents account for 1 burden hour per year.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq).

Stephanie McPhee,

Acting Information Collection Clearance Officer, Bureau of Reclamation.

[FR Doc. 2026–03776 Filed 2–24–26; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–739–740 and 731–TA–1716–1717 (Final)]

Thermoformed Molded Fiber Products From China and Vietnam; Determinations; Correction

AGENCY: United States International Trade Commission.

ACTION: Notice; correction.

SUMMARY: Correction is made to the date determinations in these investigations were completed and filed.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 7, 2026 (91 FR 537), in FR Doc. 2026–00076, on page 537, in the third column, in the *Background* section, the date the determinations were completed and filed should be January 5, 2026.

By order of the Commission.

Issued: February 23, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–03785 Filed 2–24–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB 1140–0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; LEO Certification Letter for Official Duty Firearm Purchase

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), 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: ATF encourages comments on this information collection. You may submit written comments until midnight on April 27, 2026.

ADDRESSES: Submit written comments and recommendations for this information collection, especially on the estimated public burden or associated response time, to Jason Gluck, Firearms Industry Programs Branch, by email to *FIPB@atf.gov,* or by mail to 99 New York Avenue NE, 6N–509; Washington, DC 20226. Identify comments by the OMB control number 1140–0046. You may view the proposed information collection instrument online at *https://www.atf.gov/rules-and-regulations/federal-register-actions/forms-and-information-collection.*

FOR FURTHER INFORMATION CONTACT: If you have questions or need a copy of the proposed information collection instrument with instructions or additional information, contact: Jason Gluck, FIPB, either by mail at 99 New York Avenue NE, 6N–509; Washington, DC 20226, by email at *FIPB@atf.gov,* or by telephone at 202–648–7190.

SUPPLEMENTARY INFORMATION: We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

—Evaluate whether the proposed information collection is necessary to

properly perform ATF's functions, including whether the information will have practical utility;
—Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;
—Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and
—Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting people to submit electronic responses.

Overview of This Information Collection

1. *Abstract:* Regulations under 27 CFR 555.128 require explosives licensees/permittees to transfer required records to the ATF Out-of-Business Records Center when they discontinue business without a successor. The records on licensee/permittee importing, manufacturing, shipping, receiving, selling, or otherwise disposing of explosive materials aid ATF in conducting investigations into trafficking and other criminal misuse of explosives.

2. *Type of information collection:* revising of a previously approved collection.

3. *Title of the form/collection:* LEO Certification Letter for Official Duty Firearm Purchase.

4. *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: none.

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

5. *Affected public who will be asked or required to respond, as well as the obligation to respond:*

Affected public: individuals or households, private sector for- or not-for-profit institutions.

Obligation to respond: mandatory per Title 27 CFR 478.134.

6. *Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50,000 respondents will apply for a firearm for official duty purposes once annually, and it will take each respondent approximately 8 minutes (0.13 hours) to complete their responses.

7. *Estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 6,500 total hours, which is equal to 50,000 (total respondents) * 1 (# of responses per respondent) * 0.13 (8 minutes).

8. *Estimate of the total annual other cost burden associated with the collection, if applicable:* $0.

ESTIMATED TOTAL HOURLY BURDEN

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Certification (third-party disclosure) ..	50,000	1	50,000	0.13 hours (8 mins)	6,500

Revisions to This Information Collection

ATF is revising this information collection, OMB 1140–0046, to reflect the change in hourly pay for a first-line supervisor of police or detectives since the last time this hourly wage was calculated, resulting in a change from $46 to $71 (rounded). Although the number of respondents and the amount of time it takes to complete the certification letter have remained the same, the hourly wage rate change results in a change to the monetized value of respondent time. In addition, ATF is including monetized value of this time due to recent OMB changes and has also made small revisions to the title to make it easier to read.

If you require additional information, 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 23, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–03760 Filed 2–24–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Agency Information Collection Activities; Submission for OMB Review; Occupational Requirements Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-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 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Occupational Requirements Survey (ORS) is a nationwide survey that the BLS is conducting at the request of the Social Security Administration. The Social Security Administration (SSA), Members of Congress, and representatives of the disability community have all identified collection of updated information on the requirements of work in today's economy as crucial to the equitable and efficient operation of the Social Security Disability (SSDI) program. Estimates produced from the data collected by the ORS will be used by the SSA to update occupational requirements data in administering the SSDI and Supplemental Security Income programs. The ORS collects data from a sample of employers. These requirements of work data consist of information about the duties, responsibilities, and job tasks for a sample of occupations for each sampled employer. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 1, 2025 (90 FRN 47345).

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.

Agency: DOL–BLS.

Title of Collection: Occupational Requirements Survey.

OMB Control Number: 1220–0189.

Affected Public: Businesses or other for-profits; State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 6,153.

Total Estimated Number of Responses: 6,153.

Total Estimated Annual Time Burden: 5,498 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–03739 Filed 2–24–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Report of Construction Contractor's Wage Rates

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled ''Report of Construction Contractor's Wage Rates.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). The Department proposes to extend the approval of this existing information collection without change to existing requirements.

This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 27, 2026.

ADDRESSES: You may submit comments identified by Control Number 1235–0015 by either one of the following methods:

- *Email: WHDPRAComments@dol.gov.*
- *Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division (WHD), U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The Davis-Bacon Act (DBA), as enacted in 1931 and subsequently amended, requires the payment of minimum prevailing wages determined by the Department of Labor to laborers and mechanics working on federal contracts in excess of $2,000 for the construction, alteration, or repair, including painting and decorating, of public buildings and public works. *See* 40 U.S.C. 3141 *et seq.* Congress has also included the Davis-Bacon requirements in numerous other laws, known as the Davis-Bacon Related Acts (the Related Acts), which provide federal assistance for construction projects through grants, loans, loan guarantees, insurance, and other methods.

The DBA delegates to the Secretary of Labor the responsibility to determine the wage rates that are ''prevailing'' for each classification of covered laborers and mechanics on similar projects ''in the civil subdivision of the State in which the work is to be performed.'' 40 U.S.C. 3142(b). The Administrator of the Wage and Hour Division, through this delegation of authority, is responsible for issuing these wage determinations (WDs). The DBA implementing regulations provide that, for the purpose of making WDs, the Administrator will conduct a continuing program for obtaining and compiling wage rate information. 29 CFR 1.3. As part of this program, the Administrator developed the WD–10 form to solicit information that is used to determine locally prevailing wages under the Davis-Bacon and Related Acts. The wage-data collection using the WD–10 form is a primary source of information and is essential to the determination of prevailing wages. The current WD–10 information collection, 1235–0015, has been approved by the Office of Management and Budget (OMB).

In addition, the Department uses the WD–10A form, which is a companion form to the WD–10 form. This form is used pre-survey to identify potential respondents that performed construction work within the survey period in the survey area, which enables the Department to solicit for survey participation. This pre-survey information request better identifies additional contractors that performed construction work in the survey area.

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The Department obtains OMB approval for this information collection under Control Number 1235–0015.

OMB authorization for an ICR cannot be for more than 3 years without renewal, and the current approval for this collection will expire on April 30, 2026. The Department seeks to extend PRA authorization for this information collection for 3 more years, without any change to existing requirements. The Department notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

Interested parties are encouraged to send comments to the Department at the address shown in the **ADDRESSES** section within 60 days of publication of this notice in the **Federal Register**. To help ensure appropriate consideration, comments should mention OMB Control Number 1235–0015.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for a revision of this information collection in order to ensure effective administration of construction contractor wage rate programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Report of Construction Contractor's Wage Rates.

OMB Control Number: 1235–0015.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal, State, Local, or Tribal Government.

Agency Numbers: Forms WD–10 and WD–10A.

Total Respondents: 276.

Total Annual Responses: 2,854.

Estimated Total Burden Hours: 947.66.

Estimated Time per Response: WD–10: 20 minutes, WD–10A: 10 minutes.

Frequency: On occasion.

Dated: February 19, 2026.

Daniel Navarrete,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2026–03701 Filed 2–24–26; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, Randolph Building, 401 Dulaney Street, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Copies of the submission may be obtained by calling 703–292–7556.

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Research Performance Progress Report.

OMB Approval Number: 3145–0221.

Type of Request: Intent to seek approval to extend an information collection for three years.

Use of the Information: NSF developed the RPPR as a service within *Research.gov*. The service provides a common portal for the research community to manage and submit annual project reports to the National Science Foundation (NSF) and to partner agencies. This service replaced NSF's annual and interim project reporting capabilities which resided in the FastLane System.

Complete information about NSF's implementation of the Research Performance Progress Report (RPPR) may be found at the following website: *http://www.nsf.gov/bfa/dias/policy/rppr/index.jsp.*

Burden on the Public: The Foundation estimates that an average of 6.6 hours is expended for each report submitted. An estimated 120,000 reports are expected during the course of one year for a total of 30,000 public burden hours annually.

Dated: February 23, 2026.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2026–03789 Filed 2–24–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0034]

Information Collection: Packaging and Transportation of Radioactive Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Packaging and Transportation of Radioactive Material.''

DATES: Submit comments by March 27, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Heather Dempsey, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0034 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0034.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The supporting statement and burden spreadsheet are available in ADAMS under Accession No. ML26044A182 and ML26044A180, respectively.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the Acting NRC Clearance Officer, Heather Dempsey, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0856; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''Packaging and Transportation of Radioactive Material.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 12, 2025, 90 FR 57785.

1. *The title of the information collection:* Packaging and Transportation of Radioactive Material.
2. *OMB approval number:* 3150–0008.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not Applicable.
5. *How often the collection is required or requested:* On occasion. Application for package certification may be made at any time. Required reports are collected and evaluated on a continuous basis as events occur.
6. *Who will be required or asked to respond:* All NRC specific licensees who place byproduct, source, or special nuclear material into transportation, and all persons who wish to apply for NRC approval of package designs for use in such transportation.
7. *The estimated number of annual responses:* 612.
8. *The estimated number of annual respondents:* 225.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 30,739 hours (26,033 hours reporting + 4,575 recordkeeping + 131 hours third-party disclosure).
10. *Abstract:* The NRC regulations in 10 CFR part 71 establish requirements for packaging, preparation for shipment, and transportation of licensed material, and prescribe procedures, standards, and requirements for approval by NRC of packaging and shipping procedures for fissile material and for quantities of licensed material in excess of Type A quantities. The NRC collects information pertinent to 10 CFR part 71 for three reasons: to issue a package approval; to ensure that any incidents or package degradation or defects are appropriately captured, evaluated and if necessary, corrected to minimize future potential occurrences; and to ensure

that all activities are completed using an NRC-approved quality assurance program.

Dated: February 20, 2026.

For the Nuclear Regulatory Commission.

Heather Dempsey,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–03715 Filed 2–24–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–352; NRC 2026–0793]

Constellation Energy Generation, LLC; Limerick Generating Station, Unit 1; License Amendment Application; Withdrawal by Applicant

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Constellation Energy Generation, LLC, to withdraw its application dated October 9, 2025, for a proposed amendment to Renewed Facility Operating License No. NPF–39. The licensee requested to withdraw its license amendment request to modify the facility technical specifications to allow a one-time extension to performing local leakage rate tests for four primary containment isolation valves.

DATES: This document was published in the **Federal Register** on February 25, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–0793 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–0793. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Audrey L. Klett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0489; email: *Audrey.Klett@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted Constellation Energy Generation, LLC's (the licensee's), request dated January 30, 2026 (ML26030A252), to withdraw its application dated October 9, 2025 (ML25282A072) for a proposed amendment to Renewed Facility Operating License No. NPF–39 for the Limerick Generation Station, Unit 1, located in Limerick, PA.

The licensee requested the NRC to modify the facility technical specifications to allow a one-time extension to performing local leakage rate tests for four primary containment isolation valves.

A notice of consideration of issuance and proposed no significant hazards consideration determination for the license amendment request was published in the **Federal Register** (91 FR 2375) on January 20, 2026.

Dated: February 23, 2026.

For the Nuclear Regulatory Commission.

Audrey Klett,

Senior Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–03718 Filed 2–24–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–2161]

Duke Energy Carolinas, LLC; Belews Creek; Early Site Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week, for four consecutive weeks of receipt and availability of an application for an early site permit (ESP) from Duke Energy Carolinas, LLC for the Belews Creek site located in Stokes County, North Carolina.

DATES: February 25, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–2161 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–2161. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Belews Creek Early Site Permit Application package is available in ADAMS under Accession No. ML25364A004.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Emmanuel Sayoc, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4084; email: *Emmanuel.Sayoc@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On December 30, 2025, Duke Energy Carolinas, LLC filed with the NRC, pursuant to Section 103 of the Atomic Energy Act and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR),

''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application for an ESP for the Belews Creek site located in Stokes County, North Carolina. By issuance of **Federal Register** notice of Receipt and Availability on January 7, 2026, (91 FR 542), and in ADAMS under Accession No. ML25352A121, the staff also acknowledged receipt of the application.

In accordance with subpart A of 10 CFR part 52, ''Early Site Permits,'' an applicant may seek an ESP separate from the filing of an application for a construction permit (CP) or combined license (COL). The ESP process allows resolution of issues relating to siting. At any time during the period of an ESP, the ESP holder may reference the ESP in an application for a CP or COL. These Notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

A subsequent **Federal Register** notice will be issued addressing the acceptability of the tendered ESP application for docketing and provisions for participation of the public in the ESP process.

Dated: January 29, 2026.

For the Nuclear Regulatory Commission.

Michelle Hayes,

Chief, Licensing and Regulatory Infrastructure Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–03714 Filed 2–24–26; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104876; File No. SR–TXSE–2026–001]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add an Offset Peg Order

February 20, 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 17, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to add an Offset Peg order that operates similarly to offset peg orders on other exchanges, as further described below.

The text of the proposed rule change is provided in Exhibit 5. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://txse.com/rule-filings*), 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.006(h) to add an Offset Peg order with similar functionality to comparable pegged orders on other exchanges. In addition, the Exchange is proposing to make certain corresponding changes to TXSE Rules 11.007(c), 11.008(a)(2)(iii), 11.0120H(b)(7)(A)(i), 11.022(a)(8)(A)(i), and 11.023(a)(2) in order to add reference to Offset Peg orders in other places in the rulebook where other Pegged Order[5] types are mentioned, to make a copycat change to the definition of Pegged Order in Rule 11.006(h), and to make a cleanup change to add a reference to Primary Peg Orders in Rule 11.023(a)(2).

Overview

Currently, the Exchange offers three types of Pegged Orders: Primary Peg,[6] Midpoint Peg,[7] and Market Peg,[8] each of which are non-displayed orders that upon entry into the System[9] and while resting on the TXSE Book,[10] are pegged to a reference price based on the NBBO[11] and the order is automatically managed by the System in response to changes in the NBBO.

The Exchange is proposing to add a fourth type of Pegged Order, an Offset Peg, which is a non-displayed Pegged Order with instructions to peg to the less aggressive of: (i) the primary quote (*i.e.* the NBB[12] for buy orders and NBO[13] for sell orders) plus or minus (plus for buy orders and minus for sell orders) an offset amount; [14] and (ii) the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] As provided in Rule 11.006(h), the term ''Pegged Order'' means an order that automatically re-prices in response to changes in the NBBO, as further described in TXSE Rule 11.007(c). A User entering a Pegged Order can specify that the order's price will peg to the NBB or NBO, the midpoint of the NBBO or to the opposing bid or offer, as described below.

[6] As provided in Rule 11.006(h)(1), the term ''Primary Peg'' means an order with instructions to peg to the NBB, for a buy order, or the NBO, for a sell order. A User submitting a Pegged Order with a Primary Peg instruction may, but is not required to, include a limit price on such order.

[7] As provided in Rule 11.006(h)(2), the term ''Midpoint Peg'' means a Pegged Order with an instruction to peg to the midpoint of the NBBO. A User submitting a Pegged Order with a Midpoint Peg instruction may, but is not required to, include a limit price on such order. A Pegged Order with a Midpoint Peg instruction and a limit price that is more aggressive than the midpoint of the NBBO will execute at the midpoint of the NBBO or better subject to its limit price. A Pegged Order with a Midpoint Peg instruction may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO. A Pegged Order with a Midpoint Peg instruction will be ranked at the midpoint of the NBBO where its limit price is equal to or more aggressive than the midpoint of the NBBO. In such case, pursuant to TXSE Rule 11.008, all Pegged Orders that are ranked at the midpoint of the NBBO will retain their priority as compared to each other based upon the time such orders were initially received by the System. A Pegged Order with a Midpoint Peg instruction will be ranked at its limit price where its limit price is less aggressive than the midpoint of the NBBO.

[8] As provided in Rule 11.006(h)(3), the term ''Market Peg'' means an order with instructions to peg to the NBO, for a buy order, or the NBB, for a sell order. A User submitting a Pegged Order with a Market Peg instruction may, but is not required to, include a limit price on such order.

[9] As provided in Rule 1.005(ff), the term ''System'' means the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking and execution.

[10] As provided in Rule 1.005(ii), the term ''TXSE Book'' means the System's electronic file of orders.

[11] As provided in Rule 1.005(r), the term ''NBBO'' means the national best bid or offer.

[12] As provided in Rule 1.005(r), the term ''NBB'' means the national best bid.

[13] As provided in Rule 1.005(r), the term ''NBO'' means the national best offer.

[14] The Exchange notes that the offset amount will be entered by Users in basis points at or within the

order's limit price. While resting on the TXSE Book an Offset Peg Order to buy (sell) order is automatically adjusted by the System in response to changes in the NBB (NBO) plus (minus) the offset amount up (down) to the order's limit price. Based on informal feedback from Members, the Exchange believes that Offset Peg orders will provide additional flexibility to the Exchange's Pegged Order functionality and would be useful to market participants seeking to trade within the NBBO.

Offset Peg Order

The Exchange proposes to add new Rule 11.006(h)(4) to add the Offset Peg order. As proposed, an Offset Peg order would be a Pegged Order with instructions to peg to the less aggressive of the primary quote (*i.e.,* the NBB for buy orders and NBO for sell orders) plus or minus (plus for buy orders and minus for sell orders) an offset amount or the order's limit price upon entry and when posting to the TXSE Book. While resting on the Order Book, (i) a buy order is automatically adjusted by the System in response to the changes in the NBB plus the offset amount up to the order's limit price; and (ii) a sell order is automatically adjusted by the System in response to changes in the NBO minus the offset amount down to the order's limit price. If the offset amount would result in the price of an Offset Peg order being in an increment smaller than specified in Rule 11.006(g), the price of a buy order will be rounded down and the price of a sell order will be rounded up to the nearest permissible increment.[15] If no offset amount is specified, the System will consider the offset amount to be zero. A User [16] submitting a Pegged Order with an Offset Peg instruction is required to include a limit price on such order. An Offset Peg order entered with an offset equal to a Primary Peg, a Midpoint Peg, or a Market Peg will be treated as a Primary Peg, a Midpoint Peg, or a Market Peg, respectively.

The Exchange is also proposing to amend Rule 11.007(c) to provide that for Offset Peg orders, a User may indicate to peg an order to a reference price plus or minus an offset amount (the NBB plus the offset amount up to the order's limit price for buy orders, the NBO minus the offset amount down to the order's limit price for sell orders). Like other Pegged Orders, Offset Peg orders will be subject to Rules 11.007(c)(1)–(7), which provide: (1) a Pegged Order may contain the following TIF instructions: Day,[17] SYS,[18] IOC,[19] RHO [20] or GTT; [21] (2) Pegged Orders may be entered as an Odd Lot,[22] Round Lot [23] or Mixed Lot; [24] (3) Pegged Orders are not eligible to include a Displayed [25] instruction; (4) Pegged Orders may be executed during the Pre-Market Session,[26] the Market Session [27] and the Post-Market Session; [28] (5) a Pegged Order may include a Book Only [29] or Post Only [30] instruction; (6) to the extent an incoming Pegged Order would be a Crossing Quotation [31] if displayed at the

NBBO. As provided in proposed Rule 11.006(h)(4), if the offset amount would result in the price of an Offset Peg order being in an increment smaller than specified in Rule 11.006(g), the price of a buy order will be rounded down and the price of a sell order will be rounded up to the nearest permissible increment. If no offset amount is specified, the System will consider the offset amount to be zero.

[15] Like Midpoint Peg orders, Offset Peg orders may result in executions at a sub-penny midpoint price. Pursuant to Rule 612 under Regulation NMS execution at a sub-penny midpoint price is permissible so long as the execution did not result from an impermissible sub-penny order or quotation. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37556 (June 29, 2005) (File No. S7–10–04) (''NMS Adopting Release'').

[16] As provided in Rule 1.005(jj), the term ''User'' means any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to TXSE Rule 11.003.

[17] As provided in Rule 11.006(o)(2), the term ''Day'' means an instruction the User may attach to an order stating that an order to buy or sell is designated for execution starting with the Pre-Market Session and, if not executed, expires at the end of Regular Trading Hours. Any Day order entered into the System before the opening for business on the Exchange as determined pursuant to TXSE Rule 11.001 or after the closing of Regular Trading Hours will be rejected.

[18] As provided in Rule 11.006(o)(6), the term ''SYS'' means an instruction a User may attach to an order stating that an order to buy or sell is designated for execution starting with the Pre-Market Session and, if not executed, expires at the end of the Post-Market Session. Any order with a TIF instruction of SYS entered into the System before the opening for business or after the closing for business on the Exchange as determined pursuant to TXSE Rule 11.001 will be rejected.

[19] As provided in Rule 11.006(o)(1), the term ''IOC'' means an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange is treated as cancelled and is not posted to the TXSE Book.

[20] As provided in Rule 11.006(o)(5), the term ''RHO'' means an instruction a User may attach to an order stating that an order to buy or sell is designated for execution only during Regular Trading Hours which includes the Opening Auction, the Closing Auction and IPO/Halt Auctions for TXSE-Listed securities and the Opening Process for non-TXSE-Listed securities (as such terms are defined in TXSE Rules 11.022 and 11.023) and, if not executed, expires at the end of Regular Trading Hours. Any order with a TIF instruction of RHO entered into the System after the closing of Regular Trading Hours will be rejected. Any portion of a market RHO order will be cancelled immediately following any auction in which it is not executed.

[21] As provided in Rule 11.006(o)(4), the term ''GTT'' means an instruction the User may attach to an order specifying the time of day at which the order expires, which is designated for execution starting with the Pre-Market Session. Any unexecuted portion of an order with a TIF instruction of GTT will be cancelled at the expiration of the User's specified time, which can be no later than the close of the Post-Market Session.

[22] As provided in Rule 11.006(q)(2), the term ''Odd Lot'' means any amount less than a Round Lot. Orders of Odd Lot size are only eligible to be Protected Quotations if aggregated to form a Round Lot.

[23] As provided in Rule 11.006(q)(1), the term ''Round Lot'' means One hundred (100) shares or any multiple thereof shall constitute a Round Lot, unless an alternative number of shares is established as a Round Lot by the listing exchange for the security. Orders that are a Round Lot are eligible to be Protected Quotations.

[24] As provided in Rule 11.006(q)(3), the term ''Mixed Lot'' means Any amount greater than a Round Lot that is not an integer multiple of a Round Lot shall constitute a Mixed Lot. Odd Lot portions of orders of Mixed Lot size are only eligible to be Protected Quotations if aggregated to form a Round Lot.

[25] As provided in Rule 11.006(c)(1), the term ''Displayed'' means an instruction the User may attach to an order stating that the order is to be displayed by the System on the TXSE Book.

[26] As provided in Rule 1.005(v), the term ''Pre-Market Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time.

[27] As provided in Rule 1.005(p), the term ''Market Session'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time.

[28] As provided in Rule 1.005(u), the term ''Post-Market Session'' means the time between 4:00 p.m. and 5:00 p.m. Eastern Time.

[29] As provided in Rule 11.006(l)(1), the term ''Book Only'' means an order instruction stating that an order will be matched against an order on the TXSE Book or posted to the TXSE Book.

[30] As provided in Rule 11.006(l)(2), the term ''Post Only'' means an instruction that may be attached to an order that is to be ranked and executed on the Exchange pursuant to TXSE Rule 11.008 and TXSE Rule 11.009(a)(4) or cancelled, as appropriate, without routing away to another trading center except that the order will not remove liquidity from the TXSE Book, except as described below. An order with a Post Only instruction and a Display-Price Sliding instruction will remove contra-side liquidity from the TXSE Book if the order is an order to buy or sell a security priced below $1.00 or if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the TXSE Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. To determine at the time of a potential execution whether the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the TXSE Book and subsequently provided liquidity, the Exchange will use the highest possible rebate paid and highest possible fee charged for such executions on the Exchange.

[31] As provided in Rule 11.006(b), the term ''Crossing Quotation'' means the display of a bid (offer) for an NMS stock at a price that is higher (lower) than the price of an offer (bid) for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(e) of Regulation NMS. Pursuant to

Continued

price at which it would be ranked in the TXSE Book, such order will execute against interest in the TXSE Book at prices up to and including the Locking Price [32] and will then be cancelled by the System. A Pegged Order resting on the TXSE Book is not eligible for execution when a Locking Quotation [33] or Crossing Quotation exists. In such cases, a Pegged Order would rest on the TXSE Book and would not be eligible for execution in the System until a Locking Quotation or Crossing Quotation no longer exists; and (7) a Pegged Order received by the System when the NBBO is not available will be rejected or cancelled back to the entering User. A Pegged Order resting on the TXSE Book will be cancelled back to the User when the NBB or NBO that the order is pegged to is no longer available.

The Exchange notes that the proposed Offset Peg order is very similar to functionality either currently or previously offered by several exchanges. Specifically, the Offset Peg order is similar to order types offered by Nasdaq Stock Market LLC (''Nasdaq''), NYSE Arca, Inc. (''Arca''), and Cboe BZX Exchange, Inc. (''BZX''),[34] as well as to order types previously offered by Investors Exchange, Inc. (''IEX'').[35]

Corresponding Changes

The Exchange is also proposing to amend Rules 11.06(h) (Pegged Orders), 11.008(a)(2)(A)(iii) (Priority of Orders), 11.020(H)(b)(7)(A)(i) (Trading Halts), 11.022(a)(8)(A)(i) (Auctions), and 11.023(a)(2) (Opening Process for Non-TXSE-Listed Securities) to add reference to Offset Peg orders where other Pegged Order types are mentioned, specifically as it relates to: (i) including a reference to an offset amount in the definition of Pegged Orders; (ii) Offset Peg orders being subject to the same time priority as other orders with a peg instruction, which are all ranked in priority based upon the time that such orders were initially received by the System; [36] (iii) cancelling any unexecuted portion of a Pegged Order during a Regulatory Halt; [37] (iv) rejecting Pegged Orders entered into an IPO auction; and (v) allowing Pegged Orders to participate in the Opening Process,[38] respectively.

Copycat/Cleanup Changes

Finally, the Exchange is proposing to amend the description of ''Pegged Order'' under Rule 11.006(h) to describe a Pegged Order as ''An order that is automatically adjusted by the System in response to changes in the NBBO,'' instead of ''An order that automatically re-prices in response to changes in the NBBO.'' The Exchange believes that this language better reflects system functionality and is generally consistent with the way that other exchanges describe pegged orders.[39]

The Exchange is also proposing to add reference to Primary Peg Orders in Rule 11.023(a)(2). The reference was unintentionally excluded and adding it makes clear that Primary Peg Orders will be treated like all Pegged Orders in the Opening Process for Non-TXSE-Listed Securities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[40] in general, and furthers the objectives of Section 6(b)(5) of the Act,[41] 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. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because it is designed to increase competition among execution venues by providing an additional Pegged Order type that market participants can use to trade at an offset to the primary quote, as described above, and thereby enable the Exchange to better compete with order types on other national securities exchanges that offer similar features to market participants.

Further, the Exchange believes that the proposal is consistent with the protection of investors and the public interest in that the Offset Peg order type would provide additional flexibility to market participants in their use of Pegged Orders. As described above, the Exchange already offers three types of Pegged Orders—Primary Peg, Midpoint Peg, and Market Peg. As proposed, the Offset Peg order would function in a similar manner but provide flexibility to market participants to specify an offset to the primary quote. Such functionality could be used for a number of purposes, including providing Users with the ability to post orders at more precise permissible price levels than are available with the Exchange's current Pegged Order types. Although broker-dealers could implement similar functionality on their own by consuming market data feeds and sending limit orders at prices that would accomplish the same outcome, implementing this functionality through an exchange order type will be much more efficient (fewer orders entered and cancelled every time the NBBO moves) and ensures that it is widely available to market participants on a fair and non-discriminatory basis. At the same time, the Offset Peg order type would be offered on a purely voluntary basis, and with flexibility for Users to choose the amount of any offset, thereby providing flexibility to continue using current Pegged Order types without a User specified offset and to choose different offsets based on a User's specific needs. The Exchange does not believe that providing flexibility to Users to select the amount of any offset raises any significant or novel concerns, since similar offset functionality is already available on other national securities exchanges, as discussed above.

In addition, the Exchange believes that it is consistent with the Act to round the price of a buy order down and a sell order up to the nearest permissible increment if the offset amount would result in the price of an Offset Peg order being in an increment smaller than specified in Rule 11.006(g). Rounding assures that the Exchange is compliant with Regulation NMS Rule 612 [42] and

TXSE Rule 13.004(a), the Exchange will use certain data feeds for the handling and execution of orders.

[32] As provided in Rule 11.006(d), the term ''Locking Price'' means the price at which an order to buy (sell), that if displayed by the System on the TXSE Book, upon entry into the System would be a Locking Quotation. Pursuant to TXSE Rule 13.004(a), the Exchange will use certain data feeds for the handling and execution of orders.

[33] As provided in Rule 11.006(e), the term ''Locking Quotation'' means the display of a bid for an NMS stock at a price that equals the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock at a price that equals the price of a bid for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(e) of Regulation NMS.

[34] *See* Nasdaq Rule 4703(d) (Primary Pegging with an Offset Amount), Arca Rule 7.31–E(h)(1) (Market Pegged Order with an offset amount), and BZX Rule 11.9(c)(8)(A) (Primary Pegged Orders with designated Primary Offset Amounts).

[35] *See* Securities Exchange Act Release No. 90197 (October 15, 2020), 85 FR 67074 (October 21, 2020) (File No. SR–IEX–2020–16) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Add an Offset Peg Order Type).

[36] Because all Pegged Orders are kept in time priority based on when they were initially received by the System, the System does not modify Pegged Orders or generate new timestamps or order update messages for Pegged Orders based on movements of the NBBO.

[37] As provided in Rule 11.020H(a)(15), the term ''Regulatory Halt'' has the same meaning as in the CTA Plan.

[38] *See* Rule 11.023.

[39] *See, e.g.* BZX Rule 11.9(c)(8).

[40] 15 U.S.C. 78f(b).

[41] 15 U.S.C. 78f(b)(5).

[42] *See* 17 CFR 242.612 and FAQs 8, 1, and 2 in Division of Market Regulation: Responses to Frequently Asked Questions Concerning Rule 612

TXSE Rule 11.006(g). Moreover, this approach is generally consistent with the way other national securities exchanges handle pegged orders.[43]

The Exchange also believes that the corresponding changes to align Offset Peg treatment with other Pegged Orders as it relates to the definition of Pegged Orders, priority, treatment in a regulatory halt, treatment in an IPO auction, and participation in the Opening Process, are consistent with the Act in that they are consistent with the way that the Exchange treats other Pegged Orders already available on the Exchange and are generally consistent with how comparable order types are treated on other national securities exchanges.

The Exchange also believes that the copycat change to its description of Pegged Orders is consistent with the Act because the language better reflects system functionality and is generally consistent with the way that other exchanges describe pegged orders.[44]

Finally, the Exchange believes that adding reference to Primary Peg Orders in Rule 11.023(a)(2). The reference was unintentionally excluded and adding it makes clear that Primary Peg Orders will be treated like all Pegged Orders in the Opening Process for Non-TXSE-Listed Securities.

For these reasons, the Exchange believes that the proposed changes do not raise any new or novel material issues that have not already been considered by the Commission in connection with existing order types offered by the Exchange and other national securities exchanges.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is a competitive response to similar order types available on other exchanges.

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. Competing exchanges have and can continue to adopt similar order types, as noted above.

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members would be eligible to use an Offset Peg order on the same terms.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[45] and Rule 19b–4(f)(6)[46] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–TXSE–2026–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–TXSE–2026–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://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–TXSE–2026–001 and should be submitted on or before March 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03703 Filed 2–24–26; 8:45 am]

BILLING CODE 8011–01–P

(Minimum Pricing Increment) of Regulation NMS, available at *https://www.sec.gov/divisions/marketreg/subpenny612faq.htm* which provides that although exchanges (and broker-dealers) may not accept and round orders in NMS stocks explicitly priced in sub-penny increments (FAQs 8 and 1), they may accept such orders when the order is not ''explicitly'' priced in an impermissible sub-penny increment, meaning that a calculation must be performed to obtain the price of the order, in which case the exchange or broker-dealer may round the price of the stock to determine the ''actual explicit price for the order.'' (FAQ 2). The Exchange believes that Offset Peg orders would not be explicitly priced in sub-penny increments even if the offset amount specified is in a sub-penny increment because the Exchange would need to perform a calculation to obtain the price of the order by applying the offset amount to the NBB or NBO as applicable. Accordingly, the Exchange believes that rounding as proposed is consistent with Rule 612 under Regulation NMS and relevant FAQs, which provide that exchanges (and broker-dealers) may not accept and round orders in NMS stocks explicitly priced in sub-penny increments (FAQs 8 and 1), except for when the order is not ''explicitly'' priced in an impermissible sub-penny increment, in which case the exchange may round the price of the stock to determine the ''actual explicit price for the order,'' (FAQ 2).

[43] *See, e.g.* Cboe US Equities FIX Specification (Version 2.9.51) describing treatment of Tag 211 regarding ''Pegged Difference'' available at *https://cdn.cboe.com/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

[44] *See, e.g.,* BZX Rule 11.9(c)(8).

[45] 15 U.S.C. 78s(b)(3)(A)(iii).

[46] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[47] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104877; File No. SR–FINRA–2026–004]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 2210 (Communications With the Public)

February 20, 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 10, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 2210 (Communications with the Public). Currently, Rule 2210 prohibits projections of performance or targeted returns in member communications, subject to specified exceptions. The proposed rule change would allow a member to project the performance or provide a targeted return with respect to a security, a securities portfolio, or an asset allocation or other investment strategy in its communications, subject to specified conditions to ensure these projections are carefully derived from a sound basis.

The text of the proposed rule change is available on FINRA's website at *https://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 2210's General Prohibition of Projections and Its Exceptions

Rule 2210 provides that communications[3] may not predict or project performance, imply that past performance will recur or make any exaggerated or unwarranted claim, opinion or forecast.[4] The general prohibition against performance projections is intended to protect investors who may lack the capacity to understand the risks and limitations of using projected performance in making investment decisions.

This general prohibition has some exceptions, however. First, Rule 2210 allows a hypothetical illustration of mathematical principles, provided it does not predict or project the performance of an investment or investment strategy.[5] The ''hypothetical illustration of mathematical principles'' exception to the prohibition of projections applies to tools that serve the function of a calculator that computes the mathematical outcome of certain assumed variables without predicting the likelihood of either the assumed variables or the outcome. For example, this exception applies to a calculator that computes a net amount of savings that an investor would earn over an assumed period of time with assumed variables of rates of returns, frequency of compounding, and tax rates.[6]

Second, the general prohibition on projections does not preclude a member from employing an investment analysis tool, or a written report produced by an investment analysis tool, that includes projections of performance provided it meets the requirements of Rule 2214 (Requirements for the Use of Investment Analysis Tools).[7] FINRA adopted the predecessor to Rule 2214 in 2004 to allow members to offer or employ technological tools that use a mathematical formula to calculate the probability that investment outcomes (such as reaching a financial goal) would occur.[8]

An ''investment analysis tool'' is an interactive technological tool that produces simulations and statistical analyses that present the likelihood of various investment outcomes if certain investments are made or certain investment strategies or styles are undertaken, thereby serving as an additional resource to investors in the evaluation of the potential risks and returns of investment choices.[9] Investors may use an investment analysis tool either independently or with assistance from a member, and investors may receive written reports generated by the tool that include projected performance that is consistent with Rule 2214's requirements.[10]

Third, members may include a price target in a research report on debt or equity securities, provided that the price target has a reasonable basis, the report discloses the valuation methods used to determine the price target, and the price target is accompanied by a disclosure concerning risks that may impede achievement of the price target.[11]

In addition, a communication with the public regarding security futures or options may contain projected performance figures (including projected annualized rates of return), provided that the communication meets specified requirements.[12] Among other things, the communication must be accompanied or preceded by a standardized risk disclosure statement, the communication may not suggest certainty of the projected performance, parameters relating to such performance figures must be clearly established, and the projections must disclose and reflect all relevant costs, commissions, fees, and interest charges (as applicable).[13]

[3] ''Communications'' consist of correspondence, retail communications, and institutional communications. *See* Rule 2210(a)(1). Correspondence means any written (including electronic) communication that is distributed or made available to 25 or fewer retail investors within any 30 calendar-day period. Rule 2210(a)(2). Retail communication means any written (including electronic) communication that is distributed or made available to more than 25 retail investors within any 30 calendar-day period. Rule 2210(a)(5). Institutional communication means any written (including electronic) communication that is distributed or made available only to institutional investors but does not include a member's internal communications. Rule 2210(a)(3). Rule 2210(a) defines each of these three communication types as communications that are ''distributed or made available'' to investors, with the definitions varying based on the specific audience and number of investors to whom the communication is distributed or made available.

[4] *See* Rule 2210(d)(1)(F).

[5] *See* Rule 2210(d)(1)(F)(i).

[6] On the other hand, this exception would not apply to a calculator that predicted the likelihood of achieving these assumed variables and outcomes. *See Notice to Members* 04–86 (November 2004), n.3.

[7] *See* Rule 2210(d)(1)(F)(ii).

[8] *See Notice to Members* 04–86, *supra* note 6.

[9] *See* Rule 2214(b).

[10] For a more detailed discussion of the differences between Rule 2214 and the proposal, *see* Comparison to Projections Permitted by Rule 2214, *infra*.

[11] *See* Rule 2210(d)(1)(F)(iii).

[12] *See* Rules 2215 (Communications with the Public Regarding Security Futures) and 2220 (Options Communications).

[13] *See* Rules 2215(b)(3) and 2220(d)(3).

Need for an Additional Exception

Based on feedback received during a retrospective rule review from members and FINRA's advisory committees, comments on a prior proposed rule change that would have allowed projections of performance and targeted returns,[14] and FINRA's experience with the rules, FINRA determined that an additional exception to the general prohibitions on projections in member communications is warranted. FINRA understands that some broker-dealer customers, including institutional and other sophisticated investors, request other types of projected performance that the current rules do not allow.[15] These customers, in particular, may request information that includes projections of performance or targeted returns concerning investment opportunities to help them make informed investment decisions but are unable to receive this information from members due to the prohibition on projections. For example, a member's views regarding the projected performance of an investment strategy or single security may be particularly useful to investors who are eligible to invest in certain non-public offerings that are relying on exceptions from registration under the Securities Act of 1933 (''Securities Act'') and, with respect to private funds, exclusions from the definition of ''investment company'' under the Investment Company Act of 1940 (''ICA'').

In addition, projected performance may be useful when investors either have the financial expertise to evaluate investments and to understand the assumptions and limitations associated with such projections or have resources that provide them with access to financial professionals who possess this expertise. Such investors often test their own opinions against performance projections they receive from other sources, including issuers and investment advisers. Because Rule 2210 generally precludes a member from providing projected performance or targeted returns in communications, these investors cannot obtain a member's potentially different and valuable perspective. Moreover, because registered investment advisers (''RIAs'') are permitted to provide investors with this type of performance information, subject to the conditions in the SEC's rule governing investment adviser marketing[16] (''IA Marketing Rule'') under the Investment Advisers Act of 1940 (''Advisers Act''),[17] Rule 2210's prohibition on projections can lead to investor confusion, as it results in investors receiving different information about the same investments depending on the financial professional with whom they engage.

Previous Proposals

FINRA has previously pursued rulemaking to address the regulatory need for an exception to the general prohibition on members projecting performance in their communications. In February 2017, FINRA published Regulatory Notice 17–06 (the ''Notice''), requesting comment on proposed amendments that would have created an exception to the rule's prohibition on projecting performance to permit members to distribute customized hypothetical investment planning illustrations that include the projected performance of an asset allocation or other investment strategy, but not an individual security, subject to specified conditions.[18] Among other things, commenters responding to the Notice urged FINRA to revise the proposal to permit projections of performance of single securities, particularly for communications to sophisticated investors, including qualified purchasers.[19]

In response to comments to that *Notice,* FINRA's experience with the rule, and in light of the Commission's adoption of the IA Marketing Rule, FINRA shifted its approach and filed a proposed rule change with the Commission on November 13, 2023 (the ''November 2023 rule change'').[20] The November 2023 rule change, as amended,[21] would have created an exception from Rule 2210's general prohibition on performance projections to allow a member, when conditions were met, to project the performance or provide a targeted return with respect to a security or asset allocation or other investment strategy in communications to specified sophisticated investors. A member would have been permitted to provide performance projections or targeted returns only in: (1) an institutional communication; or (2) a communication that is distributed or made available only to: (a) persons meeting the definition of ''qualified purchaser'' under the ICA and that promotes or recommends a Member Private Offering that is exempt from the requirements of Rule 5122 pursuant to Rule 5122(c)(1)(B); or (b) persons meeting the definition of ''qualified purchaser'' under the ICA or ''knowledgeable employee'' under ICA Rule 3c–5 and that promotes or recommends a private placement that is exempt from the requirements of Rule 5123 pursuant to Rules 5123(b)(1)(B) or 5123(b)(1)(H).

In addition to this general limitation on the types of investors who would have been eligible to receive communications with projections or targeted returns, the November 2023 rule change also would have imposed specified conditions on members that choose to provide such communications. The exception to the general prohibition on the use of projections would have been conditioned on: (1) the member adopting and implementing written policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the investor receiving the communication and to ensure compliance with all applicable requirements and obligations; (2) the member having a reasonable basis for the criteria used and assumptions made in calculating the projected performance or targeted return, and retaining written records supporting the basis for these criteria and assumptions; (3) the communication prominently disclosing that the projected performance or targeted return is hypothetical in nature and that there is no guarantee that the projected or targeted performance will be achieved; and (4) the member providing sufficient information to enable the investor to understand (i) the criteria used and assumptions made in calculating the projected performance or targeted return, including whether the projected performance or targeted return is net of anticipated fees and expenses;

[14] *See* discussion of previous proposals, *infra; see also infra* note 29 (comparison of projections to targeted returns).

[15] *See Regulatory Notice* 14–14 (April 2014); *see also* Retrospective Rule Review Report: Communications with the Public (December 9, 2014), *https://www.finra.org/rules-guidance/guidance/reports/communications-public.*

[16] *See* Investment Advisers Act Release No. 5653 (December 22, 2020), 86 FR 13024 (March 5, 2021) (adoption of Investment Advisers Act of 1940 Rule 206(4)–1 (Investment Adviser Marketing)) (''IA Marketing Rule Release'').

[17] *See* 15 U.S.C. 80b–1 *et seq.*

[18] *See Regulatory Notice* 17–06 (February 2017).

[19] FINRA received 23 comments in response to *Regulatory Notice* 17–06. Twenty-one commenters supported the proposal, and two commenters opposed the proposal. For a full discussion addressing the comments to *Regulatory Notice* 17–06, *see* Securities Exchange Act Release No. 98977 (November 17, 2023), 88 FR 82482 (November 24, 2023) (Notice of Filing of File No. SR–FINRA–2023–016).

[20] *See* Securities Exchange Act Release No. 98977 (November 17, 2023), 88 FR 82482 (November 24, 2023) (Notice of Filing of File No. SR–FINRA–2023–016).

[21] *See* Securities Exchange Act Release No. 99588 (February 22, 2024), 89 FR 14728 (February 28, 2024) (Notice of Filing Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2023–016)).

and (ii) the risks and limitations of using the projected performance or targeted return in making investment decisions, including reasons why the projected performance or targeted return might differ from actual performance.

During the rulemaking process, many commenters urged FINRA to align the rule more closely with the IA Marketing Rule, including by eliminating the threshold limitation on investors who could receive projections from broker-dealers and allowing projections and targeted returns for a wider range of investors.[22] FINRA responded to comments to the November 2023 rule change and, at that time, determined not to significantly broaden the scope of the investors who could receive projections under that rule change.[23]

On February 22, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act to determine whether to approve or disapprove the November 2023 rule change.[24] On July 19, 2024, the Division of Trading and Markets, for the Commission pursuant to delegated authority,[25] approved the November 2023 rule change, as modified by Partial Amendment No. 1.[26] On July 26, 2024, the Deputy Secretary of the Commission notified FINRA that, pursuant to Rule 431 of the Commission's Rules of Practice,[27] the Commission would review the Delegated Order and that the Delegated Order was stayed until the Commission ordered otherwise.[28]

FINRA has had the opportunity to further consider the need for an exception to the general prohibition on projections of performance in member communications, as well as the comments in response to the November 2023 rule change. FINRA has determined that further alignment with the IA Marketing Rule's provisions governing hypothetical performance will help investors, including by reducing investor confusion and enabling them to receive additional information when making investment decisions, and increase regulatory harmonization while maintaining investor protection safeguards. If the Commission approves the proposed rule change, FINRA intends to withdraw the stayed November 2023 rule change.

Proposed Amendments

The proposed rule change would create a new, narrowly tailored, exception to the general prohibition of projections for a communication that projects performance or provides a targeted return with respect to a security, a securities portfolio, or an asset allocation or other investment strategy when members meet specified conditions. The exception would be conditioned on: (1) the member adopting and implementing written policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication; (2) the member having a reasonable basis for the criteria used and assumptions made in calculating the projected performance or targeted return, and retaining written records supporting the basis for such criteria and assumptions; [29] and (3) the member providing sufficient information to enable the intended audience to understand (i) the criteria used and assumptions made in calculating the projected performance or targeted return, including whether the projected performance or targeted return is net of anticipated fees and expenses; and (ii) the risks and limitations of using the projected performance or targeted return in making investment decisions, including reasons why the projected performance or targeted return might differ from actual performance.[30]

Written Policies and Procedures

The proposed rule change would require a member to adopt and implement written policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication.[31] The proposed rule change does not prescribe the ways in which a member may satisfy the policies and procedures requirement, including how the member will establish that the policies and procedures are reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication. Instead, this condition is intended to provide members with the flexibility to develop policies and procedures that best suit their investor base and the business in which they engage. A member could meet the proposed rule change's requirement to adopt and implement policies and procedures reasonably designed to ensure that the projected performance or targeted returns are relevant to the likely financial situation and intended audience by, for example, adopting and implementing written policies and procedures that are based in part on the member's past experiences with particular types of investors who seek this information. A member may wish to further tailor its intended audience for such a communication to persons or entities that have expressed interest in particular types of securities, or who have invested in similar securities in the past.

Reasonably designed policies and procedures need not address each recipient's particular circumstances; rather, a member's policies and procedures may account for the grouping of investors into categories or types based on the member's reasonable judgment as to the likely investment objectives and financial situation of that investor category that is the intended audience of a communication.

A communication that contains projections of performance or targeted returns should only be distributed, however, where the member reasonably believes the investors for whom that communication is intended have the financial expertise and resources to understand the risks and limitations of such presentations.[32] Under the proposed rule change, members generally would not be able to include projections of performance or targeted

[22] For a full discussion of the comments received to the November 2023 rule change and FINRA's response, *see* Letter from Meredith Cordisco, Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, SEC, dated February 22, 2024 (summarizing and responding to comments to File No. SR–FINRA–2023–016).

[23] *See supra* note 22.

[24] *See supra* note 21.

[25] 17 CFR 200.30–3(a)(12).

[26] *See* Securities Exchange Act Release No. 100561 (July 19, 2024), 89 FR 60461 (July 25, 2024) (Order Approving File No. SR–FINRA–2023–016) (''Delegated Order'').

[27] 17 CFR 201.431.

[28] *See* Letter from J. Matthew DeLesDernier, Deputy Secretary, SEC, to Meredith Cordisco, Associate General Counsel, FINRA, dated July 26, 2024, *https://www.sec.gov/files/rules/sro/finra/2024/letter-regarding-sr-finra-2023-016.pdf.*

[29] FINRA recognizes that there may be some differences between targeted returns and projections of performance, depending on the circumstances. Targeted returns are aspirational and may be used as a benchmark or to describe an investment strategy or objective to measure the success of a strategy. Projections of performance, on the other hand, use historical data and assumptions to predict a potential return. Thus, targeted returns may not involve all (or any) of the assumptions and criteria applied to generate a projection. Because the intended audience of a communication may not always understand or appreciate the differences between targeted returns and projections of performance, both would be subject to the same conditions, including that they must have a reasonable basis.

[30] *See* proposed Rule 2210(d)(1)(F)(iv).

[31] *See* proposed Rule 2210(d)(1)(F)(iv)a.

[32] FINRA would not view the mere fact that an investor would be interested in high returns as satisfying the requirement that the projected performance or targeted return is relevant to the likely financial situation and investment objectives of the intended audience.

returns in communications directed to a mass audience or intended for general circulation, including to a general retail investor audience. In the case of communications available to mass audiences, a member generally could not form any expectation that the communication is relevant to the likely financial situation and investment objectives of the intended audience.

To the extent that a member makes this determination with respect to particular retail investors to whom it is recommending a securities transaction or investment strategy involving securities, the Exchange Act's Regulation Best Interest (''Reg BI'') [33] would further protect retail investors, as it requires a broker-dealer to act in a retail customer's best interest when making such recommendations [34] and to establish, maintain, and enforce written policies and procedures reasonably designed to achieve compliance with Reg BI.[35]

This condition in the proposed rule change is substantially similar to a condition governing RIAs' use of hypothetical performance in the IA Marketing rule.[36] Specifically, the IA Marketing Rule conditions RIAs' use of hypothetical performance in investment adviser advertisements on, among other conditions, the investment adviser adopting and implementing policies and procedures reasonably designed to ensure that the hypothetical performance is relevant to the likely financial situation and investment objectives of the intended audience of the advertisement. FINRA anticipates that it would interpret requirements in the proposed rule change that align with similar requirements in the IA Marketing Rule's condition consistently with how the Commission has interpreted those IA Marketing Rule requirements.[37]

Reasonable Basis Requirement

In order to include projections of performance and targeted returns in a communication, a member must have a reasonable basis for the criteria used and assumptions made in calculating the projected performance or targeted return and retain written records supporting the basis for such criteria and assumptions.[38] The reasonable basis requirement is foundational and follows well-established precedents. For example, Rules 2210 and 2241 (Research Analysts and Research Reports) require a price target in a research report to have a reasonable basis.[39] SEC rules also require performance projections contained in specified documents to be based on good faith and have a reasonable basis.[40]

FINRA notes that the proposed rule change does not prescribe the manner in which the member forms its reasonable basis, nor does it require members, or third parties whose projections or targeted returns appear in member communications, to adopt a prescribed methodology in creating these projections. Like in other contexts where a broker-dealer must form a reasonable basis, the factors a member considers when forming its reasonable basis for the criteria used and assumptions made in calculating projected performance or targeted returns would depend on the facts and circumstances.[41]

Nevertheless, FINRA believes that it is important for members to consider appropriate factors in forming a reasonable basis for the criteria used and assumptions made in calculating projected performance or a targeted return pursuant to proposed Rule 2210(d)(1)(F)(iv). These factors may include, for example, such considerations as: global, regional, and country macroeconomic conditions; in the case of a single security issued by an operating company, the issuing company's operating and financial history; the industry's and sector's current conditions and the stage of the business cycle; the quality of the assets included in a securitization; and the appropriateness of selected peer-group comparisons.[42] While these examples may be relevant, this list is not meant to be prescriptive or exhaustive. Additional or different factors could be pertinent depending on the particular security and the anticipated use of projected performance or targeted returns.

In addition, FINRA expects members to establish and maintain a supervisory system to achieve compliance with the reasonable basis standard.[43] Before presenting projected performance or a targeted return, a member should determine whether its existing written supervisory procedures are reasonably designed to ensure that the criteria used and assumptions made in calculating the projected performance or targeted return have a reasonable basis.

Disclosure Requirements

The requirement to provide sufficient information in the communication to enable the intended audience to understand the criteria used and assumptions made in calculating the projected performance or targeted return is not intended to prescribe any particular methodology or calculation of such performance.[44] Nor does FINRA expect a firm to disclose proprietary or confidential information regarding the firm's methodology and criteria. Members would be expected, however, to provide a general description of the methodology used sufficient to enable the investors to understand the basis of the methodology, as well as the assumptions underlying the projection or targeted return. Without this basic information, particularly regarding assumptions about future events, it is more likely that a projection or targeted return would mislead a potential investor.

The proposed rule change also would require a member to provide sufficient information in the communication to enable an investor to understand the risks and limitations of using the projected performance or targeted return in making investment decisions, including reasons why the projected performance or targeted return might

[33] 17 CFR 240.15l–1.

[34] *See* 17 CFR 240.15l–1(a)(1).

[35] *See* 17 CFR 240.15l–1(a)(2)(iv). Reg BI defines ''retail customer'' to mean a natural person, or the legal representative of such natural person, who (i) receives a recommendation of any securities transaction or investment strategy involving securities from a broker, dealer, or natural person who is an associated person of a broker or dealer, and (ii) uses the recommendation primarily for personal, family, or household purposes. *See* 17 CFR 240.15l–1(b)(1).

[36] *See* 17 CFR 275.206(4)–1(d)(6)(i).

[37] Neither FINRA's November 2023 rule change nor the current proposed rule change interprets the Commission's IA Marketing Rule, and nothing in this proposed rule change should be construed as impacting the application or interpretation of the SEC's rule.

[38] *See* proposed Rule 2210(d)(1)(F)(iv)b.

[39] *See* Rule 2210(d)(1)(F)(iii) and Rule 2241(c)(1)(B).

[40] *See* Securities Act Regulation S–K, 17 CFR 229.10(b) (providing in part that the use in documents specified in Securities Act Rule 175 and Exchange Act Rule 3b–6 of management's projections of future economic performance have a reasonable basis and reflect its good faith assessment of a registrant's future performance).

[41] *See, e.g.,* Regulation Best Interest, Securities Exchange Act Release No. 86031 (June 5, 2019), 84 FR 33318, 33378 (July 12, 2019) (discussing that the relevance of factors to consider when forming a reasonable basis under the Reg BI Care Obligation will depend on the facts and circumstances); IA Marketing Rule Release, 86 FR 13024, 13053 (noting that what would constitute a reasonable basis for an investment adviser's belief that a testimonial or endorsement in investment adviser advertisements complies with the requirements of the IA Marketing Rule would depend upon the facts and circumstances).

[42] *See, e.g.,* CFA Institute, Standards of Practice Handbook (12th ed. 2024), at page 129–30 (requiring, among other things, that CFA Institute Members and Candidates ''[h]ave a reasonable and adequate basis, supported by appropriate research and investigation, for any investment analysis, recommendation, or action.'').

[43] *See* FINRA Rule 3110(a).

[44] *See* proposed Rule 2210(d)(1)(F)(iv)c.(i).

differ from actual performance.[45] This requirement is intended to help ensure that such investors do not unreasonably rely on a projection or targeted return given its uncertainty and risks.

General Standards and Supervision Under Rule 2210

As with all communications with the public, member communications that contain projected performance or targeted returns must meet Rule 2210's general standards, including the requirements that communications be fair and balanced, provide a sound basis for evaluating the facts in regard to any particular security or type of security, and not contain false, exaggerated, unwarranted, promissory or misleading content.[46] Accordingly, in addition to the reasonable basis standard, any communication containing a projection or targeted return would be prohibited from presenting exaggerated or unwarranted projections or targeted returns.

Members currently must adopt appropriate procedures for the supervision and review of both institutional and retail communications.[47] If the proposed rule change is adopted, these supervisory procedures would need to include the review of projections of performance or targeted returns used in communications, including compliance with the proposed rule change's specific conditions. In addition, members generally would be required to approve, prior to use or filing, any communication that falls within Rule 2210's definition of ''retail communication.'' [48]

Members that use third-party vendors to perform core business or regulatory oversight functions must establish and maintain a supervisory system, including written supervisory procedures, for any activities or functions performed by third-party vendors that are reasonably designed to ensure compliance with applicable securities laws and regulations and with applicable FINRA rules.[49] Accordingly, if a member relies on third-party models or software to create a projection or targeted return, the member would be expected to establish and maintain a supervisory system reasonably designed to ensure that any projections or targeted returns created by a third-party vendor are used consistently with the proposed rule change's requirements.

For example, the member would need to obtain enough information to form a reasonable basis as to the third-party's assumptions and the underlying criteria and would need to retain written records supporting the basis for such criteria and assumptions. Members should make reasonable efforts to determine whether the model or software is sound and should make reasonable inquiries into the source and accuracy of the data used to create the projection or targeted return. If the member has reason to suspect that the third-party model or software lacks a sound basis, the member should investigate the matter and, if it cannot be reasonably assured that the model or software is sound, must not use it. Among factors that a member may wish to employ to evaluate the third-party model or software are the assumptions used to create the projection or target, the rigor of its analysis, the date and timeliness of any research used to create the model or software, and the objectivity and independence of the entity that created the model or software.

As discussed above, members also must keep in mind that if they use a projection of performance or targeted return in connection with a recommendation of a securities transaction or investment strategy involving securities to a retail customer, the recommendation must meet the requirements of Reg BI.

Comparison to Projections Permitted by FINRA Rule 2214

There are several key differences between the types of projections that Rule 2214 permits as compared to those that the proposed rule change would allow. First, Rule 2214 differs from the proposed rule change in terms of how a projection may be communicated. Rule 2214 allows a projection of performance that is created by an investment analysis tool that any retail customer uses on a one-on-one interactive basis, either independently or with a member's assistance, and that provides individualized results to each user. In contrast, unlike Rule 2214, the proposed rule change does not mandate an interactive element associated with the delivery of projections. Instead, firms could provide projections or targeted returns to investors using any form of communication that otherwise complies with the proposed rule change, applicable requirements of FINRA rules, and the federal securities laws.

Second, Rule 2214 requires the tool to produce simulations and statistical analyses that present the likelihood of various investment outcomes if certain investments are made or certain investment strategies are undertaken. Although the rule does not expressly require the use of a particular type of statistical analysis, in many cases firms (or their vendors) use Monte Carlo simulations for this process.[50] In contrast, the proposed rule change would not require communications to investors that include performance projections or targeted returns to consider potential returns under various scenarios and the probability of success for each scenario.

Third, Rule 2214's disclosure requirements differ somewhat from those under the proposed rule change. Rule 2214 requires an investment analysis tool, a written report generated by the tool, or a related retail communication to:

- Describe the criteria and methodology used, including the investment analysis tool's limitations and key assumptions;
- explain that results may vary with each use and over time;
- if applicable, describe the universe of investments considered in the analysis, explain how the tool determines which securities to select, disclose if the tool favors certain securities and, if so, explain the reason for the selectivity, and state that other investments not considered may have characteristics similar or superior to those being analyzed; and
- display a prescribed disclosure concerning the hypothetical nature of the projections, that they do not reflect actual investment results, and that they are not guarantees of future results.[51]

In contrast, the proposed rule change would require a member to provide ''sufficient information to enable the intended audience to understand (i) the criteria used and assumptions made in calculating the projected performance or targeted return, including whether the projected performance or targeted return

[45] *See* proposed Rule 2210(d)(1)(F)(iv)c.(ii).

[46] *See* Rule 2210(d)(1)(A) and (B).

[47] *See* Rule 2210(b)(1) and (b)(3).

[48] *See* Rule 2210(b)(1).

[49] *See Regulatory Notice* 21–29 (August 2021).

[50] Monte Carlo simulation involves the use of a computer to represent the operations of a complex financial system. A characteristic feature of Monte Carlo simulation is the generation of a large number of random samples from specified probability distributions to represent the operation of the system. Monte Carlo simulation is used in planning in financial risk management and in valuing complex securities. Monte Carlo simulation is a complement to analytical methods but provides only statistical estimates, not exact results. *See* CFA Institute, Common Probability Distributions (CFA Program Level I, 2023 Curriculum), available at *https://www.cfainstitute.org/membership/professional-development/refresher-readings/common-probability-distributions.*

[51] *See* Rule 2214(c).

is net of anticipated fees and expenses; and (ii) the risks and limitations of using the projected performance or targeted return in making investment decisions, including reasons why the projected performance or targeted return might differ from actual performance.'' [52]

While the proposed rule change's methodology disclosure requirement resembles the methodology disclosure requirements in Rule 2214, they are worded differently to reflect different types of communications to which the proposed rule change and Rule 2214 apply. For example, an investment analysis tool permitted by Rule 2214 may recommend that an investor consider an alternative account portfolio to improve the range of its potential returns but limit the securities that may populate the portfolio. This limitation is important information to investors when considering whether to change their investments. In contrast, the proposed rule change may be more likely to apply to a projection or targeted return that is included in a communication promoting a single security or investment strategy and thus would impose different disclosure requirements relative to those scenarios.

Comparison to IA Marketing Rule's Hypothetical Performance Standards

As discussed above, the proposed rule change is generally consistent with the IA Marketing Rule, which permits investment advisers to present hypothetical performance in an advertisement if the investment adviser meets specified conditions and does not violate the IA Marketing Rule's other requirements.[53]

The requirements of the IA Marketing Rule in many ways overlap with the proposed rule change's requirements, and FINRA anticipates that it would interpret requirements in the proposed rule change that align with similar requirements in the IA Marketing Rule consistently with how the Commission has interpreted those IA Marketing Rule requirements. Thus, member firms should be able to comply with these proposed requirements in a manner similar to how investment advisers must comply with similar requirements applicable to the use of hypothetical performance under the IA Marketing Rule.[54]

In addition, similar to Rule 2210, the IA Marketing Rule generally requires advertisements to be fair and balanced and prohibits any advertisement that includes any untrue statement of a material fact or omits to state a material fact necessary to make the statement made under the circumstances not misleading.[55]

While FINRA has endeavored to align, where appropriate, the conditions the SEC applies to hypothetical performance under its IA Marketing Rule, there are some differences. First, the scope of the type of performance covered in the proposed rule change is narrower than the relevant IA Marketing Rule provisions. In this regard, the relevant provision of the IA Marketing Rule addresses ''hypothetical performance,'' which includes performance derived from model portfolios; performance that is back-tested by the application of a strategy to data from prior time periods when the strategy was not actually used during those time periods; and targeted or projected performance returns with respect to any portfolio or to the investment advisory services with regard to the securities offered.[56] The proposed rule change is intentionally narrower in that it includes only projections of performance and targeted returns. Targeted returns reflect the aspirational performance goals for an investment or investment strategy. Projections of performance reflect an estimate of the future performance of an investment or investment strategy, which is often based on historical data and assumptions. Projections of performance are commonly established through mathematical modeling.[57]

Second, as noted above, the proposed rule change expressly requires a member to have a reasonable basis for the criteria used and assumptions made in calculating the projected performance or targeted return and requires that the member retains written records supporting the basis for such criteria and assumptions. FINRA views this requirement as foundational; without forming a reasonable basis, a member's projections of performance and targeted returns could be based on guesswork, invalid presumptions, and misleading reasoning. Requiring a reasonable basis ensures that the member acts with reasonable diligence and good faith. While the SEC's IA Marketing Rule does not contain an express reasonable basis requirement in its provision governing hypothetical performance, the rule requires all RIA advertising to be fair and balanced and to meet other hypothetical performance standards.[58]

Third, the proposed rule requires a member to disclose, as part of a projection's or targeted return's risks and limitations, the reasons why the projected performance or targeted return might differ from actual performance. By contrast, the IA Marketing Rule requires an RIA to provide sufficient information to enable the intended audience to understand the criteria used and assumptions made in calculating the hypothetical performance and the risks and limitations of using such hypothetical performance in making investment decisions. FINRA believes it is important for investors to understand that projections and targeted returns may not accurately reflect how a product actually performs, including the reasons why this outcome may occur.

Comparison to November 2023 Rule Change

The current proposed rule change differs from the November 2023 rule change in several material ways. First, the current proposed rule change would better align with the IA Marketing Rule by eliminating the November 2023 rule change's threshold restriction on the categories of investors who would be eligible to receive projections and targeted return information in member communications. As noted above, the November 2023 rule change would have allowed members to use projections and targeted returns only in communications to specified sophisticated investors. The IA Marketing Rule has no such threshold limitation on the audience for these communications.[59] Instead, the IA Marketing Rule conditions the use of hypothetical performance on, among other conditions, the adviser adopting and implementing policies and procedures reasonably designed to ensure that the hypothetical performance is relevant to the likely financial situation and investment objectives of the intended audience. The proposed rule change, like the IA Marketing Rule, will have substantially similar conditions, which will ensure that projections of performance and targeted returns are only made available

[52] *See* proposed Rule 2210(d)(1)(F)(iv)c.

[53] *See* 17 CFR 275.206(4)–1(d)(6).

[54] *See* IA Marketing Rule Release, 86 FR 13024, 13083–85.

[55] *See* 17 CFR 275.206(4)–1(a).

[56] *See* 17 CFR 275.206(4)–1(e)(8).

[57] *See* IA Marketing Rule Release, 86 FR 13024, 13081 n.699 and accompanying text.

[58] *See* 17 CFR 275.206(4)–1(a)(1) through (a)(7).

[59] The IA Marketing Rule imposes conditions based on the ''intended audience'' of an investment adviser advertisement. In this regard, the IA Marketing Rule Release states that ''[w]e intend for advertisements including hypothetical performance information to only be distributed to investors who have access to resources to independently analyze this information and who have the financial expertise to understand the risks and limitations of these types of presentations.'' *See* IA Marketing Rule Release, 86 FR 13024, 13078.

to investors who have the financial expertise and resources to understand the risks and limitations of these types of presentations.

Second, the November 2023 rule change required a communication to prominently disclose that the projected performance or targeted return is hypothetical in nature and that there is no guarantee that the projection of performance or targeted return will be achieved. Upon further reflection, FINRA believes that this disclosure requirement is unnecessary and potentially duplicative to the proposed rule change's requirement to provide sufficient information to enable the intended audience to understand the limitations of using the projected performance or targeted return in making investment decisions, including reasons why the projected performance or targeted return might differ from actual performance. Accordingly, the proposed rule change, like the IA Marketing Rule's provisions, would not require this affirmative disclosure.

Third, the November 2023 rule change proposed, as Supplementary Material to the proposed rule text, factors that a member should consider when forming its reasonable basis.[60] While FINRA intended that information to be guidance, several commenters raised questioned about these factors or their utility. In response, FINRA emphasized that members have flexibility when forming their reasonable basis for projections and targeted returns. The factors listed in the previously proposed Supplementary Material were intended to be helpful guidance, not prescriptive requirements or a check-the-box exercise.[61] To avoid confusion, however, FINRA has removed the Supplementary Material, including its factors, from the current proposed rule text. Nevertheless, members would be free to consider those, as well as other factors, when making their reasonable basis determinations.

Fourth, the November 2023 rule proposal specifically prohibited members from basing projected performance or a targeted return upon hypothetical, back-tested performance or the prior performance of a portfolio or model that was created solely for the purpose of establishing a track record. The current proposed rule change does not contain these express prohibitions. While the proposed rule change would no longer expressly prohibit members from using back-tested performance as a factor in determining projected performance or a targeted return, members should keep in mind that the criteria used and assumptions made in calculating projected performance and targeted returns must have a reasonable basis, the communication must include appropriate disclosures, and the presentation of such performance must be fair and balanced.[62]

Contributions to Investor Protection

FINRA believes that approval of the proposed rule change would contribute to investor protection by enabling investors to access projections when considering specific investments or strategies, when the rule's safeguarding conditions are met. For example, under the current rule, investors are not permitted to receive projections from broker-dealers, despite the fact that such projections may assist them in evaluating potential securities purchases or sales, choosing appropriate investment strategies, or creating strategic plans for their business operations. Under the proposed rule change, investors would have access to projected performance or targeted returns that must comply with Rule 2210's existing prohibition of false or misleading statements or claims and the proposed rule change's disclosure requirements. In addition, the proposed rule change would reduce confusion for investors who currently may receive differing information depending on the regulated nature of their intermediary (such as RIAs) or are prohibited from receiving information that could be useful to their investment decision-making process.

FINRA believes the proposed rule change also would contribute to investor protection by encouraging issuers of publicly offered or privately placed securities to select members that are subject to appropriate regulation and oversight for participation in securities offerings. FINRA recognizes that investors are already able to receive projected or targeted returns in communications from parties other than registered broker-dealers, such as unregistered intermediaries[63] or the securities' issuer.[64]

Accordingly, the current prohibition of registered broker-dealers including projected performance or targeted returns in many types of communications creates an incentive for issuers to avoid the registered broker-dealer channel to offer securities and instead use an RIA, an unregistered firm, or market securities directly to potential investors.

The proposed rule change also would allow investors to receive and compare projections provided by members with projections from other entities, with appropriate safeguards. For example, it is very common for issuers to offer their securities directly to investors using performance projections in their marketing communications or offering documents.[65] It is also very common for RIAs to use projections of performance when marketing private funds that they manage. Approval of the proposed rule change would not level the regulatory playing field entirely between members,

[60] *See* Delegated Order, 89 FR 60461, 60464–65.

[61] *See* Letter from Meredith Cordisco, Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, SEC, dated February 22, 2024 (discussing comments regarding proposed Supplementary Material to November 2023 rule change, File No. SR–FINRA–2023–016).

[62] At least one study has shown that back-tested index performance data is not a reliable indicator of how an exchange-traded fund linked to the index will perform after it is launched. *See* Institutional Investor, Study Finds Many ETF Indexes Misleading, (August 29, 2012), *https://www.institutionalinvestor.com/article/2bsvknn823v5h6qgbq9z4/portfolio/study-finds-many-etf-indexes-misleading.* For further analysis concerning the reliability of using back-tested performance to predict future performance, *see* David H. Bailey, Jonathan M. Borwein, Marcos Lopez de Prado & Qiji Jim Zhu, Pseudo-Mathematics and Financial Charlatanism: The Effects of Backtest Overfitting on Out-of-Sample Performance, 61(5) Notices of the American Mathematical Society 458–471 (2014).

[63] For example, Congress amended the Exchange Act in 2022 to create a registration exemption for certain mergers and acquisition brokers (''M&A Brokers''). M&A Brokers are not subject to any federal or self-regulatory organization rules governing their communications (other than general anti-fraud provisions), including any prohibitions on including projections or targeted returns in their communications. *See* Consolidated Appropriations Act, Public Law 117–328 (2023) (codified at 15 U.S.C. 78*o*(b)(13)).

[64] The majority of private offerings governed by Securities Act Regulation D (17 CFR 230.501 *et seq.*) are sold directly by issuers without any broker-dealer involvement. Between 2013 and 2022, among a sample of 279,985 Regulation D offerings, broker-dealers participated in only 5–10% of these offerings each year. *See* Minwen Li, Tanakorn Makaew & Lori Walsh, FINRA Office of Chief Economist, The Roles of Broker-Dealers in Regulation D Offerings, 2013–2022 (January 24, 2025), *https://www.finra.org/sites/default/files/2025-07/Role-of-Broker-Dealers-in-Regulation-D-Market-FINRA-White-Paper.pdf.* Thus, only a small percentage of investors in private placements are afforded the protections of FINRA rules and other relevant broker-dealer regulations that apply when a Regulation D offering involves a FINRA member firm.

[65] Under FINRA rules, offering materials are considered communications with the public for purposes of Rule 2210 if a member was involved in preparing the materials. If a private placement memorandum (''PPM'') or other marketing document presents information that is not fair and balanced or that is misleading, then the member that assisted in its preparation may be found to have violated Rule 2210. Moreover, sales literature concerning securities offerings that a member distributes generally constitutes a communication by that member to the public, regardless of whether the member assisted in its preparation. *See Regulatory Notice* 23–08 (May 2023) at page 11; *see also Regulatory Notice* 10–22 (April 2010) and *Regulatory Notice* 20–21 (July 2020).

RIAs, unregistered firms, and issuers with respect to projected performance, but it would more closely align the regulatory treatment and allow members to present projections and targeted returns to investors subject to existing and proposed investor protections.

If the Commission approves the proposed rule change, FINRA will announce the implementation date of the rule change in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[66] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change strikes the right balance between protecting investors and allowing more investment information to be communicated to an appropriate audience. As discussed above, the proposed rule change would require that the member adopt written policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication. With this condition, members generally would not be able to include projections of performance or targeted returns in communications directed to a mass audience or intended for general circulation, including to a general retail investor audience because a member could not form any expectations about their financial situation or investment objectives. In addition, in situations where the member has satisfied itself that a retail investor or group of retail investors meets this standard, Reg BI would require members to act in the investor's best interest when making a recommendation of a securities transaction or investment strategy involving securities, regardless of whether a projection is used as a basis for the recommendation.

FINRA believes that the proposed rule change would provide additional sources of information for investors in their investment decision making. As mentioned previously, some investors, particularly institutional and other sophisticated investors, develop their own opinions regarding the future performance of an investment based on the multiple sources of information at their disposal. They test these opinions against the views and data provided by other sources, which often summarize their conclusions in terms of a projection of performance of the investment. This is particularly true in the offering of securities by issuers, including hedge funds and other investment vehicles. Rule 2210(d)(1)(F) currently does not permit members to share their views on projection-related data with investors in these situations due to its restrictions on members communicating projected performance information.

Even so, the proposed changes would provide safeguards for communications that contain projections of performance or targeted returns, including requiring members to adopt and implement policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication. They would mandate that members have a reasonable basis for the criteria used and assumptions made in calculating the projections of performance or targeted returns.

The proposed changes also would require a member to provide sufficient information to enable the intended audience to understand the criteria used and assumptions made in calculating the projected performance or targeted return, and to understand the risks and limitations of using projected performance or targeted returns in making investment decisions.

The proposed rule change also would reduce investor confusion, as currently investors may receive different information about the same investments, depending on the financial professional. As discussed above, the proposed changes recognize that investors are already able to receive projected performance or targeted returns in communications from parties other than broker-dealers and, to address this discrepancy, the changes more closely align the ability of broker-dealers to offer projections to investors with the ability of issuers and other non-member firms, including RIAs consistent with the IA Marketing Rule, to offer projections. The proposed rule change would allow investors to receive and compare projections provided by members with projections from other entities, with appropriate safeguards designed to protect investors.

FINRA believes that investors would be better protected if issuers offered their securities through broker-dealers, which are subject to a much more rigorous set of rules governing communications than issuers, and that are subject to regulatory oversight from the Commission, FINRA and state securities regulators. The proposed rule change may enable more issuers to use broker-dealers for their securities offerings. In addition, investors who are retail customers under Reg BI will receive the additional protections of that rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the regulatory need for the proposed rulemaking, its potential economic impacts, including anticipated costs and benefits, and the alternatives FINRA considered in assessing how to best meet its regulatory objectives.

1. Regulatory Need

Among other things, commenters during the retrospective review of rules governing communications with the public expressed concerns that the current prohibition on projections of performance imposes undue restrictions on broker-dealer customers.[67] The amendments in this proposed rule change are intended to better align the treatment of projections of performance and targeted returns in broker-dealer communications under FINRA Rule 2210 with the treatment of hypothetical performance information in investment adviser communications under the IA Marketing Rule. FINRA believes that such further alignment will help investors, including by reducing investor confusion and enabling them to receive additional information when making investment decisions and by increasing regulatory harmonization while maintaining investor protection safeguards.

2. Economic Baseline

The economic baseline used to evaluate the impact of the proposed rule change is the current regulatory framework. This baseline serves as the primary point of comparison for assessing economic impacts, including

[66] 15 U.S.C. 78*o*–3(b)(6).

[67] *See* letters responding to *Regulatory Notice* 14–14 (April 2014) from the Financial Services Roundtable (May 22, 2014) and the Securities Industry and Financial Markets Association (May 23, 2104), both available at *www.finra.org.*

the incremental benefits and costs of the proposed rule change.[68]

Currently, absent an applicable exception [69] from the general prohibition on members projecting performance in their communications, members and their representatives may not present investors with performance projections or targeted returns regarding various investment opportunities. However, some of these members may have customers that already have access to or already receive projections-related communications from other sources, such as a member that is dually registered as an investment adviser and acting in an advisory capacity, a member's investment adviser affiliate, or an unaffiliated third-party investment adviser. For example, some dually registered members and dually registered representatives already communicate information regarding projected performance to their advisory clients.[70] Similarly, members that are not registered as investment advisers may have registered representatives that are dually registered and work for both the broker-dealer member and a third-party investment adviser.[71] Members and their registered representatives that are also investment advisers may not be impacted by the proposed rule change, since they are already able to provide this information when acting in an advisory capacity.

FINRA also notes that investors may be solicited to purchase individual securities directly by an issuer without the involvement of a broker-dealer, and issuers often use performance projections and targeted returns in their communications.

3. Economic Impacts

FINRA anticipates that the proposed rule change will potentially impact all investors who currently do not have access to projections-related communications but could under the proposed rule change, and those members that serve these investors. In practice, however, FINRA expects that the proposed rule change will primarily impact institutional and other sophisticated investors and those members that serve them. The proposed rule change require, as discussed earlier in Item II.A.1, that ''the member [adopt and implement] written policies and procedures reasonably designed to ensure that the communication is relevant to the likely financial situation and investment objectives of the intended audience of the communication.'' [72] Thus, FINRA expects that projections-related communications will only be distributed to investors who have the financial expertise and resources to evaluate investments and to understand the assumptions and limitations associated with such projections. To the extent that a member makes this determination with respect to recommendations of securities transactions or investment strategies involving securities to particular retail customers, Reg BI would further protect the retail customers, as it requires a broker-dealer to act in a retail customer's best interest when recommending a securities transaction or investment strategy involving securities.

The impact of the proposed rule change likely will be most pronounced for products such as private placements and services such as providing investors with customized investment strategies where there exists little publicly available information, and where the member or its representatives have access to relevant non-public information and expertise. In such instances, projections-related communications provided by the member may be especially valuable to investors given the dearth of other available information. At the same time, such instances may also represent situations with elevated risks to investors, as projections in these instances may be harder to validate. However, the obligation for members to have a reasonable basis for projections and targeted returns would mitigate this risk.

Anticipated Benefits

The proposed rule change would allow members to better inform investors about an individual security, asset allocation, or other investment strategy and the underlying assumptions upon which related recommendations are based. FINRA anticipates that these benefits primarily would accrue to investors who would now be eligible to receive projections of performance and who currently do not have enough information about the specific investment or strategy to make their own projections. The proposed rule change may also potentially benefit investors who make their own projections and can now compare them to projections furnished by their broker-dealer or can compare the broker-dealer's projections against those from other sources. These sources may include, for example, investment advisers, the securities' issuer, or some other intermediary who also provides projections.

For these benefits to accrue, the performance projections or targeted returns must be objectively informative, and the magnitude of benefit depends on the extent to which customers value these communications and find them informative. In addition, the proposed rule change would reduce the effort needed for dually registered firms to comply with two sets of regulatory standards for communications containing projections or targeted returns and would eliminate confusion for investors that currently receive different information about the same investments from different sources. The same would apply to issuers that sell their products through both investment adviser and broker-dealer channels.

Anticipated Costs

Members that choose to communicate performance projections or targeted returns, as allowed by the proposed rule change, would also incur costs associated with supervising these communications and complying with the proposed rule change's conditions. Such efforts would include adopting and implementing written policies and procedures that are reasonably designed to ensure compliance with the proposed rule change's requirements and monitoring the effectiveness of those policies and procedures. In addition, the proposed rule change may impose costs on both members and investors where an investor misunderstands or misuses a projection that they would not

[68] Thus, the economic baseline used here does not include the rule amendments that were part of SR–FINRA–2023–016.

[69] *See supra* notes 5–13 and accompanying text.

[70] FINRA estimates that, as of December 31, 2024, approximately 410 member firms are dually registered as broker-dealers and investment advisers. FINRA further estimates that these dually registered firms have approximately 416,000 registered representatives, and 247,000 (or about 59 percent) of these individuals are dually registered both as investment adviser and broker-dealer representatives. FINRA estimates that approximately 130 of the dually registered firms have a total of 1800 individuals that are solely registered as investment adviser representatives. FINRA notes that in addition to the dually registered representatives, investment adviser-only representatives may also be providing projections-related communications to their advisory clients. Individuals who are registered with more than one member firm are counted more than once in the above statistics.

[71] FINRA estimates that, as of December 31, 2024, approximately 2,800 member firms are only registered as broker-dealers and these firms have approximately 278,000 registered representatives. FINRA further estimates that approximately 83,000 of these individuals are dually registered both as investment adviser and broker-dealer representatives. These dually registered representatives may have customers with access to projections-related communications through their investment advisory relationships with third-party investment advisers. Individuals that are registered with more than one member firm are counted more than once in the above statistics.

[72] *See* proposed Rule 2210(d)(1)(F)(iv)a.

otherwise receive to make an investment choice that is inconsistent with their investment objectives. If, as a result, investors suffer investment losses, they may seek recourse. This may result in expenses, including legal expenses, for such investors. Since members are not required to provide projections to investors, some members may consider doing so only if they anticipate that the benefits of providing projections exceeds the expected risks and costs.

Competitive Effects

Currently, members that are not also registered as investment advisers are unable to provide projections or targeted returns to their customers except as permitted under Rule 2210(d)(1)(F). At the same time, members that are dually registered or that employ dually registered persons may already provide some customers with performance projections beyond those allowed under Rule 2210 in their capacities as RIAs or investment adviser representatives. The proposed rule change would create comparable investment adviser and broker-dealer standards for communications related to performance projections and targeted returns, thus more closely aligning the regulatory treatment among broker-dealers, investment advisers, and issuers with respect to such communications.

4. Alternatives Considered

In considering how to best meet its regulatory objectives, FINRA considered alternatives to certain aspects of this proposed rule change.

In particular, as described in detail in Item II.A.1, subsections ''Previous Proposals'' and ''Comparison to November 2023 Rule Change,'' FINRA previously filed with the Commission the November 2023 rule change, which would have created a narrower exception to Rule 2210's general prohibition on performance projections. The narrower exception included a threshold limitation on which investors could receive projections or targeted returns from broker-dealers.[73]

When compared to the November 2023 rule change, FINRA believes that the elimination of such a threshold limitation, among other aspects of the proposed rule change, will be more effective in reducing investor confusion, better serve investors by enabling them to receive additional information when making investment decisions, and increase regulatory harmonization while maintaining investor protection safeguards.

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 on this proposed rule change. However, as noted above, FINRA has solicited comment on previous rulemaking initiatives relating to members' ability to project performance. Specifically, in February 2017, FINRA published Regulatory Notice 17–06, requesting comment on proposed amendments that would have created an exception to the rule's prohibition on projecting performance to permit members to distribute customized hypothetical investment planning illustrations that include the projected performance of an asset allocation or other investment strategy, but not an individual security, subject to specified conditions. As noted above, FINRA received 23 comment letters, 21 commenters of which supported the proposal, and two commenters opposed the proposal.[74]

In response to the SEC's adoption of the IA Marketing Rule, SEC staff comments, and industry comments, including comments to *Regulatory Notice* 17–06 that focused on the ability to provide projections on single securities for institutional and other sophisticated investors, FINRA revised its approach. As discussed above, FINRA filed with the Commission the November 2023 rule change, which would have allowed a member to include projections of performance and targeted returns in specified communications to institutional investors. The SEC received 10 comments in response to the initial rule filing, and four additional comments after instituting proceedings.[75] A full discussion of those comments, and FINRA's responses, are available in letters FINRA submitted to the Commission in that rulemaking. In general, FINRA believes that the current proposed rule change addresses comments that supported the overall intent of the November 2023 rule change and the ability for members to use projections and targeted returns in some circumstances, but that advocated for further regulatory harmonization. As discussed above, as compared to the November 2023 rule change, the proposed rule change more closely aligns the treatment of projections of performance and targeted returns for broker-dealers with similar requirements for investment advisers under the IA Marketing Rule, while also maintaining investor protection safeguards. Accordingly, the proposed rule change would lessen the regulatory inconsistencies regarding the use of performance projections between broker-dealers and stand-alone investment advisers and would minimize the current opportunities for regulatory arbitrage.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[73] As discussed above, the November 2023 rule change would have permitted projections of performance and targeted returns only in (i) institutional communications and (ii) communications to qualified purchasers as defined under the ICA and knowledgeable employees as defined in ICA Rule 3c–5 in connection with specified exempt private offerings that are excluded from filing under FINRA Rules 5122 and 5123. *See supra* notes 20–28 and accompanying text.

[74] *See supra* note 19 and accompanying text. Because the current proposed rule change represents a significant shift from the approach set forth in *Regulatory Notice* 17–06, both in terms of the scope of the proposed exception from the general prohibition, as well as the proposed conditions, a comprehensive discussion of the comments to *Regulatory Notice* 17–06 is not relevant here. For a full discussion addressing the comments to *Regulatory Notice* 17–06, *see* Securities Exchange Act Release No. 98977 (November 17, 2023), 88 FR 82482 (November 24, 2023) (Notice of Filing of File No. SR–FINRA–2023–016).

[75] *See* Securities Exchange Act Release No. 98977 (November 17, 2023), 88 FR 82482 (November 24, 2023) (Notice of Filing of File No. SR–FINRA–2023–016) and Letter from Meredith Cordisco, Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, SEC, dated February 22, 2024 (''Initial Response to Comments'') (including, as Attachment A, an Alphabetical List of Commenters to File No. SR–FINRA–2023–016); *see also* Letter from Meredith Cordisco, Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, SEC, dated July 17, 2024 (discussing and rebutting comments the Commission received in response to its notice and order in the **Federal Register** soliciting comments on the Partial Amendment SR–FINRA–2023–016 and instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2026–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2026–004. 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 FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–FINRA–2026–004 and should be submitted on or before March 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[76]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03705 Filed 2–24–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104873; File No. SR–MRX–2026–03]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend an Add Liquidity Order

February 20, 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, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by 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 Add Liquidity Orders.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's proposal amends Options 3, Section 7, Types of Order and Quote Protocols. Specifically, the Exchange proposes to amend Add Liquidity Orders at Options 3, Section 7(n) which currently states,

An Add Liquidity Order is a limit order that is to be executed in whole or in part on the Exchange (i) only after being displayed on the Exchange's limit order book; and (ii) without routing any portion of the order to another market center. Members may specify whether an Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the national best bid price (for sell orders) or below the national best offer price (for buy orders) if, at the time of entry, the order (i) is executable on the Exchange; or (ii) the order is not executable on the Exchange, but would lock or cross the national best bid or offer. If at the time of entry, an Add Liquidity Order would lock or cross one or more non-displayed orders or quotes on the Exchange, the Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the best non-displayed bid price (for sell orders) or below the best non-displayed offer price (for buy orders). Notwithstanding the aforementioned, if an Add Liquidity Order would not lock or cross an order or quote on the System but would lock or cross the NBBO, the order will be handled pursuant to Options 3, Section 5(d). An Add Liquidity Order will be ranked in the Exchange's limit order book in accordance with Options 3, Section 10. Add Liquidity Orders may only be submitted when an options series is open for trading.

The Exchange proposes to add the following sentence to the end of the order type description: ''Add Liquidity Orders may only have a time-in-force designation of Day.'' The proposed text represents current System functionality.

Today, Add Liquidity Orders may only have a time-in-force designation of Day,[3] so they would rest on the order book in the event that the order could not execute. An Add Liquidity Order may not remove liquidity from the order book. The Add Liquidity Order is designed to encourage displayed liquidity and offer Members greater flexibility to post liquidity on the Exchange, as a result, an Add Liquidity Order may not have a Time-in-Force of Immediate-or-Cancel.[4] Additionally, Options 3, Section 7(n) states that Add Liquidity Orders may only be submitted when an options series is open for trading.[5] Add Liquidity Orders may not have a Time-in-Force of Good-Till-Date[6] or Good-Till-Cancel[7] because these

[76] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Time in Force designation of Day is described as an order to buy or sell entered with a TIF of ''DAY,'' which, if not executed, expires at the end of the day on which it was entered. All orders by their terms are Day orders unless otherwise specified. Day orders may be entered through FIX or OTTO. *See* Supplementary Material .02(a) to Options 3, Section 7.

[4] A Time in Force designation of Immediate-or-Cancel is described as an order entered with a TIF of ''IOC'' that is to be executed in whole or in part upon receipt. Any portion not so executed is to be treated as cancelled. *See* Supplementary Material .02(d) to Options 3, Section 7.

[5] A Time-In-Force of ''OPG'' is not permissible. An Opening Only (''OPG'') order is entered with a TIF of ''OPG.'' This order can only be executed in the Opening Process pursuant to Options 3, Section 8. This order type is not subject to any protections listed in Options 3, Section 15, except Size Limitation and Market Wide Risk Protection. Any portion of the order that is not executed during the Opening Process is cancelled. OPG Orders may not route. *See* Supplementary Material .02(e) to Options 3, Section 7.

[6] An order to buy or sell entered with a TIF of ''GTD,'' which, if not executed, will be cancelled at the sooner of the end of the expiration date assigned to the order, or the expiration of the series; provided, however, that GTD orders will be canceled in the event of a corporate action that results in an adjustment to the terms of an option contract. GTD orders may be entered through FIX. *See* Supplementary Material .02(c) to Options 3, Section 7.

[7] An order to buy or sell entered with a TIF of ''GTC'' that remains in force until the order is filled, canceled or the option contract expires; provided, however, that GTC orders will be canceled in the event of a corporate action that results in an

designations persist into the next trading day and participate in the Opening Process if the orders do not execute. The Exchange's proposal adds clarity and transparency to the Exchange's rules and is a non-substantive amendment.

Removal of Obsolete Pricing

MRX proposes to remove an obsolete incentive at note 2 of Options 7, Section 3, Table 1. The Exchange previously offered Members in Penny Symbol Tier 4 a rebate if at least half of their trading volume added liquidity in Penny Symbols.[8] This note 2 incentive was available to Members through December 31, 2025. At this time, the Exchange proposes to remove the obsolete rebate incentive at note 2 of Options 7, Section 3, Table 1, which expired on December 31, 2025, to clean-up MRX's Rulebook and bring clarity to its rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] 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's proposal, which specifies that Add Liquidity Orders may only be entered as Day Orders, is consistent with the Act because the Exchange's proposal brings clarity, transparency, and readability to its rules without making any substantive changes.

Removal of Obsolete Pricing

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to remove the obsolete rebate incentive in note 2 of Options 7, Section 3, Table 1, which expired on December 31, 2025, is reasonable because it cleans-up the MRX Rulebook by bringing clarity to its rules. Further, the proposal is equitable and not unfairly discriminatory because the obsolete incentive is not available to any Member.

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 restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an intra-market burden on competition because no Member will be able to enter an Add Liquidity Order with a Time-in-Force other than Day.

The Exchange's proposal to restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an inter-market burden on competition because the proposal is non-substantive.

Removal of Obsolete Pricing

In terms of intra-market competition, the Exchange's proposal to remove the obsolete rebate incentive in note 2 of Options 7, Section 3, Table 1, which expired on December 31, 2025, does not impose an undue burden on competition because the proposed incentive is not available to any Member. In terms of inter-market competition, the proposed change represents a non-substantive amendment.

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 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)(iii) of the Act[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

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–MRX–2026–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

adjustment to the terms of an option contract. GTC orders may be entered through FIX. *See* Supplementary Material .02(b) to Options 3, Section 7.

[8] Specifically, note 2 of Options 7, Section 3, Table 1, provides that Members that add liquidity greater than or equal to 50% of their Total Affiliated Member or Affiliated Entity Volume within a month are paid a rebate of $0.02 per contract on all their Penny Symbol transactions for that month. An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. An ''Affiliated Entity'' is a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing specified in the Pricing Schedule. Market Makers and OFPs are required to send an email to the Exchange to appoint their counterpart, at least 3 business days prior to the last day of the month to qualify for the next month. The Exchange will acknowledge receipt of the emails and specify the date the Affiliated Entity is eligible for applicable pricing, as specified in the Pricing Schedule. Each Affiliated Entity relationship will commence on the 1st of a month and may not be terminated prior to the end of any month. An Affiliated Entity relationship will automatically renew each month until or unless either party terminates earlier in writing by sending an email to the Exchange at least 3 business days prior to the last day of the month to terminate for the next month. Affiliated Members may not qualify as a counterparty comprising an Affiliated Entity. Each Member may qualify for only one (1) Affiliated Entity relationship at any given time. For purposes of note 2, ''Total Affiliated Member or Affiliated Entity Volume'' means all volume executed by the Member on the Exchange in all symbols and order types, including volume executed by Affiliated Members or Affiliated Entities.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change 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.

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MRX–2026–03. 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–MRX–2026–03 and should be submitted on or before March 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [15]

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104872; File No. SR–Phlx–2026–07]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Add Liquidity Orders

February 20, 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, Nasdaq PHLX LLC (''Phlx'' 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.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Add Liquidity Orders.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's proposal amends Options 3, Section 7, Types of Order and Quote Protocols. Specifically, the Exchange proposes to amend Add Liquidity Orders at Options 3, Section 7(n) which currently states,

An Add Liquidity Order is a limit order that is to be executed in whole or in part on the Exchange (i) only after being displayed on the Exchange's limit order book; and (ii) without routing any portion of the order to another market center. Member organizations may specify whether an Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the national best bid price (for sell orders) or below the national best offer price (for buy orders) if, at the time of entry, the order (i) is executable on the Exchange; or (ii) the order is not executable on the Exchange, but would lock or cross the national best bid or offer. If at the time of entry, an Add Liquidity Order would lock or cross one or more non-displayed orders or quotes on the Exchange, the Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the best non-displayed bid price (for sell orders) or below the best non-displayed offer price (for buy orders). Notwithstanding the aforementioned, if an Add Liquidity Order would not lock or cross an order or quote on the System but would lock or cross the NBBO, the order will be handled pursuant to Options 3, Section 5(d). An Add Liquidity Order will be ranked in the Exchange's limit order book in accordance with Options 3, Section 10. Add Liquidity Orders may only be submitted when an options series is open for trading.

The Exchange proposes to add the following sentence to the end of the order type description: ''Add Liquidity Orders may only have a time-in-force designation of Day.'' The proposed text represents current System functionality.

Today, Add Liquidity Orders may only have a time-in-force designation of Day,[3] so they would rest on the order book in the event that the order could not execute. An Add Liquidity Order may not remove liquidity from the order book. The Add Liquidity Order is designed to encourage displayed liquidity and offer member organizations greater flexibility to post liquidity on the Exchange, as a result, an Add Liquidity Order may not have a Time-in-Force of Immediate-or-Cancel.[4] Additionally, Options 3, Section 7(n) states that Add Liquidity Orders may only be submitted when an options series is open for trading.[5] Add Liquidity Orders may not have a Time-in-Force of Good-Till-Date [6] or Good-Till-Cancel [7] because these designations persist into the next trading day and participate in the Opening Process if the orders do not execute. The Exchange's proposal adds clarity and transparency

[3] A Time in Force designation of Day is described as an order to buy or sell entered with a TIF of ''DAY,'' which, if not executed, expires at the end of the day on which it was entered. All orders by their terms are Day orders unless otherwise specified. Day orders may be entered through FIX or OTTO. *See* Supplementary Material .02(a) to Options 3, Section 7.

[4] A Time in Force designation of Immediate-or-Cancel is described as an order entered with a TIF of ''IOC'' that is to be executed in whole or in part upon receipt. Any portion not so executed is to be treated as cancelled. *See* Supplementary Material .02(d) to Options 3, Section 7.

[5] A Time-In-Force of ''OPG'' is not permissible. An Opening Only (''OPG'') order is entered with a TIF of ''OPG.'' This order can only be executed in the Opening Process pursuant to Options 3, Section 8. Any portion of the order that is not executed during the Opening Process is cancelled. OPG orders may not route. This order type is not subject to any protections listed in Options 3, Section 15, except Size Limitation and Market Wide Risk Protection. *See* Supplementary Material .02(e) to Options 3, Section 7.

[6] An order to buy or sell entered with a TIF of ''GTD,'' which, if not executed, will be cancelled at the sooner of the end of the expiration date assigned to the order, or the expiration of the series; provided, however, that GTD orders will be canceled in the event of a corporate action that results in an adjustment to the terms of an option contract. GTD orders may be entered through FIX. *See* Supplementary Material .02(c) to Options 3, Section 7.

[7] An order to buy or sell entered with a TIF of ''GTC'' remains in force until the order is filled, canceled or the option contract expires; provided, however, that GTC orders will be canceled in the event of a corporate action that results in an adjustment to the terms of an option contract. GTC orders may be entered through FIX. *See* Supplementary Material .02(b) to Options 3, Section 7.

to the Exchange's rules and is a non-substantive amendment.

OTTO

The Exchange proposes to amend Supplementary Material .03(B) of Options 3, Section 7, related to ''Ouch to Trade Options'' or ''OTTO,'' to note that the interface allows member organizations and their Sponsored Customers to connect, send, and receive messages related to orders, auction orders, and auction responses to *and from* the Exchange. The proposed rule text makes clear that member organizations and their Sponsored Customers may both send and receive messages to and from the Exchange. This amendment reflects current System functionality.

2. Statutory Basis

The Exchange believes that the proposed rule change 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's proposal, which specifies that Add Liquidity Orders may only be entered as Day Orders, is consistent with the Act because the Exchange's proposal brings clarity, transparency, and readability to its rules without making any substantive changes.

OTTO

The Exchange's proposal to amend Supplementary Material .03(B) of Options 3, Section 7, related to OTTO, is consistent with the Act because the proposed rule text clarifies the rule text by making clear that member organizations and their Sponsored Customers may both send and receive messages to and from the Exchange. This amendment reflects current System functionality.

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.

Add Liquidity Order

The Exchange's proposal to restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an intra-market burden on competition because no member organization will be able to enter an Add Liquidity Order with a Time-in-Force other than Day.

The Exchange's proposal to restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an inter-market burden on competition because the proposal is non-substantive.

OTTO

The Exchange's proposal to amend Supplementary Material .03(B) of Options 3, Section 7, related to OTTO, does not impose an undue burden on intra-market competition because all member organizations and their Sponsored Customers may utilize OTTO.

The Exchange's proposal to amend Supplementary Material .03(B) of Options 3, Section 7, related to OTTO, does not impose an undue burden on inter-market competition because the proposal harmonizes Phlx's rule text with Nasdaq GEMX, LLC (''GEMX'') Supplementary Material .03(B) of Options 3, Section 7.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–Phlx–2026–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–Phlx–2026–07 and should be submitted on or before March 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03706 Filed 2–24–26; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104874; File No. SR–GEMX–2026–04]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Add Liquidity Orders

February 20, 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, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by 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 Add Liquidity Orders.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's proposal amends Options 3, Section 7, Types of Order and Quote Protocols. Specifically, the Exchange proposes to amend Add Liquidity Orders at Options 3, Section 7(n) which currently states,

> An Add Liquidity Order is a limit order that is to be executed in whole or in part on the Exchange (i) only after being displayed on the Exchange's limit order book; and (ii) without routing any portion of the order to another market center. Members may specify whether an Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the national best bid price (for sell orders) or below the national best offer price (for buy orders) if, at the time of entry, the order (i) is executable on the Exchange; or (ii) the order is not executable on the Exchange, but would lock or cross the national best bid or offer. If at the time of entry, an Add Liquidity Order would lock or cross one or more non-displayed orders or quotes on the Exchange, the Add Liquidity Order shall be cancelled or re-priced to the minimum price variation above the best non-displayed bid price (for sell orders) or below the best non-displayed offer price (for buy orders). Notwithstanding the aforementioned, if an Add Liquidity Order would not lock or cross an order or quote on the System but would lock or cross the NBBO, the order will be handled pursuant to Options 3, Section 5(d). An Add Liquidity Order will be ranked in the Exchange's limit order book in accordance with Options 3, Section 10. Add Liquidity Orders may only be submitted when an options series is open for trading.

The Exchange proposes to add the following sentence to the end of the order type description: ''Add Liquidity Orders may only have a time-in-force designation of Day.'' The proposed text represents current System functionality.

Today, Add Liquidity Orders may only have a time-in-force designation of Day,[3] so they would rest on the order book in the event that the order could not execute. An Add Liquidity Order may not remove liquidity from the order book. The Add Liquidity Order is designed to encourage displayed liquidity and offer Members greater flexibility to post liquidity on the Exchange, as a result, an Add Liquidity Order may not have a Time-in-Force of Immediate-or-Cancel.[4] Additionally, Options 3, Section 7(n) states that Add Liquidity Orders may only be submitted when an options series is open for trading.[5] Add Liquidity Orders may not have a Time-in-Force of Good-Till-Date[6] or Good-Till-Cancel[7] because these designations persist into the next trading day and participate in the Opening Process if the orders do not execute. The Exchange's proposal adds clarity and transparency to the Exchange's rules and is a non-substantive amendment.

2. Statutory Basis

The Exchange believes that the proposed rule change 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's proposal, which specifies that Add Liquidity Orders may only be entered as Day Orders, is consistent with the Act because the Exchange's proposal brings clarity, transparency, and readability to its rules without making any substantive changes.

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 restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an intra-market burden on competition because no Member will be able to enter an Add Liquidity Order with a Time-in-Force other than Day.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Time in Force designation of Day is described as an order to buy or sell entered with a TIF of ''DAY,'' which, if not executed, expires at the end of the day on which it was entered. All orders by their terms are Day orders unless otherwise specified. Day orders may be entered through FIX, OTTO, or Precise. *See* Supplementary Material .02(a) to Options 3, Section 7.

[4] A Time in Force designation of Immediate-or-Cancel is described as an order entered with a TIF of ''IOC'' that is to be executed in whole or in part upon receipt. Any portion not so executed is to be treated as cancelled. *See* Supplementary Material .02(d) to Options 3, Section 7.

[5] A Time-In-Force of ''OPG'' is not permissible. An Opening Only (''OPG'') order is entered with a TIF of ''OPG.'' This order can only be executed in the Opening Process pursuant to Options 3, Section 8. Any portion of the order that is not executed during the Opening Process is cancelled. OPG orders may not route. This order type is not subject to any protections listed in Options 3, Section 15, except Size Limitation and Market Wide Risk Protection. *See* Supplementary Material .02(e) to Options 3, Section 7.

[6] An order to buy or sell entered with a TIF of ''GTD,'' which, if not executed, will be cancelled at the sooner of the end of the expiration date assigned to the order, or the expiration of the series; provided, however, that GTD orders will be canceled in the event of a corporate action that results in an adjustment to the terms of an option contract. GTD orders may be entered through FIX or Precise. *See* Supplementary Material .02(c) to Options 3, Section 7.

[7] An order to buy or sell entered with a TIF of ''GTC'' remains in force until the order is filled, canceled or the option contract expires; provided, however, that GTC orders will be canceled in the event of a corporate action that results in an adjustment to the terms of an option contract. GTC orders may be entered through FIX or Precise. *See* Supplementary Material .02(b) to Options 3, Section 7.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

The Exchange's proposal to restrict the Add Liquidity Order to a Time-in-Force of Day does not impose an inter-market burden on competition because the proposal is non-substantive.

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 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)(iii) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

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–GEMX–2026–04 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–GEMX–2026–04. 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–GEMX–2026–04 and should be submitted on or before March 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–03702 Filed 2–24–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21336 and #21337; Alaska Disaster Number AK–20016]

Presidential Declaration Amendment of a Major Disaster for the State of Alaska

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of ALASKA (FEMA–4893–DR), dated October 22, 2025.

Incident: Severe Storms, Flooding, and remnants of Typhoon Halong.

DATES: Issued on February 20, 2026.

Incident Period: October 8, 2025 through October 13, 2025.

Physical Loan Application Deadline Date: April 3, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery 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 the State of Alaska, dated October 22, 2025, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to April 3, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–03762 Filed 2–24–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2120–0786]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: For the Information Collection Entitled, Website for Frequency Coordination Request

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection via the FAA's deployed Web-based Frequency Coordination system (WebFCR), which collects certain broadcast and transmitter frequency information under OMB control number 2120–0786. The information collected is needed to perform the aeronautical studies, technical evaluations required, and to meet the specified requirements for the radio frequency engineering pursuant to the Federal Aviation Administration (FAA) Order 6050.32.B, Chapter 3, Section 302. This FAA Order outlines the U.S. National Organizations and the role of the National Telecommunications and Information Administration (NTIA) in assigning and coordinating the Aviation Assignment Group (AAG) radio spectrum used by

the FAA to support aeronautical services. Hence, the FAA must ''authorize'' aeronautical frequencies of broadcast applications that impact the AAG bands.

DATES: Written comments should be submitted by April 27, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By Mail: Christopher S. Jones, Spectrum Engineering and Assignment, AJW–191, Room 7E–532, 800 Independence Avenue, Washington, DC 20591.

By Fax: not available.

FOR FURTHER INFORMATION CONTACT: Christopher S. Jones by email at: *christopher.s.jones@faa.gov;* phone: (202) 256–5523.

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: 2120–0786.

Title: Website for Frequency Coordination Request (WebFCR) *webfcr.faa.gov.*

Form Numbers: Historically related to FAA Form 7460–1.

Type of Review: Request for renewal of information collection.

Background: 49 U.S.C. Section 44718(c) under Broadcast Applications and Tower Studies states, 'In carrying out laws related to a broadcast application—the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—(1) The receipt and consideration of, and action on, the application; and (2) The completion of any associated aeronautical study.

Currently, transmitter broadcast radio frequency data is collected via OMB Control 2120–0786 to address non-Federal, military, U.S. federal agency, state, and municipalities broadcast applications which require consideration, analysis, or aeronautical studies pursuant to 49 U.S.C. 44718(c).

Respondents: Approximately 4800 annually. The Respondents are engineers, analysts, consultants, stakeholders, or federal agency managers, including military services, who need to transmit on a radio frequency that is within the National Telecommunications and Information Administration's (NTIA) Aviation Assignment Group (AAG) frequency band is assigned to the FAA for civil aviation use. The response to this data collection is required for the proponent to obtain FAA concurrence to use a radio frequency that impacts civil aviation. The information collected through the WebFCR portal supports the engineering, modeling, validation, and workflow management of the request to evaluate if the request interferes or impacts civil aviation operations pursuant to FAA Order 6050.32B.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 0.2 hours.

Estimated Total Annual Burden: 960 hours.

Issued in Washington, DC, on February 20, 2026.

Christopher S. Jones,

FAA Frequency Assignment Subcommittee Representative Group, Spectrum Engineering and Assignment, AJW–1910.

[FR Doc. 2026–03698 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice: Louisville Muhammad Ali International Airport (SDF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by Louisville Muhammad Ali International Airport (SDF) under the provisions of the Aviation Safety and Noise Abatement Act and the Code of Federal Regulations are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the Noise Exposure Maps is February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Lopa Naik, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Ste. 2250, Memphis, Tennessee 38118; phone (901) 322–8188; email *lopa.naik@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for the Louisville Muhammad Ali International Airport (SDF) are in compliance with applicable requirements of Title 14 Code of Federal Regulations (CFR) Part 150, effective February 23, 2026. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (''the Act''), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval, which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Louisville Regional Airport Authority. The documentation that constitutes the ''Noise Exposure Maps'' as defined in 14 CFR § 150.7 includes: 2024 Existing Condition Noise Exposure Map, 2029 Future Condition Noise Exposure Map, and the Final Noise Exposure Maps and Supporting Documentation Report. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on February 23, 2026

FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with

regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of the Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under 14 CFR § 150.21, that the statutorily required consultation has been accomplished.

Copies of the full Noise Exposure Maps and report are available for examination by appointment at the following location: Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Ste. 2250, Memphis, Tennessee 38118, phone (901) 322–8188; email *lopa.naik@faa.gov.*

The Noise Exposure Maps and report are also available for viewing and download at the airport's website (NEM | Louisville Muhammad Ali International Airport)

To arrange an appointment to review the Noise Exposure Maps and report, or for questions, contact the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Memphis Airports District Office, Memphis, Tennessee, on February 23, 2026.

Rans D. Black,

Acting Manager, FAA Memphis Airports District Office.

[FR Doc. 2026–03770 Filed 2–24–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0253; FMCSA–2018–0057; FMCSA–2020–0049; FMCSA–2021–0025; FMCSA–2023–0030; FMCSA–2023–0033]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 13, 2025. The exemptions expire on August 13, 2027.

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; *fmcsamedical@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–2017–0253, FMCSA–2018–0057, FMCSA–2020–0049, FMCSA–2021–0025, FMCSA–2023–0030, or FMCSA–2023–0033, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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 in room W58–213 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 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 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 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.

On December 5, 2025, FMCSA published a notice announcing its decision to renew exemptions for six individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (90 FR 56261). The public comment period ended on January 5, 2026, and no comments were received.

The Agency had evaluated the eligibility and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the six applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The six drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56261); (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the six renewal exemption applications and no comments received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of August 13, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Diego DaSilva (MA)
Jaime Dougherty (MN)
Jeffrey Douglass (ME)
Derek Jazdzewski (WI)
Kevin Wiggins (KY)
Stephen Wilson (PA)

The drivers were included in docket numbers FMCSA–2017–0253, FMCSA–2018–0057, FMCSA–2020–0049, FMCSA–2021–0025, FMCSA–2023–0030, or FMCSA–2023–0033. Their exemptions were applicable as of August 13, 2025, and will expire on August 13, 2027.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56261); (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted;

[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.

[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.*

or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–03767 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0382; FMCSA–2015–0323; FMCSA–2018–0057; FMCSA–2019–0028; FMCSA–2020–0045; FMCSA–2021–0025; FMCSA–2023–0029; FMCSA–2023–0032; FMCSA–2023–0033]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

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; *fmcsamedical@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–2008–0355, FMCSA–2011–0089, FMCSA–2014–0382, FMCSA–2015–0323, FMCSA–2018–0057, FMCSA–2019–0028, FMCSA–2020–0045, FMCSA–2021–0025, FMCSA–2023–0029, FMCSA–2023–0032, or FMCSA–2023–0033, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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 in room W58–213 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 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 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 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.

On December 5, 2025, FMCSA published a notice announcing its decision to renew exemptions for 13 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested

[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.

[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.*

comments from the public (90 FR 56254). The public comment period ended on January 5, 2026, and no comments were received.

The Agency had evaluated the eligibility and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 13 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 13 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56254); (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 13 renewal exemption applications and no comments received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of July 5, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Stephen Harmon (WV)
Brian Law (CO)
Jeb McCulla (LA)
Tammy Snyder (NC)
Caleb Stinson (MN)
Joel Vasquez (NY)

The drivers were included in docket numbers FMCSA–2015–0323, FMCSA–2020–0045, FMCSA–2023–0029, FMCSA–2023–0032, or FMCSA–2023–0033. Their exemptions were applicable as of July 5, 2025, and will expire on July 5, 2027.

As of July 12, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Prince Austin, Jr. (OH)

Frank Cekovic (PA)

Martin Ford (MS)

David Johnston (MN)

Enrico Mucci (PA)

Charles Skelton (AL)

The drivers were included in docket number FMCSA–2008–0355, FMCSA–2011–0089, FMCSA–2014–0382, FMCSA–2018–0057, or FMCSA–2019–0028. Their exemptions were applicable as of July 12, 2025, and will expire on July 12, 2027.

As of July 30, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Charles Anthony (ND) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2021–0025. The exemption was applicable as of July 30, 2025, and will expire on July 30, 2027. In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56254); (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–03768 Filed 2–24–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0116; FMCSA–2019–0028; FMCSA–2019–0030; FMCSA–2019–0031; FMCSA–2019–0033; FMCSA–2019–0034; FMCSA–2023–0035; FMCSA–2023–0036]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

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; *fmcsamedical@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–2015–0116, FMCSA–2019–0028, FMCSA–2019–0030; FMCSA–2019–0031, FMCSA–2019–0033, FMCSA–2019–0034, FMCSA–2023–0035, or FMCSA–2023–0036, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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 in room W58–213 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 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 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 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.

On December 5, 2025, FMCSA published a notice announcing its decision to renew exemptions for 11 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (90 FR 56259). The public comment period ended on January 5, 2026, and no comments were received.

The Agency had evaluated the eligibility and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

[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.

[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.*

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 11 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 11 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56259); (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 11 renewal exemption applications and no comments received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of October 4, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Colby Banks (NC)
Gary Cox (OR)
Douglas Day (IN)
Dennis Klamm (MN)
Michael Miller (TX)
Jerel Sayers (ID)
Adam Wilson (MN)

The drivers were included in docket numbers FMCSA–2015–0116, FMCSA–2019–0028, FMCSA–2019–0030, FMCSA–2019–0031, FMCSA–2019–0033, FMCSA–2019–0034, or FMCSA–2023–0035. Their exemptions were applicable as of October 4, 2025, and will expire on October 4, 2027.

As of October 22, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Colton Braun (IL)
Adam Brunson (AL)
Elsa Santos (NJ)
Brad Wetli (IN)

The drivers were included in docket number FMCSA–2023–0036. Their exemptions were applicable as of October 22, 2025, and will expire on October 22, 2027.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56259); (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–03766 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0381; FMCSA–2019–0031; FMCSA–2023–0033; FMCSA–2023–0035]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the

dates stated in the discussions below and will expire on the dates provided below.

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; *fmcsamedical@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–2014–0381, FMCSA–2019–0031, FMCSA–2023–0033, or FMCSA–2023–0035, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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 in room W58–213 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 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 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 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.

On December 5, 2025, FMCSA published a notice announcing its decision to renew exemptions for 11 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (90 FR 56257). The public comment period ended on January 5, 2026, and no comments were received.

The Agency had evaluated the eligibility and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 11 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 11 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to the level of safety that would be achieved without the exemption.

[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.

[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.*

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56259); (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 11 renewal exemption applications and no comments received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of September 10, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Jon Bandy (AR)

Christopher Beaver (PA)

Timothy Brinkman (NE)

Alexander Carestia (NC)

Kelly Craft (MN)

Thomas Kepler (MO)

Brian Manning (NJ)

Shawn Springer (MN)

Ryan Webb (MI)

The drivers were included in docket numbers FMCSA–2023–0033 or FMCSA–2023–0035. Their exemptions were applicable as of September 10, 2025, and will expire on September 10, 2027.

As of September 30, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Ronald Boogay (NJ); and Tina Farmer (MD).

The drivers were included in docket numbers FMCSA–2014–0381 or FMCSA–2019–0031. Their exemptions were applicable as of September 30, 2025, and will expire on September 30, 2027.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above and also in the initial renewal notice (*see* 90 FR 56257); (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–03769 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0233]

Request for Comments on the Renewal of a Previously Approved Information Collection: Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen Owned Documented Vessels

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: MARAD invites public comments on its intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0006 (Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen Owned Documented Vessels) is used to determine if a vessel proposed for transfer must be retained under U.S. flag regulations. MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections 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: Katrina McRae, 202–366–3198, Office of Sealift Support, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Katrina.mcrae@dot.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen Owned Documented Vessels.

OMB Control Number: 2133–0006.

Type of Request: Extension without change of a currently approved collection.

Abstract: This collection provides information necessary for MARAD to approve the sale, transfer, charter, lease, or mortgage of U.S. documented vessels to non-citizens, or the transfer of such vessels by their owners to foreign registry and flag, as required by various contractual requirements. MARAD uses

the compiled data to determine if the transfer is subject to retention under the U.S. flag statutory regulations.

Respondents: Vessel owners who have applied for foreign transfer of U.S. flag vessels.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 85.

Estimated Number of Responses: 85.

Estimated Hours per Response: 2.

Annual Estimated Total Annual Burden Hours: 170.

Frequency of Response: Annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on December 23, 2025, 90 FR 60235.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–03725 Filed 2–24–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Bank Secrecy Act Advisory Group; Solicitation of Application for Membership

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for nominations.

SUMMARY: FinCEN is inviting the public to nominate financial institutions, trade groups, and non-federal regulators or law enforcement agencies for membership in the Bank Secrecy Act Advisory Group. New members will be selected for three-year membership terms.

DATES: Nominations must be received by March 27, 2026.

ADDRESSES: Nominations must be emailed to *BSAAG@fincen.gov.*

FOR FURTHER INFORMATION CONTACT: FinCEN Regulatory Support Section at *www.fincen.gov/contact.*

SUPPLEMENTARY INFORMATION: Section 1564 of the Annunzio-Wylie Anti-Money Laundering (AML) Act of 1992 required the Secretary of the Treasury (Secretary) to establish a Bank Secrecy Act Advisory Group (BSAAG) consisting of representatives from federal agencies and other eligible interested persons and financial institutions subject to the regulatory requirements of the Bank Secrecy Act, found at 31 CFR chapter X. The BSAAG is the means by which the Secretary receives advice on the reporting requirements of the Bank Secrecy Act (BSA) and informs private sector representatives on how the information they provide is used. As chair of the BSAAG, the Director of FinCEN is responsible for ensuring that relevant issues are placed before the BSAAG for review, analysis, and discussion.

BSAAG membership is open to financial institutions subject to the BSA, trade groups that represent financial institutions subject to the BSA, and federal and non-federal regulators, including self-regulatory organizations (SROs), and law enforcement agencies that are located within the United States. Treasury is particularly interested in hearing the views of community banks and smaller financial institutions as part of the BSAAG, and such institutions and relevant trade groups are encouraged to apply for BSAAG membership.

To be eligible for BSAAG membership, regulators or SROs must examine for BSA compliance. Because they are not directly subject to BSA requirements, entities that solely provide software products or services or consulting services for financial institutions are not independently eligible for BSAAG membership.

FinCEN is also particularly interested in receiving nominations for eligible entities (as described above) that can share insights on Treasury's efforts to modernize the BSA framework and implement the Guiding and Establishing National Innovation for U.S. Stablecoins Act (GENIUS Act). The GENIUS Act, enacted on July 18, 2025, provides a comprehensive framework for the federal regulation of payment stablecoins, including provisions related to prevention money laundering and other forms of illicit activity. The GENIUS Act also tasks Treasury with considering how innovative tools, techniques, and strategies—including artificial intelligence, digital identity verification, blockchain technology and monitoring, and application program interfaces—can support efforts to detect illicit activity involving digital assets.

We also welcome nominations from other eligible entities that can actively share their perspectives on a variety of BSA requirements, including sharing perspectives and proposals for innovation across BSA forms and requirements. Additionally, we encourage nominations from entities that can share their innovative approaches on how to proactively identify and stop fraudulent activity.

Each member selected will serve a three-year term and must designate one individual to represent that member at plenary meetings. While BSAAG membership is granted to organizations, not to individuals, the designated representative for each selected organization should be knowledgeable about BSA requirements and be willing and able to devote the necessary time and effort on behalf of the representative's organization. Members are expected to actively share anecdotal perspectives, quantifiable insights on BSA requirements, and industry trends in BSAAG discussions. The organization's representative must be able to attend biannual plenary meetings, generally held in Washington, DC, over one or two days. Additional BSAAG meetings may be held by phone, videoconference, or in person, and the organization's representative is expected to actively engage in the BSAAG's work through participation in meetings of various BSAAG Subcommittees and/or working groups. Members will not be paid for their time, services, or travel.

Nominations for individuals who are not representing an organization will not be considered, but organizations may nominate themselves. Organizations should only submit nominations on behalf of their own organization and not on behalf of another organization. Please provide complete answers to the following items, as nominations will be evaluated based on the information provided in response to this notice and request for nominations. There is no required format; interested organizations must submit their nominations electronically (*e.g.,* email or email attachment). Nominations should include the following information:

- Name of the organization requesting membership;
- Point of contact, title, address, email address, and phone number;
- Description of the financial institution, trade group, regulator, SROs, or law enforcement agency involvement with the BSA;
- Reasons why the organization's participation on the BSAAG will bring value to the group;
- Description of how the organization can contribute subject matter expertise to topics such as (but not limited to) BSA modernization, GENIUS Act implementation, general innovation across BSA forms and requirements, improving the examination process, the identification and prevention of fraud, and/or the use of innovative products or techniques, such as artificial intelligence (AI), digital identity verification, data sharing or blockchain

monitoring, to enhance reporting, monitoring, or other internal controls that mitigate illicit finance risks; and

• Trade groups must submit a full list of their members along with their nomination. Trade groups must also confirm that, if selected, they will only share BSAAG information with their members that are located within the United States.

In making the selections, FinCEN will seek to complement current BSAAG members and obtain broad representation in terms of affiliation, industry, and geographic representation. The Director retains full discretion on all membership decisions. The Director may consider prior years' applications when making selections and will not limit consideration to entities nominated by the public when making selections. FinCEN may publish categorical information about the organization types selected to participate in BSAAG and may disclose specific entity names to appropriate congressional committees upon request.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2026–03707 Filed 2–24–26; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Docket No.: OFAC–2025–0001]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Foreign Assets Control Reporting, Procedures and Penalties Regulations Sanctions Reconsideration Portal

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: The Department of the Treasury 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. The public is invited to submit comments on this request.

DATES: Written comments must be received by March 27, 2026 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *https://www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: OFAC Reporting, Procedures and Penalties Regulations Sanctions Reconsideration Portal.

OMB Number: 1505–0164.

Type of Review: Revision of a currently approved collection.

Description: OFAC is seeking to add a new electronic Sanctions Reconsideration Portal information collection contained within § 501.807 of OFAC's Reporting, Procedures and Penalties Regulations (the ''Regulations''), which pertains to the operation of the various economic sanctions programs administered by OFAC under 31 CFR chapter V. Section 501.807 sets forth the procedures to be followed by a person seeking administrative reconsideration of the listing of a person or property (*e.g.,* a vessel) on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) or any other list or identification of sanctioned persons or property maintained by OFAC. OFAC is seeking approval of an electronic Sanctions Reconsideration Portal that would gather specific information from the petitioner and provide a more efficient process for collecting and reviewing applications for reconsideration. Petitioner use of the Sanctions Reconsideration Portal will be voluntary. OFAC is also incorporating the voluntary Unblocking/Transfer Report Form, TD F 93.10, that was approved by OMB on September 11, 2025. OFAC is not making any further changes to other collections associated with this control number.

The submissions covered by this information collection will be reviewed by the U.S. Department of the Treasury and may be used for sanctions reconsiderations and other regulatory or administrative actions by OFAC under its authorities.

Forms: The proposed Sanctions Reconsideration Portal information collection covered by this notice will contain a list of questions to provide electronically regarding the reasons and supporting information for the petitioner's request for consideration of removal from an OFAC sanctions list. Additionally, OFAC is incorporating into this collection the Unblocking/Transfer Report Form, TD F 93.10, that was approved by OMB on September 11, 2025.

Affected Public: The likely respondents and recordkeepers affected by the information collections covered by this authority are financial institutions, business organizations, nonprofit organizations, individuals, persons sanctioned by OFAC, and legal representatives.

Estimated Number of Respondents: OFAC's estimate for the total number of unique reporting respondents covered in this entire information collection in a one-year period is approximately 10,900, including OFAC's estimate for the 300 unique respondents for the Sanctions Reconsideration Portal.

Frequency of Response: The estimated annual frequency of responses for the Sanctions Reconsideration Portal is approximately once. Under this entire information collection, the estimated annual frequency of all types of responses is between 1 and 17,800, varying greatly by entity depending on the size, nature, and scope of business activities of each respondent, with the majority of filers providing a small number of responses and a small number of filers submitting a higher number of responses.

Estimated Total Number of Annual Responses: The estimated total number of responses per year is approximately 2,503,008 responses, including the additional estimate of 300 responses for the Sanctions Reconsideration Portal.

Estimated Time per Response: OFAC estimates that the average time for reports associated with forms ranges from 15 minutes to two hours and for reports associated with general licenses and other reports not associated with forms ranges from one minute to five hours, as noted below in the more detailed background section. OFAC estimates that the average time for reports associated with the Sanctions Reconsideration Portal to be three hours.

Estimated Total Annual Burden Hours: The estimated total annual reporting burden associated with all of the information collections covered by this authority is approximately 87,209 hours, including the additional estimated reporting burden of 900 for the Sanctions Reconsideration Portal and the slight increase in burden of 91 for the Unblocking/Transfer form.

(Authority: 44 U.S.C. 3501 *et seq.*)

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–03780 Filed 2–24–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0799]

Agency Information Collection Activity: Request for Casket/Urn Allowance

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The National Cemetery Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. DATES: Comments must be received on or before April 27, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Brian Hurley, 202–957–2093, *Brian.Hurley1@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, NCA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA'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: Request for Casket/Urn Allowance, VA Form 40–10088.

OMB Control Number: 2900–0799. https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: The Department of Veterans Affairs, National Cemetery Administration has established VA regulations to implement statutory authority for NCA to provide allowance for the purchase of caskets and urns for the interment of the remains of Veterans without next of kin and sufficient resources available for burial.

Affected Public: Individuals or households.

Estimated Annual Burden: 73 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 435.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–03775 Filed 2–24–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Readjustment Counseling Services Eligibility Determinations

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), 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 27, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Rebecca Mimnall, 202–695–9434, *vhacopra@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, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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: Readjustment Counseling Services Eligibility Determinations.

OMB Control Number: 2900–NEW. 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: New collection.

Abstract: Authorization for this information collection is found at 38 U.S.C. 1712A, which requires VA to provide readjustment counseling, through Vet Centers, to certain individuals. The criteria for eligibility are further set forth in 38 U.S.C. 1712A(a)(1)(C). The eligibility criteria in 38 U.S.C. 1712A(a)(1)(C) dictates the type of documentation that must be presented by an individual in order to establish eligibility for readjustment counseling. In order for VA to determine whether individuals seeking readjustment counseling are eligible for such services, individuals must provide VA with certain documentation.

In many cases, eligibility determinations may be based upon existing information in VA databases, and the individual does not need to provide any additional documentation to VA. In other cases, the Vet Center staff must collect documentation from

individuals who are seeking readjustment counseling during the intake process. This information collection quantifies only the estimated annual number of Veterans who are asked to provide proof of eligibility documentation to VA. Vet Center staff will review the provided documentation to determine whether the individual is eligible for readjustment counseling services pursuant to 38 U.S.C. 1712A(a)(1)(C).

Affected Public: Individuals or Households.

Estimated Annual Burden: 8,836 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Responses: 17,672.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–03778 Filed 2–24–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0875]

Agency Information Collection Activity: VA-Guaranteed Home Loan Cash-Out Refinance Loan Comparison Disclosure

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 27, 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: VA-Guaranteed Home Loan Cash-out Refinance Loan Comparison Disclosure.

OMB Control Number: 2900–0875.

https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: All-VA guaranteed cash-out refinancing loans must comply with 38 U.S.C 3709 and 38 CFR 36.4306. All refinancing loan applications taken on or after the effective date that do not meet the following requirements may be subject to indemnification or the removal of the guaranty. Failure to provide initial disclosures to the Veteran within 3 business days from the initial application date and at closing may result in indemnification of the loan up to 5 years. There are three categories of refinance loans; Interest Rate Reduction Refinancing Loans (IRRRL), TYPE I Cash-Out Refinance, and TYPE II Cash-Out Refinance. For this renewal, the burden decreased due to the removal of the training information collections and a decrease in the VA Cash-Out Refinancing Loan volume, which reduced the number of participating respondents from 480,000 to 146,000 and, in turn, lowered the total annual burden hours.

Affected Public: Individuals and households.

Estimated Annual Burden: 12,167 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Two-Times per loan.

Estimated Number of Respondents: 146,000 annually.

(Authority: 44 U.S.C. 3501 *et seq.*)

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–03752 Filed 2–24–26; 8:45 am]

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FEDERAL REGISTER

Vol. 91 Wednesday,
No. 37 February 25, 2026

Part II

The President

Federal Register
Vol. 91, No. 37
Wednesday, February 25, 2026

Presidential Documents

Title 3—

The President

Proclamation 11012 of February 20, 2026

Imposing a Temporary Import Surcharge To Address Fundamental International Payments Problems

By the President of the United States of America

A Proclamation

1. The United States plays a pivotal role in shaping the global economy. At the same time, the United States faces various threats to its own economy and national interests. Sometimes, the United States faces fundamental international payments problems, such as large and serious balance-of-payments deficits, an imminent and significant depreciation of its currency in foreign exchange markets, or an international balance-of-payments disequilibrium. These problems can, among other things, endanger the ability of the United States to finance its spending, erode investor confidence in the economy, and distress the financial markets.

2. Special import measures to restrict imports, such as surcharges and quotas, are key tools to protect the economy and national security of the United States, and, in certain circumstances, they are required to deal with fundamental international payments problems.

3. Given the gravity of fundamental international payments problems and the importance of import restrictions as economic, national security, and foreign policy tools, Federal law, including section 122 of the Trade Act of 1974 (19 U.S.C. 2132) (section 122), empowers the President to take action through surcharges and other special import restrictions to address fundamental international payments problems.

4. I have received certain requested information and opinions from senior officials on whether any fundamental international payments problems exist and the extent to which such problems could impair United States national interests, including economic and national security interests. The information and opinions discuss, among other things, the state of the balance of payments of the United States, the standing of the United States dollar in foreign exchange markets, and the state of international balances of payments. I have also received opinions and recommendations from senior officials on whether special import measures to restrict imports are required to address any fundamental international payments problems. These opinions address, among other things, whether a surcharge in the form of *ad valorem* duties is required to restrict imports to deal with large and serious United States balance-of-payments deficits, to prevent an imminent and significant depreciation of the United States dollar in foreign exchange markets, or to cooperate with other countries in correcting an international balance-of-payments disequilibrium.

5. These senior officials have informed me that fundamental international payments problems within the meaning of section 122 exist and that special import measures to restrict imports are required to address these problems. Specifically, my advisors have determined that an import surcharge in the form of *ad valorem* duties is required to deal with large and serious United States balance-of-payments deficits. My advisors have also opined that certain products should not be subject to the surcharge because of the needs of the United States economy and that the recommended exceptions are consistent with the limitations of section 122, the purposes of section 122, and the national interest of the United States.

6. Among other things, I have been informed by my advisors that the United States balance-of-payments position, under any reasonable understanding of the term in the context of section 122, is currently a large and serious deficit. My advisors have studied different methods of evaluating balance-of-payments deficits, including calculations based on current-account statistics. In my advisors' opinions, under any of these methods, the United States balance-of-payments position is a large and serious deficit.

7. For instance, my advisors have informed me that the United States runs a deficit in selling goods and services overseas, as reported by the United States Bureau of Economic Analysis (BEA) in the ''balance on goods and services''; has recently reflected quarterly deficits in its return on investment or labor, as reported by the BEA in the ''balance on primary income''; and runs a deficit in voluntary transfers, such as remittances, as reported by the BEA in the ''balance on secondary income.'' In other words, the United States runs a trade deficit, does not currently make a net income from the capital and labor that it deploys abroad, and experiences more transfer payments, on net, flowing out of the country than into the country.

8. As my advisors have informed me, the United States runs a substantial trade deficit. The large, persistent, and serious annual United States goods trade deficit has grown by over 40 percent in the past 5 years alone, reaching $1.2 trillion in 2024. In 2025, the United States goods trade deficit remained at approximately $1.2 trillion. The effects of this deficit are serious, and this deficit contributes to the fundamental international payments problems facing the United States.

9. As my advisors have also informed me, the annual balance on the United States primary income turned negative for the first time since at least 1960 in 2024. From 1960 to 2023, the United States ran a surplus in its annual balance on primary income. That positive balance on primary income served as a stabilizing force for the United States balance-of-payments position even in the face of large and persistent trade deficits. In 2024, however, the balance on primary income turned negative and thus ceased to serve as a counterweight to the trade deficit in the United States current account. Indeed, in 2024, the United States maintained a current account deficit of 4.0 percent of gross domestic product (GDP), almost double the current account deficit of approximately 2.0 percent that prevailed between 2013 and 2019, and larger than that which prevailed from 2019 to 2023. As a share of GDP, the staggering deficit of 4.0 percent represented the biggest annual current account deficit since 2008.

10. As my advisors have also informed me, the net international-investment position of the United States is in an ongoing decline. According to the BEA, at the end of 2024, the net international-investment position of the United States, as a share of GDP, was negative 90 percent, a sharp deterioration from the average of negative 41 percent in the decade between 2010 and 2020. In my advisors' view, this is a highly atypical position for a country, particularly the United States. Indeed, both in terms of United States dollars and as a share of GDP, this represents one of the most negative net international-investment positions of any developed country. Because the current account is one of the primary drivers of changes in the net international-investment position, the atypically large negative net international-investment position of the United States shows that the United States balance-of-payments deficit is large and serious.

11. Further, as my advisors have informed me, the balance on secondary income of the United States has been persistently in a deficit since the 1960s.

12. According to my advisors, an import surcharge in the form of *ad valorem* duties is required to address these fundamental international payments problems. In my advisors' opinions, imposing an import surcharge would deal with the large and serious United States balance-of-payments deficit. My advisors have further recommended that certain products should not be subject to the surcharge because of the needs of the United States economy

and have opined that a surcharge with certain exceptions would more effectively deal with the balance-of-payments deficit than would a surcharge without the exceptions.

13. After considering the information, opinions, and recommendations that have been provided to me by senior officials, among other relevant information and considerations, I find that fundamental international payments problems within the meaning of section 122 exist; that those problems significantly harm United States national interests, including economic and national security interests; and that special measures to restrict imports are required to address those problems, as authorized by section 122. Specifically, I find that a surcharge in the form of *ad valorem* duties on certain imports is required to deal with the United States' large and serious balance-of-payments deficit. Accordingly, I impose, for a period of 150 days, a temporary import surcharge of 10 percent *ad valorem,* as described below, on articles imported into the United States, effective February 24, 2026.

14. Because of the needs of the United States economy, I determine that the surcharge imposed in this proclamation shall not apply to the following products, as further detailed in Annexes I and II to this proclamation:

(a) certain critical minerals;

(b) metals used in currency and bullion;

(c) energy and energy products;

(d) natural resources and fertilizers that cannot be grown, mined, or otherwise produced in the United States or grown, mined, or otherwise produced in sufficient quantities to meet domestic demand;

(e) certain agricultural products, including beef, tomatoes, and oranges;

(f) pharmaceuticals and pharmaceutical ingredients;

(g) certain electronics;

(h) passenger vehicles, certain light trucks, certain medium- and heavy-duty vehicles, buses, and certain parts of passenger vehicles, light trucks, medium- and heavy-duty vehicles, and buses;

(i) certain aerospace products;

(j) information materials, donations, and accompanied baggage;

(k) all articles and parts of articles currently or that later become subject to additional import restrictions imposed pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) (section 232);

(l) articles that are entered free of duty as a good of Canada or Mexico under the terms of general note 11 to the Harmonized Tariff Schedule of the United States (HTSUS), including any treatment set forth in subchapter XXIII of chapter 98 and subchapter XXII of chapter 99 of the HTSUS, as related to the Agreement between the United States of America, United Mexican States, and Canada; and

(m) textile and apparel articles that are entered free of duty as a good of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua under the Dominican Republic-Central America Free Trade Agreement.

15. I find that each exception described in paragraph 14 of this proclamation—in whole or in part, separately or in any combination—is consistent with the limitations of section 122. These exceptions, which are further detailed in Annexes I and II to this proclamation, reflect my determination that each product covered by each exception should not be subject to a surcharge because of (1) the unavailability of domestic supply at reasonable prices, the necessary importation of raw materials, the avoidance of serious dislocations in the supply of imported goods, or other similar factors; or (2) the fact that the surcharge would be unnecessary or ineffective in carrying out the purposes of section 122, such as with respect to articles already

subject to import restrictions or goods in transit, which—for purposes of this proclamation—are goods that (i) were loaded onto a vessel at the port of loading and in transit on the final mode of transit prior to entry into the United States, before 12:01 a.m. eastern standard time on February 24, 2026; and (ii) are entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern standard time, February 28, 2026. I have determined that each exception described in paragraph 14 of this proclamation—in whole or in part, separately or in any combination—is consistent with the purposes of section 122 and will best serve the purposes of section 122. Each of my determinations to except an import from the surcharge imposed in this proclamation is independent from the other. The import-restricting action and the exceptions in this proclamation are not made for the purpose of protecting individual domestic industries from import competition.

16. In my judgment, the surcharge imposed in this proclamation is consistent with the purposes of section 122, the national interest of the United States, and the needs of the economy of the United States. Restricting imports through the surcharge imposed in this proclamation is required to address the fundamental international payments problems within the meaning of section 122 that I have found to exist. The surcharge imposed in this proclamation will deal with the large and serious United States balance-of-payments deficit.

17. Section 122 authorizes the President to impose, for a period not exceeding 150 days unless extended by an Act of the Congress, a temporary import surcharge up to 15 percent *ad valorem* and other temporary limitations on articles imported into the United States in situations of fundamental international payments problems.

18. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) (section 604), authorizes the President to embody in the HTSUS the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 122, section 301 of title 3, United States Code, and section 604, do hereby proclaim as follows:

(1) Except as otherwise provided in this proclamation, as set forth in Annexes I and II to this proclamation, all articles imported into the United States shall be subject to a 10 percent *ad valorem* duty rate.

(2) The surcharge imposed in this proclamation shall not apply to imports of articles listed in paragraph 2 of Annex I to this proclamation and as enumerated in Annex II to this proclamation.

(3) Except as otherwise provided in this proclamation, the surcharge imposed in this proclamation is in addition to any other duties, taxes, fees, exactions, and charges applicable to such products.

(4) The surcharge imposed in this proclamation shall not apply in addition to tariffs imposed under section 232. To the extent a tariff imposed under section 232 applies to part of an import, the surcharge imposed in this proclamation shall apply to the part of the import to which section 232 tariffs do not apply but shall not apply to the part of the import to which section 232 tariffs do apply.

(5) The surcharge imposed in this proclamation shall be treated as a regular customs duty.

(6) Any article subject to the surcharge imposed in this proclamation, except those articles eligible for admission under ''domestic status'' as described in 19 CFR 146.43, that is subject to the surcharge imposed in this proclamation and that is admitted into a United States foreign trade zone on or after the effective date of this proclamation must be

admitted as ''privileged foreign status,'' as described in 19 CFR 146.41, and will be subject upon entry for consumption to any *ad valorem* rate of duty related to the classification under the applicable HTSUS subheading.

(7) The HTSUS shall be modified as provided in Annex I to this proclamation. The modifications shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 24, 2026, and shall continue in effect through 12:01 a.m. eastern daylight time on July 24, 2026, unless the surcharge imposed in this proclamation is expressly suspended, modified, or terminated on an earlier date, or unless the effective period of such surcharge is extended by an Act of the Congress.

(8) The head of each executive department and agency (agency) is authorized to and shall take all appropriate measures within the agency's authority to implement this proclamation. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate the authority to take such appropriate measures within the agency.

(9) The United States Trade Representative (Trade Representative), in consultation with any senior official he deems appropriate, shall monitor and review the status of conditions related to the fundamental international payments problems of the United States, the effect of the surcharge imposed in this proclamation, and any factors he deems relevant. The Trade Representative shall also inform the President of any circumstance that, in the Trade Representative's opinion, might indicate the need for further action by the President, including under section 122. And the Trade Representative shall inform the President of any circumstance that, in the Trade Representative's opinion, might indicate that the surcharge imposed in this proclamation should be suspended, modified, or terminated.

(10) The Trade Representative, in consultation with the Chair of the United States International Trade Commission and the Commissioner of U.S. Customs and Border Protection (CBP), shall determine whether any additional modifications to the HTSUS are necessary to effectuate this proclamation and shall make such modifications to the HTSUS through notice in the *Federal Register*, including any technical correction to Annexes I and II to this proclamation.

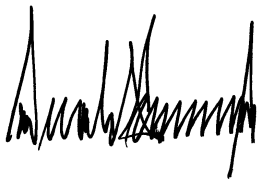
(11) The Commissioner of CBP may take any necessary or appropriate measures to administer the surcharge imposed by this proclamation.

(12) (a) Any provision of previous proclamations and Executive Orders that is inconsistent with this proclamation is superseded to the extent of such inconsistency. If any provision of this proclamation or the application of any provision to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individuals or circumstances shall not be affected.

(b) If any exception to the surcharge imposed in this proclamation is held to be invalid in whole or in part, only that exception or that part of the exception shall be treated as invalid. The surcharge imposed in this proclamation shall apply to imports to which the invalidated exception or the invalidated part of the exception applied before its invalidation, but to the extent consistent with law, the surcharge shall be collected only prospectively from the date of the invalidation. No other exception, part of an exception, or application of an exception shall be treated as invalid. This severability provision shall operate even if the surcharge must be applied retroactively to imports to which the invalidated exception or the invalidated part of the exception applied before its invalidation. I would adopt each exception in this proclamation in whole or in part, separately, or in any combination. Each exception, in whole or in part, in this proclamation is supported by the needs of the United States economy and one or more of the factors described in section 122 and is consistent with the national interest of the United States and the purposes of section 122.

(c) This severability provision reflects my determination that the surcharge imposed in this proclamation should remain operative until July 24, 2026, in a way that is consistent with law, including the limitations of section 122, to deal with the large and serious United States balance-of-payments deficits found in this proclamation, regardless of whether any exception or exceptions, in whole or in part, are invalidated. The surcharge imposed in this proclamation—with any combination of the exceptions in paragraph 14 of this proclamation, or even without any of the exceptions in paragraph 14 of this proclamation—is required to deal with the large and serious United States balance-of-payments deficits found in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.



Billing code 3395–F4–P

ANNEX I

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 24, 2026, through 12:01 a.m. eastern daylight time on July 24, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special" and "Rates of Duty 2", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.03.01	Except for products described in headings 9903.03.02–9903.03.11, articles the product of any country, as provided for in subdivision (aa) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%
9903.03.02	Articles the product of any country that (1) were loaded onto a vessel at the port of loading and in transit on the final mode of transit prior to entry into the United States, before 12:01 a.m. eastern standard time on February 24, 2026; and (2) are entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern standard time on February 28, 2026	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.03	Articles the product of any country, as provided for in subdivision (aa)(ii) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.04	Articles the product of any country, as provided for in subdivision (aa)(iii) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading

9903.03.05	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight simulators and their parts and components of any country, provided for in subdivision (aa)(iv) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.06	Articles of iron or steel, derivative articles of iron or steel, articles of aluminum, derivative articles of aluminum, passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and light trucks and parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and light trucks, semiconductor articles, semi-finished copper and intensive copper derivative products, wood products, or medium- and heavy-duty vehicles or medium- and heavy-duty vehicle parts, of any country, as provided in subdivision (aa)(v) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.07	Articles the product of Canada, as provided for in subdivision (aa)(vi) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.08	Articles the product of Mexico, as provided for in subdivision (aa)(vii) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.09	Articles of textiles or apparel the product of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras or Nicaragua, as provided for in subdivision (aa)(viii) of U.S. note 2 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.03.10	Articles that are donations, by persons subject to the jurisdiction of the United States, such as food, clothing and medicine, intended to be	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading

	used to relieve human suffering			
9903.03.11	Articles that are informational materials, including but not limited to publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks and news wire feeds	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading"

2. U.S. note 2 is modified by inserting the following new subdivision (aa):

"(aa) (i) Except as provided in headings 9903.03.02–9903.03.11 and in subdivisions (aa)(ii) through (aa)(viii) of this note, and other than products for personal use included in accompanied baggage of persons arriving in the United States, heading 9903.03.01 imposes an additional *ad valorem* rate of duty on imports of all products of any country. Notwithstanding U.S. note 1 to this subchapter, all products that are subject to the additional *ad valorem* rate of duty imposed by this heading shall also be subject to the general rates of duty imposed under subheadings in chapters 1 to 97 of the tariff schedule. Except as provided in subdivisions (aa)(ii) through (aa)(viii) of this note, all products that are subject to the additional *ad valorem* rate of duty imposed by this heading shall also be subject to any additional duty provided for in this subchapter or subchapter IV of chapter 99. Products that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional *ad valorem* rate of duty imposed by this heading, except as otherwise provided in this subdivision.

The additional duty imposed by this heading shall not apply to goods for which entry is properly claimed under a provision of chapter 98 of the tariff schedule pursuant to applicable regulations of U.S. Customs and Border Protection ("CBP"), and whenever CBP agrees that entry under such a provision is appropriate, except for goods entered under heading 9802.00.80 and subheadings 9802.00.40, 9802.00.50 and 9802.00.60. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duty applies to the value of repairs, alterations, or processing performed, as described in the applicable subheading. For heading 9802.00.80, the additional duty applies to the value of the article assembled abroad, less the cost or value of such products of the United States, as described.

Products that are provided for in heading 9903.03.01 shall continue to be subject to antidumping, countervailing, or other duties, taxes, fees, exactions and charges that apply to such products, as well as to the additional *ad valorem* rate of duty imposed by this heading.

(ii) As provided in heading 9903.03.03, the additional duty imposed by heading 9903.03.01 shall not apply to articles the product of any country that are classifiable in the following subheadings of the HTSUS:

0201.10.05 1602.50.08 2825.50.30 2922.50.50 2935.90.20 4001.22.00

0201.10.10	1602.50.21	2825.60.00	2923.10.00	2935.90.30	4001.29.00
0201.10.50	1602.50.60	2825.80.00	2923.20.20	2935.90.32	4001.30.00
0201.20.02	1602.50.90	2825.90.15	2923.90.01	2935.90.33	4403.42.00
0201.20.04	1801.00.00	2825.90.30	2924.11.00	2935.90.42	4403.49.02
0201.20.06	1802.00.00	2825.90.90	2924.19.11	2935.90.48	4407.21.00
0201.20.10	1803.10.00	2826.12.00	2924.19.80	2935.90.60	4407.22.00
0201.20.30	1803.20.00	2826.30.00	2924.21.16	2935.90.75	4407.23.01
0201.20.50	1804.00.00	2826.90.90	2924.21.50	2935.90.95	4407.25.00
0201.20.80	1805.00.00	2827.31.00	2924.29.01	2936.21.00	4407.26.00
0201.30.02	1903.00.20	2827.39.45	2924.29.03	2936.22.00	4407.27.00
0201.30.04	1903.00.40	2827.39.60	2924.29.10	2936.23.00	4407.28.00
0201.30.06	2001.90.45	2827.39.90	2924.29.23	2936.24.01	4407.29.02
0201.30.10	2005.91.60	2827.41.00	2924.29.26	2936.25.00	4408.31.01
0201.30.30	2006.00.40	2827.49.50	2924.29.28	2936.26.00	4408.39.02
0201.30.50	2007.99.40	2827.59.51	2924.29.33	2936.27.00	4703.11.00
0201.30.80	2007.99.50	2827.60.10	2924.29.57	2936.28.00	4703.21.00
0202.10.05	2008.19.15	2827.60.51	2924.29.62	2936.29.10	4703.29.00
0202.10.10	2008.20.00	2833.21.00	2924.29.71	2936.29.16	7106.91.10
0202.10.50	2008.91.00	2833.24.00	2924.29.77	2936.29.20	7108.11.00
0202.20.02	2008.99.13	2833.25.00	2924.29.80	2936.29.50	7108.12.10
0202.20.04	2008.99.15	2833.27.00	2924.29.95	2936.90.01	7108.12.50
0202.20.06	2008.99.40	2833.29.10	2925.12.00	2937.11.00	7108.13.10
0202.20.10	2008.99.45	2833.29.45	2925.19.42	2937.12.00	7108.13.55
0202.20.30	2008.99.91	2833.29.51	2925.19.91	2937.19.00	7108.13.70
0202.20.50	2009.11.00	2834.21.00	2925.21.00	2937.21.00	7108.20.00
0202.20.80	2009.12.25	2834.29.20	2925.29.20	2937.22.00	7110.11.00
0202.30.02	2009.12.45	2834.29.51	2925.29.60	2937.23.10	7110.19.00
0202.30.04	2009.19.00	2836.60.00	2925.29.90	2937.23.25	7110.21.00
0202.30.06	2009.39.20	2836.91.00	2926.30.10	2937.23.50	7110.29.00
0202.30.10	2009.49.40	2836.92.00	2926.40.00	2937.29.10	7110.31.00
0202.30.30	2101.11.29	2836.99.10	2926.90.14	2937.29.90	7110.39.00
0202.30.50	2101.12.90	2836.99.50	2926.90.43	2937.50.00	7110.41.00
0202.30.80	2101.20.20	2841.80.00	2926.90.48	2937.90.05	7110.49.00
0206.10.00	2106.90.48	2841.90.20	2926.90.50	2937.90.10	7112.92.01
0206.21.00	2202.99.30	2841.90.40	2927.00.40	2937.90.20	7115.90.05
0206.22.00	2202.99.35	2843.29.01	2927.00.50	2937.90.40	7115.90.30
0206.29.00	2504.10.10	2843.30.00	2928.00.25	2937.90.45	7118.90.00
0210.20.00	2504.10.50	2843.90.00	2928.00.30	2937.90.90	7202.11.10
0508.00.00	2504.90.00	2844.10.10	2928.00.50	2938.10.00	7202.11.50
0702.00.20	2510.10.00	2844.10.20	2929.90.20	2938.90.00	7202.19.10
0702.00.40	2510.20.00	2844.20.00	2929.90.50	2939.11.00	7202.19.50
0702.00.60	2511.10.10	2844.30.20	2930.20.20	2939.19.10	7202.30.00
0709.99.05	2511.10.50	2844.30.50	2930.20.90	2939.19.20	7202.41.00

0709.99.10	2519.10.00	2844.43.00	2930.30.60	2939.19.50	7202.49.10
0710.80.15	2519.90.10	2845.90.01	2930.90.29	2939.20.00	7202.49.50
0711.90.30	2519.90.20	2846.10.00	2930.90.49	2939.30.00	7202.50.00
0712.32.00	2524.90.00	2846.90.20	2930.90.92	2939.41.00	7202.60.00
0712.34.10	2529.21.00	2846.90.40	2931.49.00	2939.42.00	7202.80.00
0712.34.20	2529.22.00	2846.90.80	2931.53.00	2939.44.00	7202.91.00
0713.34.20	2530.20.10	2849.20.10	2931.90.22	2939.45.00	7202.93.40
0713.34.40	2530.20.20	2849.20.20	2931.90.90	2939.49.03	7202.93.80
0714.10.10	2530.90.10	2849.90.30	2932.14.00	2939.59.00	7204.21.00
0714.10.20	2530.90.20	2853.90.10	2932.19.51	2939.62.00	7401.00.00
0714.40.10	2530.90.80	2853.90.90	2932.20.20	2939.63.00	7402.00.00
0714.40.20	2602.00.00	2903.45.10	2932.20.30	2939.69.00	7403.11.00
0714.40.50	2603.00.00	2903.51.10	2932.20.50	2939.72.00	7403.12.00
0714.40.60	2604.00.00	2903.59.90	2932.99.61	2939.79.00	7403.13.00
0714.50.10	2605.00.00	2903.69.90	2932.99.70	2939.80.00	7403.19.00
0714.50.20	2606.00.00	2903.78.00	2932.99.90	2940.00.60	7403.21.00
0714.50.60	2608.00.00	2903.79.90	2933.11.00	2941.10.10	7403.22.00
0714.90.42	2609.00.00	2903.89.15	2933.19.35	2941.10.20	7403.29.01
0714.90.44	2610.00.00	2903.89.20	2933.19.45	2941.10.30	7404.00.30
0714.90.46	2611.00.30	2903.89.70	2933.19.90	2941.10.50	7404.00.60
0714.90.48	2611.00.60	2903.92.00	2933.21.00	2941.20.10	7405.00.10
0714.90.61	2612.10.00	2904.99.40	2933.29.05	2941.20.50	7405.00.60
0801.11.00	2612.20.00	2905.29.90	2933.29.20	2941.30.00	7501.10.00
0801.12.00	2613.90.00	2905.39.90	2933.29.35	2941.40.00	7502.10.00
0801.19.01	2614.00.30	2905.59.10	2933.29.43	2941.50.00	7502.20.00
0801.21.00	2614.00.60	2905.59.90	2933.29.45	2941.90.10	7503.00.00
0801.22.00	2615.90.30	2906.19.50	2933.29.60	2941.90.30	7504.00.00
0801.31.00	2615.90.60	2906.29.60	2933.29.90	2941.90.50	7508.90.50
0801.32.00	2616.10.00	2907.29.90	2933.33.01	2942.00.05	7901.11.00
0802.41.00	2617.10.00	2908.19.60	2933.34.00	2942.00.35	7901.12.10
0802.42.00	2620.30.00	2909.19.18	2933.35.00	2942.00.50	7901.12.50
0802.61.00	2620.99.50	2909.20.00	2933.37.00	3001.20.00	7901.20.00
0802.62.00	2701.11.00	2909.30.60	2933.39.08	3001.90.01	7902.00.00
0802.70.10	2701.12.00	2909.49.10	2933.39.10	3002.12.00	7903.90.30
0802.70.20	2701.19.00	2909.49.15	2933.39.20	3002.13.00	7907.00.60
0802.80.10	2701.20.00	2909.49.20	2933.39.21	3002.14.00	8001.10.00
0802.80.20	2702.10.00	2909.49.60	2933.39.23	3002.15.00	8001.20.00
0802.91.10	2702.20.00	2909.50.40	2933.39.25	3002.41.00	8002.00.00
0802.91.90	2703.00.00	2909.50.45	2933.39.27	3002.42.00	8007.00.50
0802.92.10	2704.00.00	2909.50.50	2933.39.31	3002.49.00	8101.10.00
0802.92.90	2705.00.00	2912.19.50	2933.39.41	3002.51.00	8101.97.00
0803.10.10	2706.00.00	2912.49.26	2933.39.61	3002.59.00	8103.20.00
0803.10.20	2707.10.00	2914.19.00	2933.39.92	3002.90.10	8103.30.00

0803.90.00	2707.20.00	2914.40.90	2933.41.00	3002.90.52	8103.91.00
0804.30.20	2707.30.00	2914.50.30	2933.49.08	3003.10.00	8103.99.00
0804.30.40	2707.40.00	2914.50.50	2933.49.10	3003.20.00	8104.11.00
0804.30.60	2707.50.00	2914.62.00	2933.49.15	3003.39.10	8104.19.00
0804.40.00	2707.91.00	2914.69.21	2933.49.17	3003.39.50	8104.20.00
0804.50.40	2707.99.10	2914.69.90	2933.49.20	3003.41.00	8104.30.00
0804.50.60	2707.99.20	2914.79.40	2933.49.26	3003.42.00	8104.90.00
0804.50.80	2707.99.40	2915.29.30	2933.49.30	3003.49.00	8105.20.30
0805.10.00	2707.99.51	2915.39.31	2933.49.60	3003.90.01	8105.20.60
0805.50.30	2707.99.55	2915.39.35	2933.49.70	3004.10.10	8105.20.90
0805.50.40	2707.99.59	2915.39.47	2933.52.10	3004.10.50	8105.30.00
0807.20.00	2707.99.90	2915.39.90	2933.52.90	3004.20.00	8105.90.00
0808.40.20	2708.10.00	2915.90.10	2933.53.00	3004.31.00	8106.10.00
0808.40.40	2708.20.00	2915.90.14	2933.54.00	3004.32.00	8106.90.00
0810.50.00	2709.00.10	2915.90.18	2933.59.10	3004.39.00	8108.20.00
0810.60.00	2709.00.20	2915.90.20	2933.59.15	3004.41.00	8108.30.00
0810.90.27	2710.12.15	2915.90.50	2933.59.18	3004.42.00	8108.90.30
0810.90.46	2710.12.18	2916.19.30	2933.59.21	3004.49.00	8108.90.60
0811.90.10	2710.12.25	2916.19.50	2933.59.22	3004.50.10	8110.10.00
0811.90.25	2710.12.45	2916.20.50	2933.59.36	3004.50.20	8110.20.00
0811.90.30	2710.12.90	2916.31.50	2933.59.46	3004.50.30	8110.90.00
0811.90.40	2710.19.06	2916.39.46	2933.59.53	3004.50.40	8111.00.47
0811.90.50	2710.19.11	2916.39.79	2933.59.59	3004.50.50	8111.00.49
0811.90.52	2710.19.16	2917.13.00	2933.59.70	3004.60.00	8112.21.00
0812.90.40	2710.19.24	2917.19.10	2933.59.80	3004.90.10	8112.22.00
0901.11.00	2710.19.25	2917.19.70	2933.59.85	3004.90.92	8112.29.00
0901.12.00	2710.19.26	2917.34.01	2933.59.95	3006.30.10	8112.41.10
0901.21.00	2710.19.30	2917.39.30	2933.69.60	3006.30.50	8112.41.50
0901.22.00	2710.19.35	2918.11.51	2933.72.00	3006.60.00	8112.49.00
0901.90.10	2710.19.40	2918.13.50	2933.79.08	3006.70.00	8112.59.00
0901.90.20	2710.19.45	2918.16.50	2933.79.15	3006.93.10	8112.92.10
0902.10.10	2710.19.90	2918.19.60	2933.79.85	3006.93.20	8112.92.30
0902.10.90	2710.20.05	2918.19.90	2933.91.00	3006.93.50	8112.92.40
0902.20.10	2710.20.10	2918.22.10	2933.99.01	3006.93.60	8112.92.60
0902.20.90	2710.20.15	2918.22.50	2933.99.02	3006.93.80	8112.92.65
0902.30.00	2710.20.25	2918.23.30	2933.99.05	3101.00.00	8112.99.10
0902.40.00	2710.91.00	2918.23.50	2933.99.06	3102.10.00	8112.99.91
0903.00.00	2710.99.05	2918.29.20	2933.99.08	3102.21.00	8471.30.01
0904.11.00	2710.99.10	2918.29.65	2933.99.11	3102.29.00	8471.41.01
0904.12.00	2710.99.16	2918.29.75	2933.99.12	3102.30.00	8471.49.00
0904.21.20	2710.99.21	2918.30.25	2933.99.16	3102.40.00	8471.50.01
0904.21.40	2710.99.31	2918.30.30	2933.99.17	3102.50.00	8471.60.10
0904.21.60	2710.99.32	2918.30.90	2933.99.22	3102.60.00	8471.60.20

0904.21.80	2710.99.39	2918.99.30	2933.99.24	3102.80.00	8471.60.70
0904.22.20	2710.99.45	2918.99.43	2933.99.26	3102.90.01	8471.60.80
0904.22.40	2710.99.90	2918.99.47	2933.99.42	3103.11.00	8471.60.90
0904.22.73	2711.11.00	2918.99.50	2933.99.46	3103.19.00	8471.70.10
0904.22.76	2711.12.00	2919.90.30	2933.99.51	3103.90.01	8471.70.20
0904.22.80	2711.13.00	2919.90.50	2933.99.53	3104.20.00	8471.70.30
0905.10.00	2711.14.00	2920.90.51	2933.99.55	3104.30.00	8471.70.40
0905.20.00	2711.19.00	2921.19.11	2933.99.58	3104.90.01	8471.70.50
0906.11.00	2711.21.00	2921.19.61	2933.99.61	3105.10.00	8471.70.60
0906.19.00	2711.29.00	2921.29.00	2933.99.65	3105.20.00	8471.70.90
0906.20.00	2712.10.00	2921.30.10	2933.99.70	3105.30.00	8471.80.10
0907.10.00	2712.20.00	2921.30.50	2933.99.75	3105.40.00	8471.80.40
0907.20.00	2712.90.10	2921.42.90	2933.99.79	3105.51.00	8471.80.90
0908.11.00	2712.90.20	2921.46.00	2933.99.82	3105.59.00	8471.90.00
0908.12.00	2713.11.00	2921.49.38	2933.99.85	3105.60.00	8473.30.11
0908.21.00	2713.12.00	2921.49.43	2933.99.89	3105.90.00	8473.30.20
0908.22.20	2713.20.00	2921.49.45	2933.99.90	3203.00.80	8473.30.51
0908.22.40	2713.90.00	2921.49.50	2933.99.97	3204.13.80	8473.30.91
0908.31.00	2714.10.00	2921.59.80	2934.10.10	3204.17.20	8486.10.00
0908.32.00	2714.90.00	2922.11.00	2934.10.20	3204.18.00	8486.20.00
0909.21.00	2715.00.00	2922.14.00	2934.10.90	3206.11.00	8486.30.00
0909.22.00	2716.00.00	2922.19.09	2934.20.40	3206.19.00	8486.40.00
0909.31.00	2801.20.00	2922.19.20	2934.20.80	3402.42.10	8486.90.00
0909.32.00	2804.29.00	2922.19.33	2934.30.23	3402.42.20	8505.11.0070
0909.61.00	2804.50.00	2922.19.60	2934.30.27	3402.42.90	8517.13.00
0909.62.00	2804.61.00	2922.19.70	2934.30.43	3606.90.30	8517.62.00
0910.11.00	2804.80.00	2922.19.90	2934.30.50	3808.94.10	8523.51.00
0910.12.00	2804.90.00	2922.19.96	2934.91.00	3808.94.50	8524.11.10
0910.20.00	2805.19.10	2922.29.27	2934.92.00	3818.00.00	8524.11.90
0910.30.00	2805.19.20	2922.29.61	2934.99.01	3824.91.00	8524.12.00
0910.91.00	2805.19.90	2922.29.81	2934.99.03	3824.99.29	8524.19.00
0910.99.07	2805.30.00	2922.31.00	2934.99.05	3824.99.49	8524.91.10
0910.99.10	2811.11.00	2922.39.25	2934.99.06	3824.99.55	8524.91.90
0910.99.20	2811.19.10	2922.39.45	2934.99.07	3901.90.90	8524.92.00
0910.99.40	2811.29.10	2922.39.50	2934.99.08	3902.90.00	8524.99.00
0910.99.50	2811.29.20	2922.41.00	2934.99.09	3904.61.00	8528.52.00
0910.99.60	2812.19.00	2922.42.50	2934.99.11	3905.91.10	8541.10.00
1003.90.40	2813.90.10	2922.44.00	2934.99.12	3905.99.80	8541.21.00
1008.30.00	2815.20.00	2922.49.10	2934.99.15	3906.90.50	8541.29.00
1008.40.00	2816.10.00	2922.49.26	2934.99.16	3907.10.00	8541.30.00
1008.60.00	2816.40.10	2922.49.30	2934.99.18	3907.21.00	8541.41.00
1106.20.90	2816.40.20	2922.49.37	2934.99.20	3907.70.00	8541.49.10
1106.30.20	2817.00.00	2922.49.49	2934.99.30	3908.10.00	8541.49.70

1108.14.00	2818.10.10	2922.49.80	2934.99.39	3911.90.25	8541.49.80
1108.19.00	2818.10.20	2922.50.07	2934.99.44	3911.90.91	8541.49.95
1203.00.00	2818.20.00	2922.50.10	2934.99.47	3912.31.00	8541.51.00
1207.91.00	2820.10.00	2922.50.11	2934.99.70	3912.39.00	8541.59.00
1513.11.00	2821.10.00	2922.50.13	2934.99.90	3912.90.00	8541.90.00
1513.19.00	2821.20.00	2922.50.14	2935.50.00	3913.90.20	8542.31.00
1521.10.00	2822.00.00	2922.50.17	2935.90.06	3913.90.50	8542.32.00
1521.90.20	2823.00.00	2922.50.25	2935.90.10	3914.00.60	8542.33.00
1602.50.05	2825.20.00	2922.50.35	2935.90.13	4001.10.00	8542.39.00
1602.50.07	2825.40.00	2922.50.40	2935.90.15	4001.21.00	8542.90.00

(iii) As provided in heading 9903.03.04, the additional duty imposed by heading 9903.03.01 shall not apply to the following particular articles the product of any country:

(1) Etrogs (classifiable in subheading 0805.90.01);

(2) Tropical fruit, nesoi, frozen, whether or not previously steamed or boiled (classifiable in subheading 0811.90.80);

(3) Date palm branches, Myrtus branches or other vegetable material, for religious purposes only (classifiable in subheading 1404.90.90);

(4) Bread, pastry, cakes, biscuits and similar baked products nesoi, and puddings, whether or not containing chocolate, fruit, nuts or confectionery, for religious purposes only (classifiable in subheading 1905.90.10);

(5) Bakers' wares, communion wafers, sealing wafers, rice paper and similar products, nesoi, for religious purposes only (classifiable in subheading 1905.90.90);

(6) Acai (classifiable in subheading 2008.99.21);

(7) Citrus juice of any single citrus fruit (other than orange, grapefruit or lime), of a Brix value not exceeding 20, concentrated, unfermented, except for lemon juice (classifiable in subheading 2009.31.60);

(8) Coconut water or juice of acai (classifiable in subheading 2009.89.70);

(9) Coconut water juice blends, not from concentrate, packaged for retail sale (classifiable in subheading 2009.90.40);

(10) Acai preparations for the manufacture of beverages (classifiable in subheading 2106.90.99); and

(11) Essential oils other than those of citrus fruit, nesoi, for religious purposes only (classifiable in subheading 3301.29.51).

(iv) As provided in heading 9903.03.05, the additional duty imposed by heading 9903.03.01 shall not apply to articles the product of any country that are civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of general note 6 of the HTSUS and are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty "Free (C)" appears in the "Special" sub-column:

3917.21.00	7608.10.00	8421.29.00	8502.39.00	8529.90.55	9025.80.50
3917.22.00	7608.20.00	8421.31.00	8502.40.00	8529.90.63	9025.90.06
3917.23.00	8302.10.60	8421.32.00	8504.10.00	8529.90.68	9026.10.20
3917.29.00	8302.10.90	8421.39.01	8504.31.20	8529.90.73	9026.10.40
3917.31.00	8302.20.00	8424.10.00	8504.31.40	8529.90.77	9026.10.60
3917.33.00	8302.42.30	8425.11.00	8504.31.60	8529.90.78	9026.20.40
3917.39.00	8302.42.60	8425.19.00	8504.32.00	8529.90.81	9026.20.80
3917.40.00	8302.49.40	8425.31.01	8504.33.00	8529.90.83	9026.80.20
3926.90.45	8302.49.60	8425.39.01	8504.40.40	8529.90.87	9026.80.40
3926.90.94	8302.49.80	8425.42.00	8504.40.60	8529.90.88	9026.80.60
3926.90.96	8302.60.30	8425.49.00	8504.40.70	8529.90.89	9026.90.20
3926.90.99	8307.10.30	8426.99.00	8504.40.85	8529.90.93	9026.90.40
4008.29.20	8307.90.30	8428.10.00	8504.40.95	8529.90.95	9026.90.60
4009.12.00	8407.10.00	8428.20.00	8504.50.40	8529.90.97	9029.10.80
4009.22.00	8408.90.90	8428.33.00	8504.50.80	8529.90.98	9029.20.40
4009.32.00	8409.10.00	8428.39.00	8507.10.00	8531.10.00	9029.90.80
4009.42.00	8411.11.40	8428.90.03	8507.20.80	8531.20.00	9030.10.00
4011.30.00	8411.11.80	8443.31.00	8507.30.80	8531.80.15	9030.20.05
4012.13.00	8411.12.40	8443.32.10	8507.50.00	8531.80.90	9030.20.10
4012.20.10	8411.12.80	8443.32.50	8507.60.00	8536.70.00	9030.31.00
4016.10.00	8411.21.40	8479.89.10	8507.80.82	8539.10.00	9030.32.00
4016.93.50	8411.21.80	8479.89.20	8507.90.40	8539.51.00	9030.33.34
4016.99.35	8411.22.40	8479.89.65	8507.90.80	8543.70.42	9030.33.38
4016.99.60	8411.22.80	8479.89.70	8511.10.00	8543.70.45	9030.39.01
4017.00.00	8411.81.40	8479.89.95	8511.20.00	8543.70.60	9030.40.00
4504.90.00	8411.82.40	8479.90.41	8511.30.00	8543.70.80	9030.84.00
4823.90.10	8411.91.10	8479.90.45	8511.40.00	8543.70.91	9030.89.01
4823.90.20	8411.91.90	8479.90.55	8511.50.00	8543.70.95	9030.90.25
4823.90.31	8411.99.10	8479.90.65	8511.80.20	8543.90.12	9030.90.46
4823.90.40	8411.99.90	8479.90.75	8511.80.40	8543.90.15	9030.90.66
4823.90.50	8412.10.00	8479.90.85	8511.80.60	8543.90.35	9030.90.68
4823.90.60	8412.21.00	8479.90.95	8514.20.40	8543.90.65	9030.90.84
4823.90.67	8412.29.40	8483.10.10	8516.80.40	8543.90.68	9030.90.89
4823.90.70	8412.29.80	8483.10.30	8516.80.80	8543.90.85	9031.80.40
4823.90.80	8412.31.00	8483.10.50	8517.14.00	8543.90.88	9031.80.80
4823.90.86	8412.39.00	8483.30.40	8517.61.00	8544.30.00	9031.90.21

6812.80.90	8412.80.10	8483.30.80	8517.69.00	8801.00.00	9031.90.45
6812.99.10	8412.80.90	8483.40.10	8517.71.00	8802.11.01	9031.90.54
6812.99.20	8412.90.90	8483.40.30	8518.10.40	8802.12.01	9031.90.59
6812.99.90	8413.19.00	8483.40.50	8518.10.80	8802.20.01	9031.90.70
6813.20.00	8413.20.00	8483.40.70	8518.21.00	8802.30.01	9031.90.91
6813.81.00	8413.30.10	8483.40.80	8518.22.00	8802.40.01	9032.10.00
6813.89.00	8413.30.90	8483.40.90	8518.29.40	8805.29.00	9032.20.00
7007.21.11	8413.50.00	8483.50.40	8518.29.80	8806.10.00	9032.81.00
7304.31.30	8413.60.00	8483.50.60	8518.30.10	8806.21.00	9032.89.20
7304.31.60	8413.70.10	8483.50.90	8518.30.20	8806.22.00	9032.89.40
7304.39.00	8413.70.20	8483.60.40	8518.40.10	8806.23.00	9032.89.60
7304.41.30	8413.81.00	8483.60.80	8518.40.20	8806.24.00	9032.90.21
7304.41.60	8413.91.10	8483.90.10	8518.50.00	8806.29.00	9032.90.41
7304.49.00	8413.91.20	8483.90.20	8519.81.10	8806.91.00	9032.90.61
7304.51.10	8413.91.90	8483.90.30	8519.81.20	8806.92.00	9033.00.90
7304.51.50	8414.10.00	8483.90.50	8519.81.25	8806.93.00	9104.00.05
7304.59.10	8414.20.00	8483.90.80	8519.81.30	8806.94.00	9104.00.10
7304.59.20	8414.30.40	8484.10.00	8519.81.41	8806.99.00	9104.00.20
7304.59.60	8414.30.80	8484.90.00	8519.89.10	8807.10.00	9104.00.25
7304.59.80	8414.51.30	8501.20.50	8519.89.20	8807.20.00	9104.00.30
7304.90.10	8414.51.90	8501.20.60	8519.89.30	8807.30.00	9104.00.40
7304.90.30	8414.59.30	8501.31.50	8521.10.30	8807.90.90	9104.00.45
7304.90.50	8414.59.65	8501.31.60	8521.10.60	9001.90.40	9104.00.50
7304.90.70	8414.80.05	8501.31.81	8521.10.90	9001.90.50	9104.00.60
7306.30.10	8414.80.16	8501.32.20	8522.90.25	9001.90.60	9109.10.50
7306.30.30	8414.80.20	8501.32.55	8522.90.36	9001.90.80	9109.10.60
7306.30.50	8414.80.90	8501.32.61	8522.90.45	9001.90.90	9109.90.20
7306.40.10	8414.90.10	8501.33.20	8522.90.58	9002.90.20	9401.10.40
7306.40.50	8414.90.30	8501.33.30	8522.90.65	9002.90.40	9401.10.80
7306.50.10	8414.90.41	8501.33.61	8522.90.80	9002.90.70	9403.20.00
7306.50.30	8414.90.91	8501.34.61	8526.10.00	9002.90.85	9403.70.40
7306.50.50	8415.10.60	8501.40.50	8526.91.00	9002.90.95	9403.70.80
7306.61.10	8415.10.90	8501.40.60	8526.92.10	9014.10.10	9405.11.40
7306.61.30	8415.81.01	8501.51.50	8526.92.50	9014.10.60	9405.11.60
7306.61.50	8415.82.01	8501.51.60	8528.42.00	9014.10.70	9405.11.80
7306.61.70	8415.83.00	8501.52.40	8528.62.00	9014.10.90	9405.19.40
7306.69.10	8415.90.40	8501.52.80	8529.10.21	9014.20.20	9405.19.60
7306.69.30	8415.90.80	8501.53.40	8529.10.40	9014.20.40	9405.19.80
7306.69.50	8418.10.00	8501.53.60	8529.10.91	9014.20.60	9405.61.20
7306.69.70	8418.30.00	8501.61.01	8529.90.04	9014.20.80	9405.61.40
7312.10.05	8418.40.00	8501.62.01	8529.90.05	9014.90.10	9405.61.60
7312.10.10	8418.61.01	8501.63.01	8529.90.06	9014.90.20	9405.69.20
7312.10.20	8418.69.01	8501.71.00	8529.90.09	9014.90.40	9405.69.40
7312.10.30	8419.50.10	8501.72.10	8529.90.13	9014.90.60	9405.69.60
7312.10.50	8419.50.50	8501.72.20	8529.90.16	9020.00.40	9405.92.00

7312.10.60	8419.81.50	8501.72.30	8529.90.19	9020.00.60	9405.99.20
7312.10.70	8419.81.90	8501.72.90	8529.90.21	9025.11.20	9405.99.40
7312.10.80	8419.90.10	8501.80.10	8529.90.24	9025.11.40	9620.00.50
7312.10.90	8419.90.20	8501.80.20	8529.90.29	9025.19.40	9620.00.60
7312.90.00	8419.90.30	8501.80.30	8529.90.33	9025.19.80	9802.00.40
7322.90.00	8419.90.50	8502.11.00	8529.90.36	9025.80.10	9802.00.50
7324.10.00	8419.90.85	8502.12.00	8529.90.39	9025.80.15	9802.00.60
7324.90.00	8421.19.00	8502.13.00	8529.90.43	9025.80.20	9802.00.80
7326.20.00	8421.21.00	8502.20.00	8529.90.46	9025.80.35	9818.00.05
7413.00.90	8421.23.00	8502.31.00	8529.90.49	9025.80.40	9818.00.07

(v) As provided in heading 9903.03.06, the additional duty imposed by heading 9903.03.01 shall not apply to:

(a) products of iron or steel provided for in headings 9903.81.87, 9903.81.88, 9903.81.94 and 9903.81.95, but such additional duty shall apply to the non-steel content of such products of iron or steel;

(b) the declared value of the steel content of the derivative iron or steel products provided for in headings 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.92, 9903.81.93, 9903.81.96, 9903.81.97, 9903.81.98 and 9903.81.99, but such additional duty shall apply to the non-steel content;

(c) products of aluminum provided for in headings 9903.85.02 and 9903.85.12, but such additional duty shall apply to the non-aluminum content of such products of aluminum;

(d) the declared value of the aluminum content of the derivative aluminum products provided for in headings 9903.85.04, 9903.85.07, 9903.85.08, 9903.85.09, 9903.85.13, 9903.85.14 and 9903.85.15, but such additional duty shall apply to the non-aluminum content;

(e) passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and light trucks provided for in headings 9903.94.01, 9903.94.02 (as applied to the U.S. content of passenger vehicles and light trucks described in subdivision 33(d) of this subchapter upon approval from the Secretary of Commerce), 9903.94.03, 9903.94.31, 9903.94.40, 9903.94.41, 9903.94.50, 9903.94.51, 9903.94.60 and 9903.94.61;

(f) parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks provided for in headings 9903.94.05, 9903.94.06 (as applied to parts of passenger vehicles that are eligible for special tariff treatment under the United States-Mexico-Canada Agreement (USMCA) other than automobile knock-down kits or parts compilations), 9903.94.07, 9903.94.32, 9903.94.33, 9903.94.42, 9903.94.43, 9903.94.44, 9903.94.45, 9903.94.52, 9903.94.53, 9903.94.54, 9903.94.55, 9903.94.62, 9903.94.63, 9903.94.64 and 9903.94.65, and parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks subject to an import adjustment offset pursuant to Proclamation 10925 of April 29, 2025 (90 FR 18899), as amended;

(g) semi-finished copper and intensive copper derivative products provided for in heading 9903.78.01, but such additional duty shall apply to the non-copper content of such products of copper;

(h) wood products provided for in headings 9903.76.01, 9903.76.02, 9903.76.03, 9903.76.20, 9903.76.21, 9903.76.22 and 9903.76.23;

(i) medium- and heavy-duty vehicles, buses, and other vehicles provided for in headings 9903.74.01, 9903.74.02, 9903.74.03 and 9903.74.06;

(j) medium- and heavy-duty vehicle parts provided for in headings 9903.74.08, 9903.74.09 and 9903.74.10, and parts of medium- and heavy-duty vehicles subject to an import adjustment offset pursuant to Proclamation 10984 of October 17, 2025 (90 FR 48451); and

(k) semiconductor articles provided for in heading 9903.79.01.

(vi) As provided in heading 9903.03.07, the additional duty imposed by heading 9903.03.01 shall not apply to any products of Canada entered free of duty under the United States-Mexico-Canada Agreement, including any treatment set forth in subchapter XXIII of chapter 98 and subchapter XXII of chapter 99 of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty "S or S+" appears in the "Special" sub-column.

(vii) As provided in heading 9903.03.08, the additional duty imposed by heading 9903.03.01 shall not apply to any products of Mexico entered free of duty under the United States-Mexico-Canada Agreement, including any treatment set forth in subchapter XXIII of chapter 98 and subchapter XXII of chapter 99 of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty "S or S+" appears in the "Special" sub-column.

(viii) As provided in heading 9903.03.09, the additional duty imposed by heading 9903.03.01 shall not apply to a textile or apparel good as defined in subdivision (d)(v) of general note 29 of the HTSUS which is the product of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras or Nicaragua, entered free of duty under the Dominican Republic-Central America-United States Free Trade Agreement, including any treatment set forth in subchapter XXII of chapter 98 of the HTSUS."

ANNEX II

Note: All products that are properly classified in the provisions of the Harmonized Tariff Schedule of the United States (HTSUS) that are listed in this Annex are not covered by the action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. Only items that are properly classified in the listed provisions of the HTSUS are excluded from the action. Any questions regarding the scope of particular HTSUS provisions should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

Notes on certain HTSUS provisions for which only a portion of the provision is covered in this Annex, as provided in the "Scope Limitations" column:

- A subheading marked with "**Ex**" is defined and limited by the product description.
- A subheading marked with "**Aircraft**" includes only articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of general note 6 of the HTSUS, regardless of whether a product is entered under a provision for which the rate of duty "Free (C)" appears in the "Special" sub-column.

HTSUS	Description	Scope Limitations
0201.10.05	Bovine carcasses and halves, fresh or chilled, described in general note 15 of the HTSUS	
0201.10.10	Bovine carcasses and halves, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.10.50	Bovine carcasses and halves, fresh or chilled, other than described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.02	High-quality beef cuts, with bone in, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.04	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.06	Bovine meat cuts, with bone in, not processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.10	High-quality beef cuts, with bone in, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.30	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	

HTSUS	Description	Scope Limitations
0201.20.50	Bovine meat cuts, with bone in, not processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.80	Bovine meat cuts, with bone in, fresh or chilled, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.02	High-quality beef cuts, boneless, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.04	Bovine meat cuts (except high-quality beef cuts), boneless, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.06	Bovine meat cuts, boneless, not processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.10	High-quality beef cuts, boneless, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.30	Bovine meat cuts (except high-quality beef cuts), boneless, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.50	Bovine meat cuts, boneless, not processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.80	Bovine meat cuts, boneless, fresh or chilled, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.10.05	Bovine carcasses and halves, frozen, described in general note 15 of the HTSUS	
0202.10.10	Bovine carcasses and halves, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.10.50	Bovine carcasses and halves, frozen, other than described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.02	High-quality beef cuts, with bone in, processed, frozen, described in general note 15 of the HTSUS	
0202.20.04	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, frozen, described in general note 15 of the HTSUS	
0202.20.06	Bovine meat cuts, with bone in, not processed, frozen, described in general note 15 of the HTSUS	
0202.20.10	High-quality beef cuts, with bone in, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	

HTSUS	Description	Scope Limitations
0202.20.30	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.50	Bovine meat cuts, with bone in, not processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.80	Bovine meat cuts, with bone in, frozen, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.02	High-quality beef cuts, boneless, processed, frozen, described in general note 15 of the HTSUS	
0202.30.04	Bovine meat cuts (except high-quality beef cuts), boneless, processed, frozen, described in general note 15 of the HTSUS	
0202.30.06	Bovine meat cuts, boneless, not processed, frozen, described in general note 15 of the HTSUS	
0202.30.10	High-quality beef cuts, boneless, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.30	Bovine meat cuts (except high-quality beef cuts), boneless, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.50	Bovine meat cuts, boneless, not processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.80	Bovine meat cuts, boneless, frozen, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0206.10.00	Edible offal of bovine animals, fresh or chilled	
0206.21.00	Tongues of bovine animals, frozen	
0206.22.00	Livers of bovine animals, frozen	
0206.29.00	Edible offal of bovine animals, except tongues or livers, frozen	
0210.20.00	Meat of bovine animals, salted, in brine, dried or smoked	
0508.00.00	Coral, shells, cuttlebone and similar materials, unworked or simply prepared but not cut to shape; powder and waste thereof	
0702.00.20	Tomatoes, fresh or chilled, if entered during the period from March 1 to July 14, or the period from September 1 to November 14 in any year	
0702.00.40	Tomatoes, fresh or chilled, if entered during the period from July 15 to August 31 in any year	
0702.00.60	Tomatoes, fresh or chilled, if entered during the period from November 15, in any year, to the last day of February of the following year	

HTSUS	Description	Scope Limitations
0709.99.05	Jicamas and breadfruit, fresh or chilled	
0709.99.10	Chayote (Sechium edule), fresh or chilled	
0710.80.15	Bamboo shoots and water chestnuts (other than Chinese water chestnuts), uncooked or cooked by steaming or boiling in water, frozen	
0711.90.30	Capers, provisionally preserved but unsuitable in that state for immediate consumption	
0712.32.00	Dried wood ears (Auricularia spp.), whole, cut, sliced, broken or in powder, but not further prepared	
0712.34.10	Air dried or sun dried shiitake	
0712.34.20	Dried (other than air dried or sun dried) shiitake	
0713.34.20	Dried Bambara beans, shelled, if entered for consumption during the period from May 1 through August 31, inclusive, in any year	
0713.34.40	Dried Bambara beans, shelled, if entered for consumption outside the above period, or if withdrawn for consumption	
0714.10.10	Cassava (manioc), frozen, whether or not sliced or in the form of pellets	
0714.10.20	Cassava (manioc), fresh, chilled or dried, whether or not sliced or in the form of pellets	
0714.40.10	Taro (Colocasia spp.), fresh or chilled, whether or not sliced or in the form of pellets	
0714.40.20	Taro (Colocasia spp.), frozen	
0714.40.50	Taro (Colocasia spp.), dried, in the form of pellets	
0714.40.60	Taro (Colocasia spp.), dried, whether or not sliced but not in pellets	
0714.50.10	Yautia (Xanthosoma spp.), fresh or chilled, whether or not sliced or in the form of pellets	
0714.50.20	Yautia (Xanthosoma spp.), frozen	
0714.50.60	Yautia (Xanthosoma spp.), dried, whether or not sliced but not in pellets	
0714.90.42	Other mixtures of Chinese water chestnuts, frozen	
0714.90.44	Chinese water chestnuts, not mixed, frozen	
0714.90.46	Frozen dasheens, arrowroot, salep, Jerusalem artichokes, and similar roots and tubers, nesoi	
0714.90.48	Chinese water chestnuts, dried	
0714.90.61	Dried dasheens, arrowroot, salep, Jerusalem artichokes, and similar roots and tubers nesoi, whether or not sliced but not in pellets	
0801.11.00	Coconuts, desiccated	
0801.12.00	Coconuts, fresh, in the inner shell (endocarp)	
0801.19.01	Coconuts, fresh, not in the inner shell (endocarp)	

HTSUS	Description	Scope Limitations
0801.21.00	Brazil nuts, fresh or dried, in shell	
0801.22.00	Brazil nuts, fresh or dried, shelled	
0801.31.00	Cashew nuts, fresh or dried, in shell	
0801.32.00	Cashew nuts, fresh or dried, shelled	
0802.41.00	Chestnuts (Castanea spp.), fresh or dried, in shell	
0802.42.00	Chestnuts (Castanea spp.), fresh or dried, shelled	
0802.61.00	Macadamia nuts, in shell	
0802.62.00	Macadamia nuts, shelled	
0802.70.10	Kola nuts (Cola spp.), fresh or dried, in shell	
0802.70.20	Kola nuts (Cola spp.), fresh or dried, shelled	
0802.80.10	Areca nuts, fresh or dried, in shell	
0802.80.20	Areca nuts, fresh or dried, shelled	
0802.91.10	Pignolia pine nuts, fresh or dried, in shell	
0802.91.90	Pine nuts (other than Pignolia), fresh or dried, in shell	
0802.92.10	Pignolia pine nuts, fresh or dried, shelled	
0802.92.90	Pine nuts (other than Pignolia), fresh or dried, shelled	
0803.10.10	Plantains, fresh	
0803.10.20	Plantains, dried	
0803.90.00	Bananas, fresh or dried	
0804.30.20	Pineapples, fresh or dried, not reduced in size, in bulk	
0804.30.40	Pineapples, fresh or dried, not reduced in size, in crates or other packages	
0804.30.60	Pineapples, fresh or dried, reduced in size	
0804.40.00	Avocados, fresh or dried	
0804.50.40	Guavas, mangoes and mangosteens, fresh, if entered during the period September 1 through the following May 31, inclusive	
0804.50.60	Guavas, mangoes and mangosteens, fresh, if entered during the period June 1 through August 31, inclusive	
0804.50.80	Guavas, mangoes and mangosteens, dried	
0805.10.00	Oranges, fresh or dried	
0805.50.30	Tahitian limes, Persian limes and other limes of the Citrus latifolia variety, fresh or dried	
0805.50.40	Limes of the Citrus aurantifolia variety, nesoi, fresh or dried	
0805.90.01	Etrogs	Ex
0807.20.00	Papayas (papaws), fresh	
0808.40.20	Quinces, fresh, if entered during the period from April 1 through June 30, inclusive	
0808.40.40	Quinces, fresh, if entered during the period from July 1 through the following March 31, inclusive	
0810.50.00	Kiwifruit, fresh	

HTSUS	Description	Scope Limitations
0810.60.00	Durians, fresh	
0810.90.27	Other berries and tamarinds, fresh	
0810.90.46	Fruit, nesoi, fresh	
0811.90.10	Bananas and plantains, frozen, in water or containing added sweetening	
0811.90.25	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening	
0811.90.30	Coconut meat, frozen, in water or containing added sweetening	
0811.90.40	Papayas, frozen, in water or containing added sweetening	
0811.90.50	Pineapples, frozen, in water or containing added sweetening	
0811.90.52	Mangoes, frozen, whether or not previously steamed or boiled	
0811.90.80	Tropical fruit, nesoi, frozen, whether or not previously steamed or boiled	Ex
0812.90.40	Pineapples, provisionally preserved, but unsuitable in that state for immediate consumption	
0901.11.00	Coffee, not roasted, not decaffeinated	
0901.12.00	Coffee, not roasted, decaffeinated	
0901.21.00	Coffee, roasted, not decaffeinated	
0901.22.00	Coffee, roasted, decaffeinated	
0901.90.10	Coffee husks and skins	
0901.90.20	Coffee substitutes containing coffee	
0902.10.10	Green tea in immediate packings of a content not exceeding 3 kg, flavored	
0902.10.90	Green tea in immediate packings of a content not exceeding 3 kg, not flavored	
0902.20.10	Green tea in immediate packings of a content exceeding 3 kg, flavored	
0902.20.90	Green tea in immediate packings of a content exceeding 3 kg, not flavored	
0902.30.00	Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg	
0902.40.00	Black tea (fermented) and partly fermented tea, other than in immediate packings of a content not exceeding 3 kg	
0903.00.00	Maté	
0904.11.00	Pepper of the genus Piper, neither crushed nor ground	
0904.12.00	Pepper of the genus Piper, crushed or ground	
0904.21.20	Paprika, dried, neither crushed nor ground	
0904.21.40	Anaheim and ancho pepper, dried, neither crushed nor ground	

HTSUS	Description	Scope Limitations
0904.21.60	Fruits of the genus Capsicum, other than paprika or anaheim and ancho pepper, dried, neither crushed nor ground	
0904.21.80	Fruits of the genus Pimenta (including allspice), dried	
0904.22.20	Paprika, crushed or ground	
0904.22.40	Anaheim and ancho pepper, crushed or ground	
0904.22.73	Mixtures of mashed or macerated hot red peppers and salt, nesoi	
0904.22.76	Fruits of the genus Capsicum, crushed or ground, nesoi	
0904.22.80	Fruits of the genus Pimenta (including allspice), crushed or ground	
0905.10.00	Vanilla beans, neither crushed nor ground	
0905.20.00	Vanilla beans, crushed or ground	
0906.11.00	Cinnamon (Cinnamomum zeylanicum Blume), neither crushed nor ground	
0906.19.00	Cinnamon and cinnamon-tree flowers, nesoi, neither crushed nor ground	
0906.20.00	Cinnamon and cinnamon-tree flowers, crushed or ground	
0907.10.00	Cloves (whole fruit, cloves and stems), neither crushed nor ground	
0907.20.00	Cloves (whole fruit, cloves and stems), crushed or ground	
0908.11.00	Nutmeg, neither crushed nor ground	
0908.12.00	Nutmeg, crushed or ground	
0908.21.00	Mace, neither crushed nor ground	
0908.22.20	Mace, ground, Bombay or wild	
0908.22.40	Mace, crushed or ground, other than ground Bombay or wild mace	
0908.31.00	Cardamoms, neither crushed nor ground	
0908.32.00	Cardamoms, crushed or ground	
0909.21.00	Seeds of coriander, neither crushed nor ground	
0909.22.00	Seeds of coriander, crushed or ground	
0909.31.00	Seeds of cumin, neither crushed nor ground	
0909.32.00	Seeds of cumin, crushed or ground	
0909.61.00	Seeds of anise, badian, caraway or fennel; juniper berries; neither crushed nor ground	
0909.62.00	Seeds of anise, badian, caraway or fennel; juniper berries; crushed or ground	
0910.11.00	Ginger, neither crushed nor ground	
0910.12.00	Ginger, crushed or ground	
0910.20.00	Saffron	
0910.30.00	Turmeric (curcuma)	

HTSUS	Description	Scope Limitations
0910.91.00	Mixtures of spices referred to in note 1(b) to chapter 9 of the HTSUS	
0910.99.07	Bay leaves, other than crude or not manufactured	
0910.99.10	Curry	
0910.99.20	Origanum, crude or not manufactured	
0910.99.40	Origanum, other than crude or not manufactured	
0910.99.50	Dill	
0910.99.60	Spices, nesoi	
1003.90.40	Barley, not seed, other than for malting purposes	
1008.30.00	Canary seed	
1008.40.00	Fonio (Digitaria spp.)	
1008.60.00	Triticale	
1106.20.90	Flour, meal and powder of sago, or of roots or tubers of heading 0714 (excluding Chinese water chestnuts)	
1106.30.20	Flour, meal and powder of banana and plantain	
1108.14.00	Cassava (manioc) starch	
1108.19.00	Starches other than wheat, corn (maize), potato or cassava (manioc) starches	
1203.00.00	Copra	
1207.91.00	Poppy seeds, whether or not broken	
1404.90.90	Date palm branches, Myrtus branches or other vegetable material, for religious purposes only	Ex
1513.11.00	Coconut (copra) oil and its fractions, crude oil	
1513.19.00	Coconut (copra) oil and its fractions, other	
1521.10.00	Vegetable waxes (other than triglycerides), whether or not refined or colored	
1521.90.20	Bleached beeswax	
1602.50.05	Offal of bovine animals, prepared or preserved	
1602.50.07	Corned beef in airtight containers	
1602.50.08	Offal of bovine animals, cured or pickled, not corned beef, not in airtight containers	
1602.50.21	Offal of bovine animals, other, in airtight containers	
1602.50.60	Prepared or preserved meat of bovine animals, not containing cereals or vegetables, nesoi	
1602.50.90	Prepared or preserved meat of bovine animals, containing cereals or vegetables	
1801.00.00	Cocoa beans, whole or broken, raw or roasted	
1802.00.00	Cocoa shells, husks, skins and other cocoa waste	
1803.10.00	Cocoa paste, not defatted	
1803.20.00	Cocoa paste, wholly or partly defatted	
1804.00.00	Cocoa butter, fat and oil	

HTSUS	Description	Scope Limitations
1805.00.00	Cocoa powder, not containing added sugar or other sweetening matter	
1903.00.20	Tapioca and substitutes prepared from starch, of arrowroot, cassava or sago, in the form of flakes, grains, pearls, siftings or in similar forms	
1903.00.40	Tapioca and substitutes, prepared from starch nesoi, in the form of flakes, grains, pearls, siftings or in similar forms	
1905.90.10	Bread, pastry, cakes, biscuits and similar baked products, nesoi, and puddings, whether or not containing chocolate, fruit, nuts or confectionery, for religious purposes only	Ex
1905.90.90	Bakers' wares, communion wafers, sealing wafers, rice paper and similar products, nesoi, for religious purposes only	Ex
2001.90.45	Mangoes, prepared or preserved by vinegar or acetic acid	
2005.91.60	Bamboo shoots in airtight containers, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, not preserved by sugar	
2006.00.40	Pineapples, preserved by sugar (drained, glacé or crystallized)	
2007.99.40	Pineapple jam	
2007.99.50	Guava and mango pastes and purees, being cooked preparations	
2008.19.15	Coconuts, otherwise prepared or preserved, nesoi	
2008.20.00	Pineapples, otherwise prepared or preserved, nesoi	
2008.91.00	Palm hearts, otherwise prepared or preserved, nesoi	
2008.99.13	Banana pulp, otherwise prepared or preserved, nesoi	
2008.99.15	Bananas, other than pulp, otherwise prepared or preserved, nesoi	
2008.99.21	Acai	Ex
2008.99.40	Mangoes, otherwise prepared or preserved, nesoi	
2008.99.45	Papaya pulp, otherwise prepared or preserved, nesoi	
2008.99.91	Bean cake, bean stick, miso, other fruit, nuts and other edible parts of plants, prepared or preserved	
2009.11.00	Orange juice, frozen, unfermented and not containing added spirit	
2009.12.25	Orange juice, not frozen, of a Brix value not exceeding 20, not concentrated and not made from juice having a degree of concentration of 1.5 or more, unfermented	
2009.12.45	Orange juice, not frozen, of a Brix value not exceeding 20, concentrated, unfermented	
2009.19.00	Orange juice, not frozen, of a Brix value exceeding 20, unfermented	

HTSUS	Description	Scope Limitations
2009.31.60	Citrus juice of any single citrus fruit (other than orange, grapefruit or lime), of a Brix value not exceeding 20, concentrated, unfermented, except for lemon juice	Ex
2009.39.20	Lime juice, of a Brix value exceeding 20, fit for beverage purposes, unfermented	
2009.49.40	Pineapple juice, of a Brix value exceeding 20, concentrated (in degree of concentration greater than 3.5)	
2009.89.70	Coconut water or juice of acai	Ex
2009.90.40	Coconut water juice blends, not from concentrate, packaged for retail sale	Ex
2101.11.29	Extracts, essences and concentrates of coffee other than unflavored instant coffee	
2101.12.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of coffee	
2101.20.20	Extracts, essences or concentrates of tea or mate	
2106.90.48	Orange juice, fortified with vitamins or minerals	
2106.90.99	Acai preparations for the manufacture of beverages	Ex
2202.99.30	Orange juice, fortified with vitamins or minerals, not made from a juice having a degree of concentration of 1.5 or more	
2202.99.35	Orange juice, fortified with vitamins or minerals, nesoi	
2504.10.10	Natural graphite, crystalline flake (not including flake dust)	
2504.10.50	Natural graphite in powder or flakes other than crystalline flake	
2504.90.00	Natural graphite, other than in powder or in flakes	
2510.10.00	Natural calcium phosphates, natural aluminum calcium phosphates, unground	
2510.20.00	Natural calcium phosphates, natural aluminum calcium phosphates, ground	
2511.10.10	Natural barium sulfate (barytes), ground	
2511.10.50	Natural barium sulfate (barytes), not ground	
2519.10.00	Natural magnesium carbonate (magnesite)	
2519.90.10	Fused magnesia; dead-burned (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering	
2519.90.20	Caustic calcined magnesite	
2524.90.00	Asbestos other than crocidolite	
2529.21.00	Fluorspar, containing by weight 97 percent or less of calcium fluoride	
2529.22.00	Fluorspar, containing by weight more than 97 percent of calcium fluoride	
2530.20.10	Kieserite	
2530.20.20	Epsom salts (natural magnesium sulfates)	

HTSUS	Description	Scope Limitations
2530.90.10	Natural cryolite; natural chiolite	
2530.90.20	Natural micaceous iron oxides	
2530.90.80	Other mineral substances, nesoi	
2602.00.00	Manganese ores and concentrates including ferruginous manganese ores and concentrates with manganese content over 20 percent calculated on the dry weight	
2603.00.00	Copper ores and concentrates	
2604.00.00	Nickel ores and concentrates	
2605.00.00	Cobalt ores and concentrates	
2606.00.00	Aluminum ores and concentrates	
2608.00.00	Zinc ores and concentrates	
2609.00.00	Tin ores and concentrates	
2610.00.00	Chromium ores and concentrates	
2611.00.30	Tungsten ores	
2611.00.60	Tungsten concentrates	
2612.10.00	Uranium ores and concentrates	
2612.20.00	Thorium ores and concentrates	
2613.90.00	Molybdenum ores and concentrates, not roasted	
2614.00.30	Synthetic rutile	
2614.00.60	Titanium ores and concentrates, other than synthetic rutile	
2615.90.30	Synthetic tantalum-niobium concentrates	
2615.90.60	Niobium, tantalum or vanadium ores and concentrates, nesoi	
2616.10.00	Silver ores and concentrates	
2617.10.00	Antimony ores and concentrates	
2620.30.00	Ash and residues (other than from the manufacture of iron or steel), containing mainly copper	
2620.99.50	Slag (other than from the manufacture of iron or steel) containing over 40 percent titanium, and which if containing over 2 percent by weight of copper, lead, or zinc is not to be treated for the recovery thereof	
2701.11.00	Coal, anthracite, whether or not pulverized, but not agglomerated	
2701.12.00	Coal, bituminous, whether or not pulverized, but not agglomerated	
2701.19.00	Coal, other than anthracite or bituminous, whether or not pulverized, but not agglomerated	
2701.20.00	Coal, briquettes, ovoids and similar solid fuels manufactured from coal	
2702.10.00	Lignite (excluding jet), whether or not pulverized, but not agglomerated	
2702.20.00	Lignite (excluding jet), agglomerated	

HTSUS	Description	Scope Limitations
2703.00.00	Peat (including peat litter), whether or not agglomerated	
2704.00.00	Coke and semicoke of coal, lignite or peat, whether or not agglomerated; retort carbon	
2705.00.00	Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons	
2706.00.00	Tars (including reconstituted tars), distilled from coal, lignite or peat, and other mineral tars, whether dehydrated or partially distilled	
2707.10.00	Benzene, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.20.00	Toluene, from the distillation of high-temperature coal tar, or in which the weight of aromatic constituents exceeds that of the nonaromatic constituents	
2707.30.00	Xylenes, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.40.00	Naphthalene, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.50.00	Aromatic hydrocarbon mixtures (from the distillation of high-temperature coal tar, or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents), other than Benzene, Toluene, Xylenes, and Naphathalene, in which 65% or more by volume (including losses) distills at 250 C by the ISO 3405 method (equivalent to the ASTM D 86 method)	
2707.91.00	Creosote oils, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.10	Light oil, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.20	Picolines, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.40	Carbazole, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents, having a purity of 65 percent or more by weight	
2707.99.51	Phenols, from the distillation of high-temperature coal tar or similar products in which the weight of aromatic constituents exceeds that of nonaromatic constituents, containing more than 50 percent by weight of hydroxybenzene	

HTSUS	Description	Scope Limitations
2707.99.55	Metacresol, orthocresol, paracresol, and metaparacresol, from the distillation of high-temperature coal tar or similar products where the weight of the aromatic constituents exceeds that of the nonaromatic constituents, having a purity of 75 percent or more by weight	
2707.99.59	Phenols, nesoi	
2707.99.90	Other products of the distillation of high-temperature coal tar and similar products in which the weight of the aromatic constituents exceed that of the nonaromatic constituents, nesoi	
2708.10.00	Pitch, obtained from coal tar or other mineral tars	
2708.20.00	Pitch coke, obtained from coal tar or other mineral tars	
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	
2710.12.15	Light oil motor fuel from petroleum oils and oils from bituminous minerals (other than crude) and containing by weight 70 percent or more of petroleum oils or oils from bituminous minerals	
2710.12.18	Light oil motor fuel blending stock from petroleum oils and oils from bituminous minerals (other than crude) containing by weight 70 percent or more from petroleum oils or oils from bituminous minerals	
2710.12.25	Naphthas (except motor fuel or motor fuel blending stock)	
2710.12.45	Light oil mixtures of hydrocarbons nesoi which contain by weight not over 50 percent of any single hydrocarbon compound	
2710.12.90	Light oils and preparations, from petroleum oils and oils from bituminous minerals or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.06	Distillate and residual fuel oils (including blended fuel oils), derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	
2710.19.11	Distillate and residual fuel oils (including blended fuel oils), derived from petroleum oils or oils from bituminous minerals, testing 25 degrees A.P.I. or more	
2710.19.16	Kerosene-type jet fuel, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	

HTSUS	Description	Scope Limitations
2710.19.24	Kerosene motor fuel (except kerosene-type jet fuel), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.25	Kerosene motor fuel blending stock (except kerosene-type jet fuel), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.26	Kerosene (except kerosene-type jet fuel, kerosene motor fuel, and kerosene motor fuel blending stock), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.30	Lubricating oils, with or without additives, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.35	Lubricating greases, containing not over 10 percent by weight of salts of fatty acids of animal or vegetable origin, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.40	Lubricating greases, containing 10 percent or more by weight of salts of fatty acids of animal or vegetable origin, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.45	Mixture of hydrocarbons nesoi, which contain by weight not over 50 percent of any single hydrocarbon compound, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.90	Petroleum oils and oils from bituminous minerals or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.20.05	Distillate and residual fuel oils (including blended fuel oils), testing under 25 degrees A.P.I., from petroleum oils and oils of bituminous minerals (other than crude) or preparations	

HTSUS	Description	Scope Limitations
	nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, other than waste oils	
2710.20.10	Distillate and residual fuel oils (including blended fuel oils), testing 25 degrees A.P.I. or more, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, and other than waste oils	
2710.20.15	Kerosene-type jet fuel, motor fuel or motor fuel blending stock, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, and other than waste oils	
2710.20.25	Kerosene (except kerosene-type jet fuel, motor fuel or motor fuel blending stock, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, other than waste oils	
2710.91.00	Waste oils containing polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	
2710.99.05	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil or bituminous minerals, testing under 25 degrees A.P.I.	
2710.99.10	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil or bituminous minerals, testing 25 degrees A.P.I. or more	
2710.99.16	Waste motor fuel or motor fuel blending stock	
2710.99.21	Waste kerosene or naphthas	
2710.99.31	Waste lubricating oils, with or without additives	
2710.99.32	Waste lubricating greases, containing not over 10 percent by weight of fatty acids of animal (including marine animal) or vegetable origin	
2710.99.39	Other wastes of lubricating oils and greases	
2710.99.45	Waste oil mixtures of hydrocarbons nesoi containing not over 50 percent of any single hydrocarbon compound	
2710.99.90	Other waste oils	
2711.11.00	Natural gas, liquefied	
2711.12.00	Propane, liquefied	
2711.13.00	Butanes, liquefied	

HTSUS	Description	Scope Limitations
2711.14.00	Ethylene, propylene, butylene and butadiene, liquefied	
2711.19.00	Liquefied petroleum gases and other gaseous hydrocarbons, nesoi	
2711.21.00	Natural gas, in gaseous state	
2711.29.00	Petroleum gases and other gaseous hydrocarbons, except natural gas	
2712.10.00	Petroleum jelly	
2712.20.00	Paraffin wax (whether or not colored), obtained by synthesis or other process and less than 0.75 percent oil by weight	
2712.90.10	Montan wax (whether or not colored), obtained by synthesis or other process	
2712.90.20	Mineral waxes (i.e., paraffin wax with 0.75 percent or more oil by weight, microcrystalline wax, slack lignite and peat waxes, ozokerite), obtained by synthesis	
2713.11.00	Coke, petroleum, not calcined	
2713.12.00	Coke, petroleum coke, calcined	
2713.20.00	Petroleum bitumen	
2713.90.00	Residues (except petroleum coke or petroleum bitumen) of petroleum oils or of oils obtained from bituminous materials	
2714.10.00	Bituminous or oil shale and tar sands	
2714.90.00	Bitumen and asphalt, natural; asphaltites and asphaltic rocks	
2715.00.00	Bituminous mixtures based on natural asphalt, natural bitumen, petroleum bitumen, mineral tar or mineral tar pitch	
2716.00.00	Electrical energy	
2801.20.00	Iodine	
2804.29.00	Rare gases, other than argon	
2804.50.00	Boron; tellurium	
2804.61.00	Silicon containing by weight not less than 99.99 percent of silicon	
2804.80.00	Arsenic	
2804.90.00	Selenium	
2805.19.10	Strontium	
2805.19.20	Barium	
2805.19.90	Alkali metals, other than strontium and barium	
2805.30.00	Rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed	
2811.11.00	Hydrogen fluoride (Hydrofluoric acid)	
2811.19.10	Arsenic acid	
2811.29.10	Arsenic trioxide	
2811.29.20	Selenium dioxide	
2812.19.00	Other chlorides and chloride oxides	

HTSUS	Description	Scope Limitations
2813.90.10	Arsenic sulfides	
2815.20.00	Potassium hydroxide (Caustic potash)	
2816.10.00	Hydroxide and peroxide of magnesium	
2816.40.10	Oxides, hydroxides and peroxides of strontium	
2816.40.20	Oxides, hydroxides and peroxides of barium	
2817.00.00	Zinc oxide; zinc peroxide	
2818.10.10	Artificial corundum, crude	
2818.10.20	Artificial corundum, in grains, or ground, pulverized or refined	
2818.20.00	Aluminum oxide, other than artificial corundum	
2820.10.00	Manganese dioxide	
2821.10.00	Iron oxides and hydroxides	
2821.20.00	Earth colors containing 70 percent or more by weight of combined iron evaluated as Fe2O3	
2822.00.00	Cobalt oxides and hydroxides; commercial cobalt oxides	
2823.00.00	Titanium oxides	
2825.20.00	Lithium oxide and hydroxide	
2825.40.00	Nickel oxides and hydroxides	
2825.50.30	Copper hydroxides	
2825.60.00	Germanium oxides and zirconium dioxide	
2825.80.00	Antimony oxides	
2825.90.15	Niobium oxide	
2825.90.30	Tungsten oxides	
2825.90.90	Other inorganic bases; other metal oxides, hydroxides and peroxides, nesoi	
2826.12.00	Fluorides of aluminum	
2826.30.00	Sodium hexafluoroaluminate (Synthetic cryolite)	
2826.90.90	Other complex fluorine salts, nesoi	
2827.31.00	Magnesium chloride	
2827.39.45	Barium chloride	
2827.39.60	Cobalt chlorides	
2827.39.90	Chlorides, nesoi	
2827.41.00	Chloride oxides and chloride hydroxides of copper	
2827.49.50	Chloride oxides and chloride hydroxides other than of copper or of vanadium	
2827.59.51	Other bromides and bromide oxides, other than ammonium, calcium or zinc	
2827.60.10	Iodide and iodide oxide of calcium or copper	
2827.60.51	Iodides and iodide oxides, other than of calcium, copper or potassium	
2833.21.00	Magnesium sulfate	

HTSUS	Description	Scope Limitations
2833.24.00	Nickel sulfate	
2833.25.00	Copper sulfate	
2833.27.00	Barium sulfate	
2833.29.10	Cobalt sulfate	
2833.29.45	Zinc sulfate	
2833.29.51	Other sulfates nesoi	
2834.21.00	Potassium nitrate	
2834.29.20	Strontium nitrate	
2834.29.51	Nitrates, nesoi	
2836.60.00	Barium carbonate	
2836.91.00	Lithium carbonates	
2836.92.00	Strontium carbonate	
2836.99.10	Cobalt carbonates	
2836.99.50	Carbonates nesoi, and peroxocarbonates (percarbonates)	
2841.80.00	Tungstates (wolframates)	
2841.90.20	Ammonium perrhenate	
2841.90.40	Aluminates	
2843.29.01	Silver compounds, other than silver nitrate	
2843.30.00	Gold compounds	
2843.90.00	Inorganic or organic compounds of precious metals, excluding those of silver and gold; amalgams of precious metals	
2844.10.10	Natural uranium metal	
2844.10.20	Natural uranium compounds	
2844.20.00	Uranium enriched in U235 and plutonium and their compounds; alloys, dispersions, ceramic products and mixtures containing these products	
2844.30.20	Compounds of uranium depleted in U235	
2844.30.50	Uranium depleted in U235, thorium; alloys, dispersions, ceramic products and mixtures of these products and their compounds	
2844.43.00	Other radioactive elements, isotopes, compounds, nesoi; alloys, dispersions, ceramic products and mixtures thereof	
2845.90.01	Isotopes not in heading 2844 and their compounds other than boron, lithium and helium	
2846.10.00	Cerium compounds	
2846.90.20	Mixtures of rare-earth oxides or of rare-earth chlorides	
2846.90.40	Yttrium bearing materials and compounds containing by weight more than 19 percent but less than 85 percent yttrium oxide equivalent	

HTSUS	Description	Scope Limitations
2846.90.80	Compounds, inorganic or organic, of rare-earth metals, of yttrium or of scandium, or of mixtures of these metals, nesoi	
2849.20.10	Silicon carbide, crude	
2849.20.20	Silicon carbide, in grains, or ground, pulverized or refined	
2849.90.30	Tungsten carbide	
2853.90.10	Phosphor copper containing more than 15 percent by weight of phosphorus, excluding ferrosphosphorus	
2853.90.90	Other phosphides, excluding ferrophosphorous, nesoi	
2903.45.10	1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134)	
2903.51.10	2,3,3,3-Tetrafluoropropene (HFO-1234yf), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (Z)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-1336mzz)	
2903.59.90	Other unsaturated fluorinated derivatives of acyclic hydrocarbons	
2903.69.90	Other brominated or iodinated derivatives of acyclic hydrocarbons	
2903.78.00	Other perhalogenated acyclic hydrocarbon derivatives, nesoi	
2903.79.90	Other halogenated derivatives of acyclic hydrocarbons containing two or more different halogens, nesoi	
2903.89.15	Halogenated products derived in whole or in part from benzene or other aromatic hydrocarbons, described in additional U.S. note 3 to section VI of the HTSUS	
2903.89.20	Halogenated derivatives derived in whole or in part from benzene or other aromatic hydrocarbons, nesoi	
2903.89.70	Other halogenated derivatives of cyclanic, cyclenic or cycloterpenic hydrocarbons not derived from benzene or other aromatic hydrocarbons	
2903.92.00	Hexachlorobenzene (ISO) and DDT (clofenotane (INN), (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane)	
2904.99.40	Sulfonated, nitrated or nitrosated derivatives of aromatic products described in additional U.S. note 3 to section VI of the HTSUS	
2905.29.90	Unsaturated monohydric alcohols, other than allyl alcohol or acyclic terpene alcohols	
2905.39.90	Dihydric alcohols (diols), nesoi	
2905.59.10	Halogenated, sulfonated, nitrated or nitrosated derivatives of monohydric alcohols	
2905.59.90	Halogenated, sulfonated, nitrated or nitrosated derivatives of acyclic alcohols, nesoi	
2906.19.50	Other cyclanic, cyclenic or cycloterpenic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	

HTSUS	Description	Scope Limitations
2906.29.60	Other aromatic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	
2907.29.90	Other polyphenols, nesoi	
2908.19.60	Other halogenated, sulfonated, nitrated or nitrosated derivatives of phenol or phenol-alcohols	
2909.19.18	Ethers of acyclic monohydric alcohols and their derivatives, nesoi	
2909.20.00	Cyclanic, cyclenic or cycloterpenic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives	
2909.30.60	Other aromatic ethers and their halogenated, sulfonated, nitrated, or nitrosated derivatives, nesoi	
2909.49.10	Other aromatic ether-alcohols, their halogenated, sulfonated, nitrated or nitrosated derivatives described in additional U.S. note 3 to section VI of the HTSUS	
2909.49.15	Aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	
2909.49.20	Nonaromatic glycerol ethers	
2909.49.60	Other non-aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	
2909.50.40	Odoriferous or flavoring compounds of ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives	
2909.50.45	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2909.50.50	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	
2912.19.50	Acyclic aldehydes without other oxygen function, nesoi	
2912.49.26	Other aromatic aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols and aldehydes with other oxygen function	
2914.19.00	Acyclic ketones without other oxygen function, nesoi	
2914.40.90	Nonaromatic ketone-alcohols and ketone-aldehydes, nesoi	
2914.50.30	Aromatic ketone-phenols and ketones with other oxygen function	
2914.50.50	Nonaromatic ketone-phenols and ketones with other oxygen function	
2914.62.00	Coenzyme Q10 (ubidecarenone (INN)	
2914.69.21	Quinone drugs	
2914.69.90	Quinones, nesoi	
2914.79.40	Other halogenated, sulfonated, nitrated or nitrosated derivatives of aromatic ketones and quinones whether or not with other oxygen function	
2915.29.30	Cobalt acetates	

HTSUS	Description	Scope Limitations
2915.39.31	Aromatic esters of acetic acid, described in additional U.S. note 3 to section VI of the HTSUS	
2915.39.35	Aromatic esters of acetic acid, nesoi	
2915.39.47	Acetates of polyhydric alcohols or of polyhydric alcohol ethers	
2915.39.90	Other non-aromatic esters of acetic acid	
2915.90.10	Fatty acids of animal or vegetable origin, nesoi	
2915.90.14	Valproic acid	
2915.90.18	Saturated acyclic monocarboxylic acids, nesoi	
2915.90.20	Aromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi	
2915.90.50	Nonaromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi	
2916.19.30	Unsaturated acyclic monocarboxylic acids, nesoi	
2916.19.50	Unsaturated acyclic monocarboxylic acid anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi	
2916.20.50	Cyclanic, cyclenic or cycloterpenic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi	
2916.31.50	Benzoic acid esters, nesoi	
2916.39.46	Aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	
2916.39.79	Other aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives	
2917.13.00	Azelaic acid, sebacic acid, their salts and esters	
2917.19.10	Ferrous fumarate	
2917.19.70	Acyclic polycarboxylic acids and their derivatives (excluding plasticizers)	
2917.34.01	Esters of orthophthalic acid, nesoi	
2917.39.30	Aromatic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2918.11.51	Salts and esters of lactic acid	
2918.13.50	Salts and esters of tartaric acid, nesoi	
2918.16.50	Salts and esters of gluconic acid, nesoi	
2918.19.60	Malic acid	
2918.19.90	Nonaromatic carboxylic acids with alcohol function, without other oxygen function, and their derivatives, nesoi	
2918.22.10	O-Acetylsalicylic acid (Aspirin)	

HTSUS	Description	Scope Limitations
2918.22.50	Salts and esters of O-acetylsalicylic acid	
2918.23.30	Esters of salicylic acid and their salts, described in additional U.S. note 3 to section VI of the HTSUS	
2918.23.50	Esters of salicylic acid and their salts, nesoi	
2918.29.20	Gentisic acid; and Hydroxycinnamic acid and its salts	
2918.29.65	Carboxylic acids with phenol function but without other oxygen function, described in additional U.S. note 3 to section VI of the HTSUS	
2918.29.75	Other carboxylic acids with phenol function but without other oxygen function and their derivatives (excluding goods of additional U.S. note 3 to section VI of the HTSUS)	
2918.30.25	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function and their derivatives described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2918.30.30	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, and their derivatives, nesoi	
2918.30.90	Non-aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives	
2918.99.30	Aromatic drugs derived from carboxylic acids with additional oxygen function, and their derivatives, nesoi	
2918.99.43	Aromatic carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2918.99.47	Other aromatic carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives (excluding goods described in additional U.S. note 3 to section VI of the HTSUS)	
2918.99.50	Nonaromatic carboxylic acids with additional oxygen function, and their derivatives, nesoi	
2919.90.30	Aromatic phosphoric esters and their salts, including lactophosphates, and their derivatives, not used as plasticizers	
2919.90.50	Nonaromatic phosphoric esters and their salts, including lactophosphates, and their derivatives	
2920.90.51	Nonaromatic esters of inorganic acids of nonmetals, their salts and derivatives, excluding esters of hydrogen halides, nesoi	
2921.19.11	Mono- and triethylamines; mono-, di-, and tri(propyl- and butyl-) monoamines; salts of any of the foregoing	

HTSUS	Description	Scope Limitations
2921.19.61	N,N-Dialkyl (methyl, ethyl, n-Propyl or Isopropyl)-2-Chloroethylamines and their protonated salts; Acyclic monoamines and their derivatives, nesoi	
2921.29.00	Acyclic polyamines, their derivatives and salts, other than ethylenediamine or hexamethylenediamine and their salts	
2921.30.10	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, derivatives and salts, from any aromatic compound described in additional U.S. note 3 to section VI of the HTSUS	
2921.30.50	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, and their derivatives and salts, derived from any nonaromatic compounds	
2921.42.90	Other aniline derivatives and their salts	
2921.46.00	Amfetamine (INN), benzfetamine (INN), dexamfetamine (INN), etilamfetamine (INN), and other specified INNs; salts thereof	
2921.49.38	Aromatic monoamine antidepressants, tranquilizers and other psychotherapeutic agents,	
2921.49.43	Aromatic monoamine drugs, nesoi	
2921.49.45	Aromatic monoamines and their derivatives and salts thereof nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2921.49.50	Aromatic monoamines and their derivatives and salts thereof, nesoi	
2921.59.80	Aromatic polyamines and their derivatives and salts thereof nesoi	
2922.11.00	Monoethanolamine and its salts	
2922.14.00	Dextropropoxyphene (INN) and its salts	
2922.19.09	Aromatic amino-alcohols drugs, their ethers and esters, other than those containing more than one kind of oxygen function, and their salts thereof; nesoi	
2922.19.20	4,4'-Bis(dimethylamino)benzhydrol (Michler's hydrol) and other specified aromatic amino-alcohols, their ethers and esters, and salts thereof	
2922.19.33	N1-(2-Hydroxyethyl-2-nitro-1,4-phenylendiamine; N1,N4,N4-tris(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine; and other specified chemicals	
2922.19.60	Aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function, described in additional U.S. note 3 to section VI of the HTSUS	
2922.19.70	Other aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS)	

HTSUS	Description	Scope Limitations
2922.19.90	Salts of triethanolamine	
2922.19.96	Amino-alcohols, other than those containing more than one kind of oxygen function, their ethers and esters and salts thereof, nesoi	
2922.29.27	Drugs of amino-naphthols and -phenols, their ethers and esters, except those containing more than one oxygen function, and salts thereof, nesoi	
2922.29.61	Amino-naphthols and other amino-phenols and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	
2922.29.81	Amino-naphthols and other amino-phenols, their ethers and esters (not containing more than one oxygen function), and salts thereof, nesoi	
2922.31.00	Amfepramone (INN), methadone (INN) and normethadone (INN), and salts thereof	
2922.39.25	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS	
2922.39.45	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts thereof, nesoi	
2922.39.50	Nonaromatic amino-aldehydes, -ketones and -quinones, other than those with more than one kind of oxygen function, and salts thereof, nesoi	
2922.41.00	Lysine and its esters and salts thereof	
2922.42.50	Glutamic acid and its salts, other than monosodium glutamate	
2922.44.00	Tildine (INN) and its salts	
2922.49.10	m-Aminobenzoic acid, technical; and other specified aromatic amino-acids and their esters, except those with more than one oxygen function	
2922.49.26	Aromatic amino-acids drugs and their esters, not containing more than one kind of oxygen function, nesoi	
2922.49.30	Aromatic amino-acids and their esters, excluding those with more than one oxygen function, and their salts, described in additional U.S. note 3 to section VI of the HTSUS	
2922.49.37	Aromatic amino-acids and their esters, not containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS), nesoi	
2922.49.49	Nonaromatic amino-acids, other than those containing more than one oxygen function, other than glycine	

HTSUS	Description	Scope Limitations
2922.49.80	Non-aromatic esters of amino-acids, other than those containing more than one oxygen function, and salts thereof	
2922.50.07	3,4-Diaminophenetole dihydrogen sulfate, 2-nitro-5-[(2,3-dihydroxy)propoxy]-N-methylaniline and other specified aromatic chemicals	
2922.50.10	Specified aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function	
2922.50.11	Salts of d(-)-p-Hydroxyphenylglycine ((R)- α-Amino-4-hydroxybenzeneacetic acid)	
2922.50.13	Isoetharine hydrochloride and other specified aromatic drugs of amino-compounds with oxygen function	
2922.50.14	Other aromatic cardiovascular drugs of amino-compounds with oxygen function	
2922.50.17	Aromatic dermatological agents and local anesthetics of amino-compounds with oxygen function	
2922.50.25	Aromatic drugs of amino-compounds with oxygen function, nesoi	
2922.50.35	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function described in additional U.S. note 3 to section VI of the HTSUS	
2922.50.40	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function, nesoi	
2922.50.50	Nonaromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function	
2923.10.00	Choline and its salts	
2923.20.20	Lecithins and other phosphoaminolipids, nesoi	
2923.90.01	Quaternary ammonium salts and hydroxides, whether or not chemically defined, nesoi	
2924.11.00	Meprobamate (INN)	
2924.19.11	Acyclic amides (including acyclic carbamates)	
2924.19.80	Acyclic amide derivatives and salts thereof; nesoi	
2924.21.16	Aromatic ureines and their derivatives, nesoi	
2924.21.50	Nonaromatic ureines and their derivatives; and salts thereof	
2924.29.01	p-Acetanisidide; p-acetoacetatoluidide; 4'-amino-N-methylacetanilide; 2,5-dimethoxyacetanilide; and N-(7-hydroxy-1-naphthyl)acetamide	
2924.29.03	3,5-Dinitro-o-toluamide	
2924.29.10	Acetanilide; N-acetylsulfanilyl chloride; aspartame; and 2-methoxy-5-acetamino-N,N-bis(2-acetoxyethyl)aniline	
2924.29.23	4-Aminoacetanilide; 2-2-oxamidobis[ethyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate]; and other specified cyclic amide chemicals	
2924.29.26	3-Aminomethoxybenzanilide	

HTSUS	Description	Scope Limitations
2924.29.28	N-[[(4-Chlorophenyl)amino]carbonyl]difluorobenzamide; and 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide (pronamide)	
2924.29.33	3-Hydroxy-2-naphthanilide; 3-hydroxy-2-naphtho-o-toluidide; 3-hydroxy-2-naphtho-o-anisidine; 3-hydroxy-2-naphtho-o-phenetidide; and other	
2924.29.57	Diethylaminoacetoxylidide (Lidocaine)	
2924.29.62	Other aromatic cyclic amides and derivatives for use as drugs	
2924.29.71	Aromatic cyclic amides and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2924.29.77	Aromatic cyclic amides (including cyclic carbamates), their derivatives and salts thereof, nesoi	
2924.29.80	2,2-Dimethylcyclopropylcarboxamide	
2924.29.95	Other nonaromatic cyclic amides, their derivatives and salts thereof; nesoi	
2925.12.00	Glutethimide (INN)	
2925.19.42	Other aromatic imides, their derivatives and salts thereof; nesoi	
2925.19.91	Other non-aromatic imides and their derivatives	
2925.21.00	Chlordimeform (ISO)	
2925.29.20	Aromatic drugs of imines and their derivatives, nesoi	
2925.29.60	Aromatic imines, their derivatives and salts thereof (excluding drugs), nesoi	
2925.29.90	Non-aromatic imines, their derivatives and salts thereof	
2926.30.10	Fenproporex (INN) and its salts	
2926.40.00	alpha-Phenylacetoacetonitrile	
2926.90.14	p-Chlorobenzonitrile and verapamil hydrochloride	
2926.90.43	Aromatic nitrile-function compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2926.90.48	Aromatic nitrile-function compounds other than those products described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2926.90.50	Nonaromatic nitrile-function compounds, nesoi	
2927.00.40	Diazo-, azo- or azoxy-compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2927.00.50	Other diazo-, azo- or azoxy-compounds, nesoi	
2928.00.25	Aromatic organic derivatives of hydrazine or of hydroxylamine	
2928.00.30	Nonaromatic drugs of organic derivatives of hydrazine or of hydroxylamine, other than Methyl ethyl ketoxime	

HTSUS	Description	Scope Limitations
2928.00.50	Nonaromatic organic derivatives of hydrazine or of hydroxylamine, nesoi	
2929.90.20	Aromatic compounds with other nitrogen function, nesoi	
2929.90.50	Nonaromatic compounds with other nitrogen functions, except isocyanates	
2930.20.20	Aromatic compounds of thiocarbamates and dithiocarbamates, excluding pesticides	
2930.20.90	Other non-aromatic thiocarbamates and dithiocarbamates	
2930.30.60	Thiuram mono-, di- or tetrasulfides, other than tetramethylthiuram monosulfide	
2930.90.29	Other aromatic organo-sulfur compounds (excluding pesticides)	
2930.90.49	Nonaromatic organo-sulfur acids, nesoi	
2930.90.92	Other non-aromatic organo-sulfur compounds	
2931.49.00	Other non-halogenated organo-phosphorous derivatives	
2931.53.00	O-(3-chloropropyl) O-[4-nitro-3-(trifluoromethyl)phenyl] methylphosphonothionate	
2931.90.22	Drugs of aromatic organo-inorganic compounds	
2931.90.90	Other non-aromatic organo-inorganic compounds	
2932.14.00	Sucralose	
2932.19.51	Nonaromatic compounds containing an unfused furan ring (whether or not hydrogenated) in the ring	
2932.20.20	Aromatic drugs of lactones	
2932.20.30	Aromatic lactones, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	
2932.20.50	Nonaromatic lactones	
2932.99.61	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2932.99.70	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	
2932.99.90	Nonaromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	
2933.11.00	Phenazone (Antipyrine) and its derivatives	
2933.19.35	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring	
2933.19.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring	
2933.19.90	Other compounds (excluding aromatic or modified aromatic compounds and drugs) containing an unfused pyrazole ring (whether or not hydrogenated) in the structure	

HTSUS	Description	Scope Limitations
2933.21.00	Hydantoin and its derivatives	
2933.29.05	1-[1-((4-Chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1H-imidazole (triflumizole); and Ethylene thiourea	
2933.29.20	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring	
2933.29.35	Aromatic or modified aromatic goods, described in additional U.S. note 3 to section VI of the HTSUS, containing an unfused imidazole ring (whether or not hydrogenated) in structure	
2933.29.43	Aromatic or modified aromatic goods containing an unfused imidazole ring (whether or not hydrogenated) in the structure (excluding products described in additional U.S. note 3 to section VI of the HTSUS)	
2933.29.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring, nesoi	
2933.29.60	Imidazole	
2933.29.90	Other compounds (excluding drugs, aromatic and modified aromatic compounds) containing an unfused imidazole ring (whether or not hydrogenated)	
2933.33.01	Alfentanil (INN), anileridine (INN), bezitramide (INN), bromazepam (INN), difenoxin (INN), and other specified INNs; salts thereof	
2933.34.00	Other fentanyls and their derivatives, containing an unfused pyrazole ring	
2933.35.00	3-Quinuclidinol	
2933.37.00	N-Phenethyl-4-piperidone (NPP)	
2933.39.08	1-(3-Sulfapropyl)pryidinium hydroxide; N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-1,6-hexanediamine; and 5 other specified chemicals	
2933.39.10	Collidines, lutidines and picolines	
2933.39.20	p-Chloro-2-benzylpyridine and other specified heterocyclic compounds, with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	
2933.39.21	Fungicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	
2933.39.23	o-Paraquat dichloride	
2933.39.25	Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	
2933.39.27	Pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	

HTSUS	Description	Scope Limitations
2933.39.31	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi	
2933.39.41	Drugs containing an unfused pyridine ring (whether or not hydrogenated) in the structure, nesoi	
2933.39.61	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, described in additional U.S. note 3 to section VI of the HTSUS	
2933.39.92	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi	
2933.41.00	Levorphenol (INN) and its salts	
2933.49.08	4,7-Dichloroquinoline	
2933.49.10	Ethoxyquin (1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline)	
2933.49.15	8-Methylquinoline and Isoquinoline	
2933.49.17	Ethyl ethyl-6,7,8-trifluoro-1,4-dihydro-4-oxo-3-quinoline carboxylate	
2933.49.20	5-Chloro-7-iodo-8-quinolinol (Iodochlorhydroxyquin); Decoquinate; Diiodohydroxyquin; and Oxyquinoline sulfate	
2933.49.26	Drugs containing a quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused, nesoi	
2933.49.30	Pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a quinoline or isoquinoline ring-system, not further fused	
2933.49.60	Products described in additional U.S. note 3 to section VI of the HTSUS containing quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused	
2933.49.70	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing a quinoline ring-system, not further fused, nesoi	
2933.52.10	Malonylurea (barbituric acid)	
2933.52.90	Salts of barbituric acid	
2933.53.00	Allobarbital (INN), amobarbital (INN), barbital (INN), butalbital (INN), butobarbital, and other specified INNs; salts thereof	
2933.54.00	Other derivatives of malonylurea (barbituric acid); salts thereof	
2933.59.10	Aromatic or modified aromatic herbicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	
2933.59.15	Aromatic or modified aromatic pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	

HTSUS	Description	Scope Limitations
2933.59.18	Nonaromatic pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi	
2933.59.21	Antihistamines, including those principally used as antinauseants	
2933.59.22	Nicarbazin and trimethoprim	
2933.59.36	Anti-infective agents nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	
2933.59.46	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi	
2933.59.53	Other aromatic or modified aromatic drugs containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure	
2933.59.59	Nonaromatic drugs of heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	
2933.59.70	Aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, described in additional U.S. note 3 to section VI of the HTSUS	
2933.59.80	Aromatic or modified aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	
2933.59.85	2-Amino-4-chloro-6-methoxypyrimidine; 2-amino-4,6-dimethoxypyrimidine; and 6-methyluracil	
2933.59.95	Other (excluding aromatic or modified aromatic) compounds containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure	
2933.69.60	Other compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure	
2933.72.00	Clobazam (INN) and methyprylon (INN)	
2933.79.08	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, described in additional U.S. note 3 to section VI of the HTSUS	
2933.79.15	Aromatic or modified aromatic lactams, nesoi	
2933.79.85	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, nesoi	
2933.91.00	Alprazolam (INN), camazepam (INN), chlordiazepoxide (INN), clonazepam (INN), clorazepate, and other specified INNs; salts thereof	

HTSUS	Description	Scope Limitations
2933.99.01	Butyl (R)-2-[4-(5-triflouromethyl-2-pyridinyloxy)phenoxy]propanoate	
2933.99.02	2-[4-[(6-Chloro-2-quinoxalinyl)oxy]phenoxy]propionic acid, ethyl ester; and 1 other specified aromatic chemical	
2933.99.05	Acridine and indole	
2933.99.06	α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (Mycolbutanil); and one other specified aromatic chemical	
2933.99.08	Acetoacetyl-5-aminobenzimidazolone; 1,3,3-Trimethyl-2-methyleneindoline; and two other specified aromatic chemicals	
2933.99.11	Carbazole	
2933.99.12	6-Bromo-5-methyl-1H-imidazo-(4,5-b)pyridine; 2-sec-butyl-4-tert-butyl-6-(benzotriazol-2-yl)phenol; 2-methylindoline; and other chemicals specified	
2933.99.16	o-Diquat dibromide (1,1-Ethylene-2,2'-dipyridylium dibromide)	
2933.99.17	Aromatic or modified aromatic insecticides with nitrogen hetero-atom(s) only, nesoi	
2933.99.22	Other heterocyclic aromatic or modified aromatic pesticides with nitrogen hetero-atom(s) only, nesoi	
2933.99.24	Aromatic or modified aromatic photographic chemicals with nitrogen hetero-atom(s) only	
2933.99.26	Aromatic or modified aromatic antihistamines of heterocyclic compounds with nitrogen hetero-atom(s) only	
2933.99.42	Acriflavin; Acriflavin hydrochloride; Carbadox; Pyrazinamide	
2933.99.46	Aromatic or modified aromatic anti-infective agents of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2933.99.51	Hydralazine hydrochloride	
2933.99.53	Aromatic or modified aromatic cardiovascular drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2933.99.55	Aromatic or modified aromatic analgesics and certain like affecting chemicals, of heterocyclic compounds with nitrogen hetero-atom(s) only	
2933.99.58	Droperidol; and Imipramine hydrochloride	
2933.99.61	Aromatic or modified aromatic psychotherapeutic agents, affecting the central nervous system, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	

HTSUS	Description	Scope Limitations
2933.99.65	Aromatic or modified aromatic anticonvulsants, hypnotics and sedatives, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2933.99.70	Aromatic or modified aromatic drugs affecting the central nervous system, of heterocyclic compounds with nitrogen atom(s) only, nesoi	
2933.99.75	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2933.99.79	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS	
2933.99.82	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, excluding products described in additional U.S. note 3 to section VI of the HTSUS, nesoi	
2933.99.85	3-Amino-1,2,4-triazole	
2933.99.89	Hexamethyleneimine	
2933.99.90	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2933.99.97	Nonaromatic heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	
2934.10.10	Aromatic or modified aromatic heterocyclic compounds containing an unfused thiazole ring, described in additional U.S. note 3 to section VI of the HTSUS	
2934.10.20	Aromatic or modified aromatic heterocyclic compounds, nesoi, containing an unfused thiazole ring	
2934.10.90	Other (excluding aromatic or modified aromatic) compounds containing an unfused thiazole ring (whether or not hydrogenated) in the structure	
2934.20.40	Heterocyclic compounds containing a benzothiazole ring-system, not further fused, described in additional U.S. note 3 to section VI of the HTSUS	
2934.20.80	Other compounds containing a benzothiazole ring system (whether or not hydrogenated), not further fused	
2934.30.23	Antidepressants, tranquilizers and other psychotherapeutic agents containing a phenothiazine ring-system, not further fused	
2934.30.27	Other drugs containing a phenothiazine ring system (whether or not hydrogenated), not further fused, nesoi	
2934.30.43	Products described in additional U.S. note 3 to section VI of the HTSUS containing a phenothiazine ring system (whether or not hydrogenated), not further fused	
2934.30.50	Heterocyclic compounds containing a phenothiazine ring-system (whether or not hydrogenated), not further fused, nesoi	

HTSUS	Description	Scope Limitations
2934.91.00	Aminorex (INN), brotizolam (INN), clotiazepam (INN), cloxazolam (INN), dextromoramide (INN), and other specified INNs; salts thereof	
2934.92.00	Other fentanyls and their derivatives, containing an unfused thiazole ring	
2934.99.01	Mycophenolate mofetil	
2934.99.03	2-Acetylbenzo(b)thiophene; and 2 other specified aromatic or modified aromatic compounds	
2934.99.05	5-Amino-3-phenyl-1,2,4-thiadiazole(3-Phenyl-5-amino-1,2,4-thiadiazole); and 3 other specified aromatic or modified aromatic heterocyclic compounds	
2934.99.06	7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts	
2934.99.07	Ethyl 2-[4-[(6-chloro-2-benzoxazoyl)oxy]phenoxy]propanoate (Fenoxaprop- ethyl)	
2934.99.08	2,5-Diphenyloxazole	
2934.99.09	1,2-Benzisothiazolin-3-one	
2934.99.11	2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ2-1,3,4-oxadiazolin-5-one; Bentazon; Phosalone	
2934.99.12	Aromatic or modified aromatic fungicides of other heterocyclic compounds, nesoi	
2934.99.15	Aromatic or modified aromatic herbicides of other heterocyclic compounds, nesoi	
2934.99.16	Aromatic or modified aromatic insecticides of other heterocyclic compounds, nesoi	
2934.99.18	Aromatic or modified aromatic pesticides nesoi, of other heterocyclic compounds, nesoi	
2934.99.20	Aromatic or modified aromatic photographic chemicals of other heterocyclic compounds, nesoi	
2934.99.30	Aromatic or modified aromatic drugs of other heterocyclic compounds, nesoi	
2934.99.39	Aromatic or modified aromatic, other heterocyclic compounds, described in additional U.S. note 3 to section VI of the HTSUS	
2934.99.44	Aromatic or modified aromatic, other heterocyclic compounds, nesoi	
2934.99.47	Nonaromatic drugs of other heterocyclic compounds, nesoi	
2934.99.70	Morpholinoethyl chloride hydrochloride; 2-Methyl-2,5-dioxo-1-oxa-2-phospholan; and (6R-trans)-7-Amino-3-methyl-8-oxo-5- thia-1-azabicyclo[4.2.0]-oct-2-ene-2-carboxylic acid	
2934.99.90	Nonaromatic other heterocyclic compounds, nesoi	
2935.50.00	Other perfluorooctane sulfonamides	

HTSUS	Description	Scope Limitations
2935.90.06	4-Amino-6-chloro-m-benzenedisulfonamide and Methyl-4-aminobenzenesulfonylcarbamate (Asulam)	
2935.90.10	2-Amino-N-Ethylbenzenesulfonanilide etc	
2935.90.13	(5-[2-Chloro-4-(Trifluoromeythyl)phenoxy]-N-(Methylsulfonyl)-2-Nitrobenzamide)(fomesafen); etc	
2935.90.15	ortho-Toluenesulfonamide	
2935.90.20	Sulfonamides used as fast color bases and fast color salts	
2935.90.30	Sulfamethazine	
2935.90.32	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	
2935.90.33	Sulfathiazole and Sulfathiazole, sodium	
2935.90.42	Salicylazosulfapyridine (Sulfasalazine); Sulfadiazine; Sulfaguanidine; Sulfamerizine; and Sulfapyridine	
2935.90.48	Other sulfonamides used as anti-infective agents	
2935.90.60	Other sulfonamide drugs (excluding anti-infective agents)	
2935.90.75	Other sulfonamides (excluding fast color bases, fast color salts, and drugs) of products described in additional U.S. note 3 to section VI of the HTSUS	
2935.90.95	Other sulfonamides, excluding fast color bases, fast color salts, and drugs and products described in additional U.S. note 3 to section VI of the HTSUS	
2936.21.00	Vitamins A and their derivatives, unmixed, natural or synthesized	
2936.22.00	Vitamin B1 (Thiamine) and its derivatives, unmixed, natural or synthesized	
2936.23.00	Vitamin B2 (Riboflavin) and its derivatives, unmixed, natural or synthesized	
2936.24.01	Vitamin B5 (D- or DL-Pantothenic acid) and its derivatives, unmixed, natural or synthesized	
2936.25.00	Vitamin B6 (Pyridoxine and related compounds with Vitamin B6 activity) and its derivatives, unmixed, natural or synthesized	
2936.26.00	Vitamin B12 (Cyanocobalamin and related compounds with Vitamin B12 activity) and its derivatives, unmixed, natural or synthesized	
2936.27.00	Vitamin C (Ascorbic acid) and its derivatives, unmixed, natural or synthesized	
2936.28.00	Vitamin E (Tocopherols and related compounds with Vitamin E activity) and its derivatives, unmixed, natural or synthesized	
2936.29.10	Folic acid and its derivatives, unmixed	
2936.29.16	Niacin and niacinamide	

HTSUS	Description	Scope Limitations
2936.29.20	Aromatic or modified aromatic vitamins and their derivatives, nesoi	
2936.29.50	Other vitamins and their derivatives, nesoi	
2936.90.01	Vitamins or provitamins (including natural concentrates) and intermixtures of the foregoing, whether or not in any solvent	
2937.11.00	Somatotropin, its derivatives and structural analogues	
2937.12.00	Insulin and its salts	
2937.19.00	Polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues, nesoi	
2937.21.00	Cortisone, hydrocortisone, prednisone (Dehydrocortisone) and prednisolone (Dehydrohydrocortisone)	
2937.22.00	Halogenated derivatives of adrenal cortical hormones	
2937.23.10	Estrogens and progestins obtained directly or indirectly from animal or vegetable materials	
2937.23.25	Estradiol benzoate; and Estradiol cyclopentylpropionate (estradiol cypionate)	
2937.23.50	Other estrogens and progestins not derived from animal or vegetable materials, nesoi	
2937.29.10	Desonide; and Nandrolone phenpropionate	
2937.29.90	Steroidal hormones, their derivatives and structural analogues, nesoi	
2937.50.00	Prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues	
2937.90.05	Epinephrine	
2937.90.10	Epinephrine hydrochloride	
2937.90.20	Catecholamine hormones, their derivatives and structural analogues, nesoi	
2937.90.40	l-Thyroxine(Levothyroxine), sodium	
2937.90.45	Amino-acid derivatives of hormones and their derivatives, nesoi	
2937.90.90	Other hormones, their derivatives and structural analogues, other steroid derivatives and structural analogue used primarily as hormones, nesoi	
2938.10.00	Rutoside (Rutin) and its derivatives	
2938.90.00	Glycosides, natural or synthesized, and their salts, ethers, esters, and other derivatives other than rutoside and its derivatives	
2939.11.00	Concentrates of poppy straw; buprenorphine (INN), codeine, dihydrocodeine (INN), ethylmorphine, and other specified INNs; salts thereof	
2939.19.10	Papaverine and its salts	
2939.19.20	Synthetic alkaloids of opium, their derivatives and salts thereof, nesoi	

HTSUS	Description	Scope Limitations
2939.19.50	Nonsynthetic alkaloids of opium, their derivatives and salts thereof, nesoi	
2939.20.00	Alkaloids of cinchona, their derivatives and salts thereof, other than quinine and its salts	
2939.30.00	Caffeine and its salts	
2939.41.00	Ephedrine and its salts	
2939.42.00	Pseudoephedrine (INN) and its salts	
2939.44.00	Norephedrine and its salts	
2939.45.00	Levometamfetamine, metamfetamine (INN), metamfetamine racemate and their salts	
2939.49.03	Alkaloids of ephedra, their derivatives and salts thereof, other than ephedrine, pseudoephedrine, cathine (INN), norephedrine, levometamfetamine and their salts	
2939.59.00	Theophylline and aminophylline (theophylline-ethylenediamine), their derivatives and salts thereof, nesoi	
2939.62.00	Ergotamine and its salts	
2939.63.00	Lysergic acid and its salts	
2939.69.00	Alkaloids of rye ergot, their derivatives and salts thereof, nesoi	
2939.72.00	Cocaine, ecgonine; salts, esters and other derivatives thereof	
2939.79.00	Vegetal alkaloids, natural or reproduced by synthesis, their salts and other derivatives, nesoi	
2939.80.00	Other alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives, nesoi	
2940.00.60	Other sugars, nesoi, excluding d-arabinose	
2941.10.10	Ampicillin and its salts	
2941.10.20	Penicillin G salts	
2941.10.30	Carfecillin, sodium; cloxacillin, sodium; dicloxacillin, sodium; flucloxacillin (Floxacillin); and oxacillin, sodium	
2941.10.50	Penicillins and their derivatives nesoi, with a penicillanic acid structure; salts thereof	
2941.20.10	Dihydrostreptomycins and its derivatives; salts thereof	
2941.20.50	Streptomycins and their derivatives; salts thereof, nesoi	
2941.30.00	Tetracyclines and their derivatives; salts thereof	
2941.40.00	Chloramphenicol and its derivatives; salts thereof	
2941.50.00	Erythromycin and its derivatives; salts thereof	
2941.90.10	Natural antibiotics, nesoi	
2941.90.30	Antibiotics nesoi, aromatic or modified aromatic, other than natural	
2941.90.50	Antibiotics nesoi, other than aromatic or modified aromatic antibiotics	

HTSUS	Description	Scope Limitations
2942.00.05	Aromatic or modified aromatic drugs of other organic compounds, nesoi	
2942.00.35	Other aromatic or modified aromatic organic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS)	
2942.00.50	Nonaromatic organic compounds, nesoi	
3001.20.00	Extracts of glands or other organs or of their secretions for organotherapeutic uses	
3001.90.01	Glands and other organs for organotherapeutic uses, dried, whether or not powdered	
3002.12.00	Antisera and other blood fractions including human blood plasma and fetal bovine serum (FBS)	
3002.13.00	Immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale	
3002.14.00	Immunological products, mixed, not put up in measured doses or in forms or packings for retail sale	
3002.15.00	Immunological products, put up in measured doses or in forms or packings for retail sale	
3002.41.00	Vaccines for human medicine	
3002.42.00	Vaccines for veterinary medicine	
3002.49.00	Toxins or cultures of micro-organisms (excluding yeasts)	
3002.51.00	Cell therapy products	
3002.59.00	Other cell cultures, other than cell therapy products	
3002.90.10	Ferments, excluding yeasts	
3002.90.52	Human blood; animal blood prepared for therapeutic, prophylactic, or diagnostic uses; antisera; antiallergenic preparations, nesoi and like products	
3003.10.00	Medicaments, containing penicillins or streptomycins, not in dosage form and not packed for retail	
3003.20.00	Medicaments containing antibiotics, nesoi, not in dosage form and not packed for retail	
3003.39.10	Medicaments containing artificial mixtures of natural hormones, but not antibiotics, not in dosage form and not packed for retail	
3003.39.50	Medicaments containing products of heading 2937, nesoi, but not antibiotics, not in dosage form and not packed for retail	
3003.41.00	Medicaments containing ephedrine or its salts, not in dosage form and not packed for retail	
3003.42.00	Medicaments containing pseudoephedrine (INN) or its salts, not in dosage form and not packed for retail	
3003.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, not in dosage form and not packed for retail	

HTSUS	Description	Scope Limitations
3003.90.01	Other medicaments (excluding goods of headings 3002, 3005 and 3006) consisting of two or more constituents mixed together for therapeutic or prophylactic uses, not in dosage form and not packed for retail	
3004.10.10	Medicaments (excluding goods of headings 3002, 3005 and 3006) containing penicillin G salts, in dosage form or packed for retail	
3004.10.50	Medicaments containing penicillins or streptomycins, nesoi, in dosage form or packed for retail	
3004.20.00	Medicaments containing antibiotics, nesoi, in dosage form or packed for retail	
3004.31.00	Medicaments containing insulin, in dosage form or packed for retail	
3004.32.00	Medicaments containing corticosteroidhormones, in dosage form or packed for retail	
3004.39.00	Medicaments containing products of heading 2937 nesoi, in dosage form or packed for retail	
3004.41.00	Medicaments containing ephedrine or its salts, in dosage form or packed for retail	
3004.42.00	Medicaments containing pseudoephedrine (INN) or its salts, in dosage form or packed for retail	
3004.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, in dosage form or packed for retail	
3004.50.10	Medicaments containing vitamin B2 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.20	Medicaments containing vitamin B12 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.30	Medicaments containing vitamin E synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.40	Medicaments containing vitamins nesoi, synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.50	Medicaments containing vitamins or other products of heading 2936, nesoi, in dosage form or packed for retail	
3004.60.00	Other medicaments containing antimalarial active principles described in subheading note 2 to chapter 30 of the HTSUS, in dosage form or packed for retail	
3004.90.10	Medicaments containing antigens or hyaluronic acid or its sodium salt, nesoi, in dosage form or packed for retail	
3004.90.92	Medicaments nesoi, in dosage form or packed for retail	

HTSUS	Description	Scope Limitations
3006.30.10	Opacifying preparation for X-ray examination; diagnostic reagents designed to be administered to the patient; containing antigens or antisera	
3006.30.50	Opacifying preparations for X-ray examinations; diagnostic reagents designed to be administered to the patient, nesoi	
3006.60.00	Chemical contraceptive preparations based on hormones or spermicides	
3006.70.00	Gel preparations designed to be used in human or veterinary medicine as a lubricant in surgical operation, physical examinations or as a coupling agent between body and medical instrument	
3006.93.10	Placebos and blinded clinical trial kits, put up in measured doses, packaged with medicinal preparations	
3006.93.20	Placebos and blinded clinical trial kits, put up in measured doses, containing over 10 percent by dry weight of sugar	
3006.93.50	Placebos and blinded clinical trial kits, put up in measured doses, containing ingredients having nutritional value	
3006.93.60	Placebos and blinded clinical trial kits, put up in measured doses, in liquid form for oral intake	
3006.93.80	Placebos and blinded clinical trial kits, put up in measured doses, containing other chemicals other than medicaments	
3101.00.00	Animal or vegetable fertilizers; fertilizers produced by the mixing or chemical treatment of animal or vegetable products	
3102.10.00	Urea, whether or not in aqueous solution	
3102.21.00	Ammonium sulfate	
3102.29.00	Double salts and mixtures of ammonium sulfate and ammonium nitrate	
3102.30.00	Ammonium nitrate, whether or not in aqueous solution	
3102.40.00	Mixtures of ammonium nitrate with calcium carbonate or other inorganic nonfertilizing substances	
3102.50.00	Sodium nitrate	
3102.60.00	Double salts and mixtures of calcium nitrate and ammonium nitrate	
3102.80.00	Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution	
3102.90.01	Mineral or chemical fertilizers, nitrogenous, nesoi, including mixtures not specified elsewhere in heading 3102	
3103.11.00	Superphosphates containing by weight 35 percent or more of diphosphorous pentaoxide (P2O5)	
3103.19.00	Superphosphates nesoi	
3103.90.01	Mineral or chemical fertilizers, phosphatic	
3104.20.00	Potassium chloride	

HTSUS	Description	Scope Limitations
3104.30.00	Potassium sulfate	
3104.90.01	Mineral or chemical fertilizers, potassic, nesoi	
3105.10.00	Fertilizers of chapter 31 of the HTSUS in tablets or similar forms	
3105.20.00	Mineral or chemical fertilizers nesoi, containing three fertilizing elements	
3105.30.00	Diammonium hydrogenorthophosphate (Diammonium phosphate)	
3105.40.00	Ammonium dihydrogenorthophosphate (Monoammonium phosphate), mixtures thereof with diammonium hydrogenorthophosphate (Diammonium phosphate)	
3105.51.00	Mineral or chemical fertilizers nesoi, containing nitrates and phosphates	
3105.59.00	Mineral or chemical fertilizers nesoi, containing the two fertilizing elements nitrogen and phosphorus	
3105.60.00	Mineral or chemical fertilizers nesoi, containing 2 fertilizing elements	
3105.90.00	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium fertilizers, nesoi	
3203.00.80	Coloring matter of vegetable or animal origin, nesoi	
3204.13.80	Basic dyes and preparations based thereon, nesoi	
3204.17.20	Copper phthalocyanine ([Phthalocyanato(2-)]copper) not ready for use as a pigment	
3204.18.00	Carotenoid coloring matters and preparations based thereon	
3206.11.00	Pigments and preparations based on titanium dioxide, containing 80 percent or more by weight of titanium dioxide calculated on the dry matter	
3206.19.00	Pigments and preparations based on titanium dioxide, nesoi	
3301.29.51	Essential oils other than those of citrus fruit, nesoi, for religious purposes only	Ex
3402.42.10	Non-ionic organic surface-active agents, aromatic or modified aromatic	
3402.42.20	Fatty substances of animal, vegetable or microbial origin; non-ionic organic surface-active agents, other than aromatic or modified aromatic	
3402.42.90	Non-ionic organic surface-active agents, other than fatty substances of animal, vegetable or microbial origin, other than aromatic or modified aromatic	
3606.90.30	Ferrocerium and other pyrophoric alloys in all forms	
3808.94.10	Disinfectants, containing any aromatic or modified aromatic disinfectant	

HTSUS	Description	Scope Limitations
3808.94.50	Disinfectants not included in subheading note 1 of chapter 38 of the HTSUS, nesoi	
3818.00.00	Chemical elements doped for use in electronics, in the form of discs, wafers etc., chemical compounds doped for electronic use	
3824.91.00	Mixtures consisting mainly of methylphosphonate etc.	
3824.99.29	Mixtures containing 5 percent or more by weight of one or more aromatic or modified aromatic substance, nesoi	
3824.99.49	Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil or natural gas	
3824.99.55	Mixtures of halogenated hydrocarbons, nesoi	
3901.90.90	Polymers of ethylene, nesoi, in primary forms, other than elastomeric	
3902.90.00	Polymers of propylene or of other olefins, nesoi, in primary forms	
3904.61.00	Polytetrafluoroethylene (PTFE), in primary forms	
3905.91.10	Copolymers of vinyl esters or other vinyls, in primary forms, containing by weight 50 percent or more of derivatives of vinyl acetate	
3905.99.80	Polymers of vinyl esters or other vinyl polymers, in primary forms, nesoi	
3906.90.50	Acrylic polymers (except plastics or elastomers), in primary forms, nesoi	
3907.10.00	Polyacetals in primary forms	
3907.21.00	Bis(polyoxyethylene) methylphosphonate	
3907.70.00	Poly(lactic acid)	
3908.10.00	Polyamide-6, -11, -12, -6,6, -6,9, -6,10 or -6,12 in primary form	
3911.90.25	Thermoplastic polysulfides, polysulfones and other products specified in note 3 to chapter 39 of the HTSUS, containing aromatic monomer units or derived therefrom	
3911.90.91	Polysulfides, polysulfones and other products specified in note 3 to chapter 39 of the HTSUS, nesoi	
3912.31.00	Carboxymethylcellulose and its salts	
3912.39.00	Cellulose ethers, other than carboxymethylcellulose and its salts, in primary forms	
3912.90.00	Cellulose and its chemical derivatives, nesoi, in primary forms	
3913.90.20	Polysaccharides and their derivatives, nesoi, in primary forms	
3913.90.50	Natural polymers and modified natural polymers, nesoi, in primary forms	

HTSUS	Description	Scope Limitations
3914.00.60	Ion-exchangers based on polymers of headings 3901 to 3913, in primary forms, nesoi	
3917.21.00	Tubes, pipes and hoses, rigid, of polymers of ethylene	Aircraft
3917.22.00	Tubes, pipes and hoses, rigid, of polymers of propylene	Aircraft
3917.23.00	Tubes, pipes and hoses, rigid, of polymers of vinyl chloride	Aircraft
3917.29.00	Tubes, pipes and hoses, rigid, of other plastics nesoi	Aircraft
3917.31.00	Flexible plastic tubes, pipes and hoses, having a minimum burst pressure of 27.6 MPa	Aircraft
3917.33.00	Flexible plastic tubes, pipes and hoses, nesoi, with fittings, not reinforced or otherwise combined with other materials	Aircraft
3917.39.00	Flexible plastic tubes, pipes and hoses, nesoi	Aircraft
3917.40.00	Fittings of plastics, for plastic tubes, pipes and hoses, nesoi	Aircraft
3926.90.45	Gaskets, washers and other seals, of plastics	Aircraft
3926.90.94	Cards, not punched, suitable for use as, or in making, jacquard cards; Jacquard cards and jacquard heads for power-driven weaving machines, and parts thereof; and transparent sheeting of plastics containing 30 percent or more by weight of lead	Aircraft
3926.90.96	Casing for bicycle derailleur cables; and casing for cable or inner wire for caliper and cantilever brakes, whether or not cut to length; of plastic	Aircraft
3926.90.99	Other articles of plastic, nesoi	Aircraft
4001.10.00	Natural rubber latex, whether or not prevulcanized	
4001.21.00	Natural rubber smoked sheets	
4001.22.00	Technically specified natural rubber (TSNR), in primary forms	
4001.29.00	Natural rubber in primary forms other than latex, smoked sheets or technically specified natural rubber (TSNR)	
4001.30.00	Balata, gutta-percha, guayule, chicle and similar natural rubber gums, in primary forms	
4008.29.20	Rods and profile shapes of vulcanized, noncellular rubber, other than hard rubber	Aircraft
4009.12.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined with other materials, with fittings	Aircraft
4009.22.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with metal, with fittings	Aircraft
4009.32.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with textile materials, with fittings	Aircraft
4009.42.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings	Aircraft

HTSUS	Description	Scope Limitations
4011.30.00	New pneumatic tires, of rubber, of a kind used on aircraft	Aircraft
4012.13.00	Retreaded pneumatic tires, of rubber, of a kind used on aircraft	Aircraft
4012.20.10	Used pneumatic tires of rubber, for aircraft	Aircraft
4016.10.00	Articles of vulcanized cellular rubber other than hard rubber	Aircraft
4016.93.50	Gaskets, washers and other seals, of noncellular vulcanized rubber other than hard rubber, not for use in automotive goods of chapter 87 of the HTSUS	Aircraft
4016.99.35	Articles made of noncellular vulcanized natural rubber, not used as vibration control goods in vehicles of headings 8701 through 8705, nesoi	Aircraft
4016.99.60	Articles of noncellular vulcanized synthetic rubber other than hard rubber	Aircraft
4017.00.00	Hard rubber (for example, ebonite) in all forms, including waste and scrap; articles of hard rubber	Aircraft
4403.42.00	Wood in the rough or roughly squared, of teak, not treated with paint, stain, creosote, or other preservatives	
4403.49.02	Wood in the rough or roughly squared, of tropical wood other than Teak or Meranti, not treated with paint, stain, creosote, or other preservatives	
4407.21.00	Mahogany (Swietenia spp.), sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.22.00	Virola, Imbuia and Balsa, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.23.01	Teak, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.25.00	Dark Red Meranti, Light Red Meranti and Meranti Bakau wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.26.00	White Lauan, White Meranti, White Seraya, Yellow Meranti and Alan wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.27.00	Sapelli wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.28.00	Iroko wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.29.02	Tropical wood, nesoi, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4408.31.01	Dark Red Meranti, Light Red Meranti and Meranti Bakau veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick	

HTSUS	Description	Scope Limitations
4408.39.02	Other tropical wood veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick	
4504.90.00	Agglomerated cork and articles of cork, nesoi	Aircraft
4703.11.00	Unbleached coniferous chemical woodpulp	
4703.21.00	Semibleached or bleached coniferous chemical woodpulp	
4703.29.00	Semibleached or bleached nonconiferous chemical woodpulp	
4823.90.10	Articles of paper pulp, nesoi	Aircraft
4823.90.20	Articles of papier-mâché, nesoi	Aircraft
4823.90.31	Cards of paper or paperboard, nesoi, not punched, for punchcard machines, whether or not in strips	Aircraft
4823.90.40	Frames or mounts for photographic slides of paper or paperboard	Aircraft
4823.90.50	Hand fans of paper or paperboard	Aircraft
4823.90.60	Gaskets, washers and other seals of coated paper or paperboard	Aircraft
4823.90.67	Coated paper or paperboard, nesoi	Aircraft
4823.90.70	Articles of cellulose wadding, nesoi	Aircraft
4823.90.80	Gaskets, washers and other seals of paper, paperboard and webs of cellulose fibers, nesoi	Aircraft
4823.90.86	Articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers, nesoi	Aircraft
6812.80.90	Articles or mixtures of crocidolite, nesoi	Aircraft
6812.99.10	Paper, millboard and felt of asbestos, other than crocidolite	Aircraft
6812.99.20	Compressed asbestos (other than crocidolite) fiber jointing, in sheets or rolls	Aircraft
6812.99.90	Articles of mixtures of or with a basis of asbestos, nesoi, other than crocidolite	Aircraft
6813.20.00	Friction material and articles thereof, containing asbestos	Aircraft
6813.81.00	Brake linings and pads not containing asbestos	Aircraft
6813.89.00	Friction material and articles thereof with a basis of mineral substances (other than asbestos) or of cellulose, nesoi	Aircraft
7007.21.11	Laminated safety glass windshields, of size and shape suitable for incorporation in vehicles (other than for goods of headings 8701 through 8705), aircraft, spacecraft or vessels	Aircraft
7106.91.10	Silver bullion and dore	
7108.11.00	Gold, nonmonetary, powder	
7108.12.10	Gold, nonmonetary, bullion and dore	
7108.12.50	Gold, nonmonetary, other unwrought forms, other	
7108.13.10	Gold, nonmonetary, other semimanufactured forms, gold leaf	
7108.13.55	Gold, nonmonetary, other semimanufactured forms, rectangular or near rectangular shapes, containing 99.5	

HTSUS	Description	Scope Limitations
	percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	
7108.13.70	Gold, nonmonetary, other semimanufactured forms, other	
7108.20.00	Gold, monetary	
7110.11.00	Platinum, unwrought or in powder form	
7110.19.00	Platinum, in semimanufactured forms	
7110.21.00	Palladium, unwrought or in powder form	
7110.29.00	Palladium, in semimanufactured forms	
7110.31.00	Rhodium, unwrought or in powder form	
7110.39.00	Rhodium, in semimanufactured forms	
7110.41.00	Iridium, osmium and ruthenium, unwrought or in powder form	
7110.49.00	Iridium, osmium and ruthenium, in semimanufactured forms	
7112.92.01	Platinum waste and scrap, including metal clad with platinum, excluding sweepings containing other precious metals, other than goods of heading 8549	
7115.90.05	Articles of precious metal, in rectangular or near rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information	
7115.90.30	Articles of precious metal or of metal clad with precious metal, other articles of gold, including metal clad with gold	
7118.90.00	Coins, nesoi	
7202.11.10	Ferromanganese containing by weight more than 2 percent but not more than 4 percent of carbon	
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon	
7202.19.10	Ferromanganese containing by weight not more than 1 percent of carbon	
7202.19.50	Ferromanganese containing by weight more than 1 percent but not more than 2 percent of carbon	
7202.30.00	Ferrosilicon manganese	
7202.41.00	Ferrochromium containing by weight more than 4 percent of carbon	
7202.49.10	Ferrochromium containing by weight more than 3 percent but not more than 4 percent of carbon	
7202.49.50	Ferrochromium containing by weight 3 percent or less of carbon	
7202.50.00	Ferrosilicon chromium	
7202.60.00	Ferronickel	
7202.80.00	Ferrotungsten and ferrosilicon tungsten	

HTSUS	Description	Scope Limitations
7202.91.00	Ferrotitanium and ferrosilicon titanium	
7202.93.40	Ferroniobium containing by weight less than 0.02 percent of phosphorus or sulfur or less than 0.4 percent of silicon	
7202.93.80	Ferroniobium, nesoi	
7204.21.00	Stainless steel waste and scrap	
7304.31.30	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars with circular cross section	Aircraft
7304.31.60	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.39.00	Iron (other than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.41.30	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of less than 19mm	Aircraft
7304.41.60	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of 19mm or more	Aircraft
7304.49.00	Stainless steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section	Aircraft
7304.51.10	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings	Aircraft
7304.51.50	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.59.10	Alloy steel (other than stainless), seamless, not old-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings	Aircraft
7304.59.20	Alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for boilers, heaters, etc.	Aircraft
7304.59.60	Heat-resisting alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.59.80	Alloy steel (other than heat-resist or stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.90.10	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more	Aircraft

HTSUS	Description	Scope Limitations
7304.90.30	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more	Aircraft
7304.90.50	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm	Aircraft
7304.90.70	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm	Aircraft
7306.30.10	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.30.30	Nonalloy steel, welded, with circular cross-section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm or more, principally used as parts of illuminating articles	Aircraft
7306.30.50	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, pipes, tubes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.40.10	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.40.50	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.50.10	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.50.30	Alloy steel (other than stainless), welded, with circular cross section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm or more, principally used as parts of illuminating articles	Aircraft
7306.50.50	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.61.10	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.61.30	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft

HTSUS	Description	Scope Limitations
7306.61.50	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.61.70	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.69.10	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.69.30	Alloy steel, welded, with other non-circular cross-section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.69.50	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.69.70	Alloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7312.10.05	Stainless steel, stranded wire, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.10	Stainless steel, stranded wire, not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.20	Iron or steel (other than stainless), stranded wire, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.30	Iron or steel (other than stainless), stranded wire, not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.50	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.60	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.70	Iron or steel (other than stainless), ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.80	Iron or steel (other than stainless), ropes, cables and cordage, of brass plated wire (other than stranded wire), not electrically insulated, without fittings or articles	Aircraft
7312.10.90	Iron or steel (other than stainless), ropes, cables and cordage, other than of brass plate wire (other than stranded wire), not electrically insulated, without fittings or articles	Aircraft

HTSUS	Description	Scope Limitations
7312.90.00	Iron or steel (other than stainless), plaited bands, slings and the like, not electrically insulated	Aircraft
7322.90.00	Iron or steel, non-electrically heated air heaters and hot air distributors with motor driven fan or blower and parts thereof	Aircraft
7324.10.00	Stainless steel, sinks and wash basins	Aircraft
7324.90.00	Iron or steel, sanitary ware (other than baths or stainless steel sinks and wash basins) and parts thereof	Aircraft
7326.20.00	Iron or steel, articles of wire, nesoi	Aircraft
7401.00.00	Copper mattes; cement copper (precipitated copper)	
7402.00.00	Unrefined copper; copper anodes for electrolytic refining	
7403.11.00	Refined copper cathodes and sections of cathodes	
7403.12.00	Refined copper, wire bars	
7403.13.00	Refined copper, billets	
7403.19.00	Refined copper, unwrought articles nesoi	
7403.21.00	Copper-zinc base alloys (brass), unwrought nesoi	
7403.22.00	Copper-tin base alloys (bronze), unwrought nesoi	
7403.29.01	Copper alloys (other than copper-zinc, copper-tin alloys), unwrought nesoi	
7404.00.30	Copper spent anodes; copper waste and scrap containing less than 94 percent by weight of copper	
7404.00.60	Copper, waste and scrap containing 94 percent or more by weight of copper	
7405.00.10	Copper master alloys, containing 5 percent or more but not more than 15 percent by weight of phosphorus	
7405.00.60	Copper master alloys, not containing 5 percent or more but not more than 15 percent by weight of phosphorus	
7413.00.90	Copper, stranded wire, cables, plaited bands and the like, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7501.10.00	Nickel mattes	
7502.10.00	Nickel (other than alloy), unwrought	
7502.20.00	Nickel alloys, unwrought	
7503.00.00	Nickel, waste and scrap	
7504.00.00	Nickel, powders and flakes	
7508.90.50	Nickel, articles of nesoi	
7608.10.00	Aluminum (other than alloy), tubes and pipes	Aircraft
7608.20.00	Aluminum alloy, tubes and pipes	Aircraft
7901.11.00	Zinc (other than alloy), unwrought, containing 99.99 percent or more by weight of zinc	

HTSUS	Description	Scope Limitations
7901.12.10	Zinc (other than alloy), unwrought, casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc	
7901.12.50	Zinc (other than alloy), unwrought, other than casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc	
7901.20.00	Zinc alloy, unwrought	
7902.00.00	Zinc, waste and scrap	
7903.90.30	Zinc, powders	
7907.00.60	Zinc, articles (other than for household, table or kitchen use), nesoi	
8001.10.00	Tin (other than alloy), unwrought	
8001.20.00	Tin alloy, unwrought	
8002.00.00	Tin, waste and scrap	
8007.00.50	Tin, articles nesoi	
8101.10.00	Tungsten, powders	
8101.97.00	Tungsten waste and scrap	
8103.20.00	Tantalum, unwrought (including bars and rods obtained simply by sintering); tantalum powders	
8103.30.00	Tantalum waste and scrap	
8103.91.00	Tantalum, crucibles	
8103.99.00	Tantalum, articles other than crucibles, nesoi	
8104.11.00	Magnesium, unwrought, containing at least 99.8 percent by weight of magnesium	
8104.19.00	Magnesium, unwrought, nesoi	
8104.20.00	Magnesium, waste and scrap	
8104.30.00	Magnesium, raspings, turnings and granules graded according to size; magnesium powders	
8104.90.00	Magnesium, articles nesoi	
8105.20.30	Cobalt alloys, unwrought	
8105.20.60	Cobalt (other than alloys), unwrought	
8105.20.90	Cobalt, mattes and other intermediate products of cobalt metallurgy; cobalt powders	
8105.30.00	Cobalt waste and scrap	
8105.90.00	Cobalt, articles thereof nesoi	
8106.10.00	Bismuth (including waste and scrap) and articles thereof, containing more than 99.99 percent of bismuth by weight	
8106.90.00	Bismuth (including waste and scrap) and articles thereof, containing 99.99 percent of bismuth or less, nesoi	
8108.20.00	Titanium, unwrought; titanium powders	
8108.30.00	Titanium waste and scrap	

HTSUS	Description	Scope Limitations
8108.90.30	Titanium, articles nesoi	
8108.90.60	Wrought titanium, nesoi	
8110.10.00	Antimony, unwrought; antimony powders	
8110.20.00	Antimony waste and scrap	
8110.90.00	Articles of antimony, nesoi	
8111.00.47	Unwrought manganese flake containing at least 99.5 percent by weight of manganese	
8111.00.49	Unwrought manganese, nesoi	
8112.21.00	Chromium, unwrought; chromium powders	
8112.22.00	Chromium waste and scrap	
8112.29.00	Articles of chromium, nesoi	
8112.41.10	Rhenium, waste and scrap	
8112.41.50	Rhenium, unwrought; rhenium powders	
8112.49.00	Rhenium, articles, nesoi	
8112.59.00	Articles of thallium, nesoi	
8112.92.10	Gallium, unwrought; gallium powders	
8112.92.30	Indium, unwrought; indium powders	
8112.92.40	Niobium (columbium), unwrought; niobium powders	
8112.92.60	Germanium, unwrought	
8112.92.65	Germanium powder, wrought	
8112.99.10	Germanium nesoi and articles thereof	
8112.99.91	Articles of gallium, indium, or niobium, nesoi	
8302.10.60	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, not designed for motor vehicles	Aircraft
8302.10.90	Base metal (other than iron or steel or aluminum or zinc) hinges and base metal parts thereof	Aircraft
8302.20.00	Base metal castors and base metal parts thereof	Aircraft
8302.42.30	Iron or steel, aluminum, or zinc mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof	Aircraft
8302.42.60	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof	Aircraft
8302.49.40	Base metal harness, saddlery or riding-bridle hardware, not coated or plated with precious metal, and base metal parts thereof	Aircraft
8302.49.60	Iron or steel, aluminum, or zinc, mountings, fittings and similar articles nesoi, and base metal parts thereof	Aircraft
8302.49.80	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles nesoi, and base metal parts thereof	Aircraft

HTSUS	Description	Scope Limitations
8302.60.30	Base metal automatic door closers	Aircraft
8307.10.30	Iron or steel flexible tubing, with fittings	Aircraft
8307.90.30	Base metal (other than iron or steel) flexible tubing, with fittings	Aircraft
8407.10.00	Spark-ignition reciprocating or rotary internal combustion piston engines for use in aircraft	Aircraft
8408.90.90	Compression-ignition internal-combustion piston engines, for machinery or equipment, nesoi	Aircraft
8409.10.00	Parts for internal combustion aircraft engines	Aircraft
8411.11.40	Aircraft turbojets of a thrust not exceeding 25 kN	Aircraft
8411.11.80	Turbojets of a thrust not exceeding 25 kN, other than aircraft	Aircraft
8411.12.40	Aircraft turbojets of a thrust exceeding 25 kN	Aircraft
8411.12.80	Turbojets of a thrust exceeding 25 kN, other than aircraft	Aircraft
8411.21.40	Aircraft turbopropellers of a power not exceeding 1,100 kW	Aircraft
8411.21.80	Turbopropellers of a power not exceeding 1,100 kW, other than aircraft	Aircraft
8411.22.40	Aircraft turbopropellers of a power exceeding 1,100 kW	Aircraft
8411.22.80	Turbopropellers of a power exceeding 1,100 kW, other than aircraft	Aircraft
8411.81.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW	Aircraft
8411.82.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power exceeding 5,000 kW	Aircraft
8411.91.10	Cast-iron parts of turbojets or turbopropellers, not advanced beyond cleaning, machined only for removal of fins, gates, sprues and risers, or to permit location in machinery	Aircraft
8411.91.90	Parts of turbojets or turbopropellers other than those of subheading 8411.91.10	Aircraft
8411.99.10	Cast-iron parts of gas turbines nesoi, not advanced beyond cleaning, and machined for removal of fins, gates, sprues and risers	Aircraft
8411.99.90	Parts of gas turbines nesoi, other than those of subheading 8411.99.10	Aircraft
8412.10.00	Reaction engines other than turbojets	Aircraft
8412.21.00	Hydraulic power engines and motors, linear acting (cylinders)	Aircraft
8412.29.40	Hydrojet engines for marine propulsion	Aircraft
8412.29.80	Hydraulic power engines and motors, nesoi	Aircraft
8412.31.00	Pneumatic power engines and motors, linear acting (cylinders)	Aircraft
8412.39.00	Pneumatic power engines and motors, other than linear acting	Aircraft

HTSUS	Description	Scope Limitations
8412.80.10	Spring-operated and weight-operated motors	Aircraft
8412.80.90	Engines and motors, nesoi (excluding motors of heading 8501)	Aircraft
8412.90.90	Parts for engines of heading 8412 other than hydrojet engines for marine propulsion	Aircraft
8413.19.00	Pumps for liquids fitted or designed to be fitted with a measuring device, nesoi	Aircraft
8413.20.00	Hand pumps other than those of subheading 8413.11 or 8413.19, not fitted with a measuring device	Aircraft
8413.30.10	Fuel-injection pumps for compression-ignition engines, not fitted with a measuring device	Aircraft
8413.30.90	Fuel, lubricating or cooling medium pumps for internal-combustion piston engines, not fitted with a measuring device, nesoi	Aircraft
8413.50.00	Reciprocating positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.60.00	Rotary positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.70.10	Stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, not fitted with a measuring device	Aircraft
8413.70.20	Centrifugal pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.81.00	Pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.91.10	Parts of fuel-injection pumps for compression-ignition engines	Aircraft
8413.91.20	Parts of stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft
8413.91.90	Parts of pumps, nesoi	Aircraft
8414.10.00	Vacuum pumps	Aircraft
8414.20.00	Hand-operated or foot-operated air pumps	Aircraft
8414.30.40	Compressors of a kind used in refrigerating equipment (including air conditioning) not exceeding 1/4 horsepower	Aircraft
8414.30.80	Compressors of a kind used in refrigerating equipment (including air conditioning) exceeding 1/4 horsepower	Aircraft
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W	Aircraft
8414.51.90	Table, floor, wall, window or roof fans, with a self-contained electric motor of an output not exceeding 125 W	Aircraft
8414.59.30	Turbocharger and supercharger fans	Aircraft
8414.59.65	Other fans, nesoi	Aircraft
8414.80.05	Turbocharger and supercharger air compressors	Aircraft
8414.80.16	Air compressors, nesoi	Aircraft

HTSUS	Description	Scope Limitations
8414.80.20	Gas compressors, nesoi	Aircraft
8414.80.90	Air or gas pumps, compressors and fans, nesoi	Aircraft
8414.90.10	Parts of fans (including blowers) and ventilating or recycling hoods	Aircraft
8414.90.30	Stators and rotors of goods of subheading 8414.30	Aircraft
8414.90.41	Parts of air or gas compressors, nesoi	Aircraft
8414.90.91	Parts of air or vacuum pumps, ventilating or recycling hoods, gas-tight biological safety cabinets	Aircraft
8415.10.60	Window or wall type air conditioning machines, split-system, incorporating a refrigerating unit and valve for reversal of cooling/heat cycle	Aircraft
8415.10.90	Window or wall type air conditioning machines, split-system, nesoi	Aircraft
8415.81.01	Air conditioning machines incorporating a refrigerating unit and valve for reversal of cooling/heat cycle, nesoi	Aircraft
8415.82.01	Air conditioning machines incorporating a refrigerating unit, nesoi	Aircraft
8415.83.00	Air conditioning machines not incorporating a refrigerating unit	Aircraft
8415.90.40	Chassis, chassis bases and other outer cabinets for air conditioning machines,	Aircraft
8415.90.80	Parts for air conditioning machines, nesoi	Aircraft
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors, electric or other	Aircraft
8418.30.00	Freezers of the chest type, not exceeding 800 liters capacity, electric or other	Aircraft
8418.40.00	Freezers of the upright type, not exceeding 900 liters capacity, electric or other	Aircraft
8418.61.01	Heat pumps, other than the air-conditioning machines of heading 8415	Aircraft
8418.69.01	Refrigerating or freezing equipment nesoi	Aircraft
8419.50.10	Brazed aluminum plate-fin heat exchangers	Aircraft
8419.50.50	Heat exchange units, nesoi	Aircraft
8419.81.50	Cooking stoves, ranges and ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes	Aircraft
8419.81.90	Machinery and equipment nesoi, for making hot drinks or for cooking or heating food, not used for domestic purposes	Aircraft
8419.90.10	Parts of instantaneous or storage water heaters	Aircraft
8419.90.20	Parts of machinery and plant, for making paper pulp, paper or paperboard	Aircraft
8419.90.30	Parts of heat exchange units	Aircraft

HTSUS	Description	Scope Limitations
8419.90.50	Parts of molten-salt-cooled acrylic acid reactors, nesoi; parts of certain medical, surgical or laboratory sterilizers, nesoi	Aircraft
8419.90.85	Parts of electromechanical tools for work in the hand, with self-contained electric motor, for treatment of materials by change in temperature	Aircraft
8421.19.00	Centrifuges, other than cream separators or clothes dryers	Aircraft
8421.21.00	Machinery and apparatus for filtering or purifying water	Aircraft
8421.23.00	Oil or fuel filters for internal combustion engines	Aircraft
8421.29.00	Filtering or purifying machinery and apparatus for liquids, nesoi	Aircraft
8421.31.00	Intake air filters for internal combustion engines	Aircraft
8421.32.00	Catalytic converters; particulate filters for internal combustion engines	Aircraft
8421.39.01	Filtering or purifying machinery and apparatus for gases, other than intake air filters or catalytic converters, for internal combustion engines	Aircraft
8424.10.00	Fire extinguishers, whether or not charged	Aircraft
8425.11.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, powered by electric motor	Aircraft
8425.19.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, not powered by electric motor	Aircraft
8425.31.01	Winches nesoi, and capstans, powered by electric motor	Aircraft
8425.39.01	Winches nesoi, and capstans, not powered by electric motor	Aircraft
8425.42.00	Hydraulic jacks and hoists, nesoi	Aircraft
8425.49.00	Jacks and hoists of a kind used for raising vehicles, other than hydraulic, nesoi	Aircraft
8426.99.00	Derricks, cranes and other lifting machinery nesoi	Aircraft
8428.10.00	Passenger or freight elevators other than continuous action; skip hoists	Aircraft
8428.20.00	Pneumatic elevators and conveyors	Aircraft
8428.33.00	Belt type continuous-action elevators and conveyors, for goods or materials	Aircraft
8428.39.00	Continuous-action elevators and conveyors, for goods or materials, nesoi	Aircraft
8428.90.03	Machinery for lifting, handling, loading or unloading, nesoi	Aircraft
8443.31.00	Multifunction units (machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network)	Aircraft
8443.32.10	Printer units, capable of connecting to an automatic data processing machine or to a network	Aircraft

HTSUS	Description	Scope Limitations
8443.32.50	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmission)	Aircraft
8471.30.01	Portable automatic data processing machines, not over 10 kg, consisting at least a central processing unit, keyboard and display	
8471.41.01	Automatic data processing machines, nonportable or over 10 kg, comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined	
8471.49.00	Automatic data processing machines, nesoi, entered in the form of systems (consisting of at least a central processing unit, and an input and output unit)	
8471.50.01	Processing units other than those of subheading 8471.41 and 8471.49, nesoi	
8471.60.10	Combined input/output units for automatic data processing machines not entered with the rest of a system	
8471.60.20	Keyboards for automatic data processing machines not entered with the rest of a system	
8471.60.70	Input or output units suitable for physical incorporation into an automatic data processing machine or unit thereof, nesoi, not entered with the rest of a system	
8471.60.80	Optical scanners and magnetic ink recognition devices not entered with the rest of an automatic data processing system	
8471.60.90	Other input or output units of digital automatic data processing machines, nesoi, not entered with the rest of a system	
8471.70.10	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, without read-write unit assembled therein; read-write units; all not entered with the rest of a system	
8471.70.20	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, for incorporation into automatic data processing machines or units, not entered with the rest of a system	
8471.70.30	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, nesoi, not entered with the rest of a system	
8471.70.40	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, not assembled in cabinets, without attached external power supply, not entered with the rest of a system	

HTSUS	Description	Scope Limitations
8471.70.50	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, nesoi, not entered with the rest of a system	
8471.70.60	Automatic data processing storage units other than magnetic disk, not assembled in cabinets for placing on a table etc., not entered with the rest of a system	
8471.70.90	Automatic data processing storage units other than magnetic disk drive units, nesoi, not entered with the rest of a system	
8471.80.10	Control or adapter units for automatic data processing machines not entered with rest of a system	
8471.80.40	Unit suitable for physical incorporation into automatic data processing machine or unit thereof, not entered with the rest of a system, nesoi	
8471.80.90	Other units of automatic data processing machines, not entered with the rest of a system, nesoi	
8471.90.00	Magnetic or optical readers, nesoi; machines for transcribing data on data media in coded form and machines for processing such data, nesoi	
8473.30.11	Printed circuit assemblies, not incorporating a cathode ray tube, of the machines of 8471	
8473.30.20	Parts and accessories of the automatic data processing machines of heading 8471, not incorporating a CRT, parts and accessories of printed circuit assemblies	
8473.30.51	Parts and accessories of the automatic data processing machines of heading 8471, not incorporating a CRT, nesoi	
8473.30.91	Parts and accessories of the automatic data processing machines of heading 8471, incorporating a CRT, nesoi	
8479.89.10	Air humidifiers or dehumidifiers with self-contained electric motor, other than for domestic purposes	Aircraft
8479.89.20	Floor polishers with self-contained electric motor, other than for domestic purposes	Aircraft
8479.89.65	Electromechanical appliances with self-contained electric motor, nesoi	Aircraft
8479.89.70	Carpet sweepers, not electromechanical with self-contained electric motor	Aircraft
8479.89.95	Other machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84 of the HTSUS, nesoi	Aircraft
8479.90.41	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers	Aircraft
8479.90.45	Parts of trash compactors, frame assemblies	Aircraft
8479.90.55	Parts of trash compactors, ram assemblies	Aircraft
8479.90.65	Parts of trash compactors, container assemblies	Aircraft

HTSUS	Description	Scope Limitations
8479.90.75	Parts of trash compactors, cabinets or cases	Aircraft
8479.90.85	Parts of trash compactors, nesoi	Aircraft
8479.90.95	Parts of machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84 of the HTSUS, nesoi	Aircraft
8483.10.10	Camshafts and crankshafts for use solely or principally with spark-ignition internal-combustion piston or rotary engines	Aircraft
8483.10.30	Camshafts and crankshafts nesoi	Aircraft
8483.10.50	Transmission shafts and cranks other than camshafts and crankshafts	Aircraft
8483.30.40	Bearing housings of the flange, take-up, cartridge and hanger unit type	Aircraft
8483.30.80	Bearing housings nesoi; plain shaft bearings	Aircraft
8483.40.10	Torque converters	Aircraft
8483.40.30	Fixed, multiple and variable ratio speed changers, imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft
8483.40.50	Fixed, multiple and variable ratio speed changers, not imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft
8483.40.70	Speed changers other than fixed, multiple and variable ratio speed changers	Aircraft
8483.40.80	Ball or roller screws	Aircraft
8483.40.90	Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements entered separately	Aircraft
8483.50.40	Gray-iron awning or tackle pulleys, not over 6.4 cm in wheel diameter	Aircraft
8483.50.60	Flywheels, nesoi	Aircraft
8483.50.90	Pulleys, including pulley blocks, nesoi	Aircraft
8483.60.40	Clutches and universal joints	Aircraft
8483.60.80	Shaft couplings (other than universal joints)	Aircraft
8483.90.10	Chain sprockets and parts thereof	Aircraft
8483.90.20	Parts of flange, take-up, cartridge and hanger units	Aircraft
8483.90.30	Parts of bearing housings and plain shaft bearings, nesoi	Aircraft
8483.90.50	Parts of gearing, gear boxes and other speed changers	Aircraft
8483.90.80	Parts of transmission equipment, nesoi	Aircraft
8484.10.00	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal	Aircraft
8484.90.00	Sets or assortments of gaskets and similar joints dissimilar in composition, put up in pouches, envelopes or similar packings	Aircraft

HTSUS	Description	Scope Limitations
8486.10.00	Machines and apparatus for the manufacture of boules or wafers	
8486.20.00	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	
8486.30.00	Machines and apparatus for the manufacture of flat panel displays	
8486.40.00	Machines and apparatus for the manufacture of masks and reticles and for the assembly of electronic integrated circuits	
8486.90.00	Parts and accessories of the machines and apparatus for the manufacture of semiconductor devices, electronic integrated circuits and flat pa	
8501.20.50	Universal AC/DC motors of an output exceeding 735 W but under 746 W	Aircraft
8501.20.60	Universal AC/DC motors of an output of 746 W or more	Aircraft
8501.31.50	DC motors, nesoi, of an output exceeding 735 W but under 746 W	Aircraft
8501.31.60	DC motors nesoi, of an output of 746 W but not exceeding 750 W	Aircraft
8501.31.81	DC generators, other than photovoltaic generators, of an output not exceeding 750 W	Aircraft
8501.32.20	DC motors nesoi, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft
8501.32.55	DC motors nesoi, of an output exceeding 14.92 kW but not exceeding 75 kW, nesoi	Aircraft
8501.32.61	DC generators, other than photovoltaic generators, of an output exceeding 750 W but not exceeding 75 kW	Aircraft
8501.33.20	DC motors nesoi, of an output exceeding 75 kW but under 149.2 kW	Aircraft
8501.33.30	DC motors, nesoi, 149.2 kW or more but not exceeding 150 kW	Aircraft
8501.33.61	DC generators, other than photovoltaic generators, of an output exceeding 75 kW but not exceeding 375 kW	Aircraft
8501.34.61	DC generators, other than photovoltaic generators, of an output exceeding 375 kW	Aircraft
8501.40.50	AC motors, nesoi, single-phase, exceeding 735 W but under 746 W	Aircraft
8501.40.60	AC motors nesoi, single-phase, of 746 W or more	Aircraft
8501.51.50	AC motors, nesoi, multi-phase, of an output exceeding 735 W but under 746 W	Aircraft
8501.51.60	AC motors nesoi, multi-phase of an output of 746 W but not exceeding 750 W	Aircraft
8501.52.40	AC motors nesoi, multi-phase, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft

HTSUS	Description	Scope Limitations
8501.52.80	AC motors nesoi, multi-phase, of an output exceeding 14.92 kW but not exceeding 75 kW	Aircraft
8501.53.40	AC motors nesoi, multi-phase, of an output exceeding 75 kW but under 149.2 kW	Aircraft
8501.53.60	AC motors, nesoi, multi-phase, 149.2 kW or more but not exceeding 150 kW	Aircraft
8501.61.01	AC generators (alternators), other than photovoltaic generators, of an output not exceeding 75 kVA	Aircraft
8501.62.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 75 kVA but not exceeding 375 kVA	Aircraft
8501.63.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 375 kVA but not exceeding 750 kVA	Aircraft
8501.71.00	Photovoltaic DC generators, of an output not exceeding 50 W	Aircraft
8501.72.10	Photovoltaic DC generators, of an output exceeding 50 W but not exceeding 750 W	Aircraft
8501.72.20	Photovoltaic DC generators, of an output exceeding 750 W but not exceeding 75 kW	Aircraft
8501.72.30	Photovoltaic DC generators, of an output exceeding 75 kW but not exceeding 375 kW	Aircraft
8501.72.90	Photovoltaic DC generators, of an output exceeding 375 kW	Aircraft
8501.80.10	Photovoltaic AC generators, of an output not exceeding 75 kVA	Aircraft
8501.80.20	Photovoltaic AC generators, of an output exceeding 75 kVA but not exceeding 375 kVA	Aircraft
8501.80.30	Photovoltaic AC generators, of an output exceeding 375 kVA but not exceeding 750 kVA	Aircraft
8502.11.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output not exceeding 75 kVA	Aircraft
8502.12.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 75 kVA but not over 375 kVA	Aircraft
8502.13.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 375 kVA	Aircraft
8502.20.00	Electric generating sets with spark-ignition internal-combustion piston engines	Aircraft
8502.31.00	Wind-powered electric generating sets	Aircraft
8502.39.00	Electric generating sets, nesoi	Aircraft
8502.40.00	Electric rotary converters	Aircraft
8504.10.00	Ballasts for discharge lamps or tubes	Aircraft

HTSUS	Description	Scope Limitations
8504.31.20	Unrated electrical transformers other than liquid dielectric, having a power handling capacity not exceeding 1 kVA	Aircraft
8504.31.40	Electrical transformers other than liquid dielectric, having a power handling capacity less than 1 kVA	Aircraft
8504.31.60	Electrical transformers other than liquid dielectric, having a power handling capacity of l kVA	Aircraft
8504.32.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA	Aircraft
8504.33.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA	Aircraft
8504.40.40	Electrical speed drive controllers for electric motors (static converters)	Aircraft
8504.40.60	Power supplies suitable for physical incorporation into automatic data processing machines or units thereof of heading 8471	Aircraft
8504.40.70	Power supplies for automatic data processing machines or units thereof of heading 8471, nesoi	Aircraft
8504.40.85	Static converters (for example, rectifiers) for telecommunication apparatus	Aircraft
8504.40.95	Static converters (for example, rectifiers), nesoi	Aircraft
8504.50.40	Other inductors for power supplies for ADP machines and units of heading 8471 or for telecommunication apparatus	Aircraft
8504.50.80	Other inductors, nesoi	Aircraft
8505.11.0070	Sintered neodymium-iron-boron magnets	
8507.10.00	Lead-acid storage batteries of a kind used for starting piston engines	Aircraft
8507.20.80	Lead-acid storage batteries other than of a kind used for starting piston engines or as the primary source of power for electric vehicles	Aircraft
8507.30.80	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles	Aircraft
8507.50.00	Nickel-metal hydride batteries	Aircraft
8507.60.00	Lithium-ion batteries	Aircraft
8507.80.82	Other storage batteries nesoi, other than of a kind used as the primary source of power for electric vehicles	Aircraft
8507.90.40	Parts of lead-acid storage batteries, including separators therefor	Aircraft
8507.90.80	Parts of storage batteries, including separators therefor, other than parts of lead-acid storage batteries	Aircraft
8511.10.00	Spark plugs	Aircraft

HTSUS	Description	Scope Limitations
8511.20.00	Ignition magnetos, magneto-dynamos and magnetic flywheels	Aircraft
8511.30.00	Distributors and ignition coils	Aircraft
8511.40.00	Starter motors and dual purpose starter-generators	Aircraft
8511.50.00	Generators nesoi, of a kind used in conjunction with spark-ignition or compression-ignition internal-combustion engines	Aircraft
8511.80.20	Voltage and voltage-current regulators with cut-out relays designed for use on 6, 12 or 24 V systems	Aircraft
8511.80.40	Voltage and voltage-current regulators with cut-out relays other than those designed for use on 6, 12 or 24 V systems	Aircraft
8511.80.60	Electrical ignition or starting equipment of a kind used for spark-ignition internal-combustion or compression-ignition engines, nesoi	Aircraft
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food	Aircraft
8516.80.40	Electric heating resistors assembled only with simple insulated former and electrical connectors, used for anti-icing or de-icing	Aircraft
8516.80.80	Electric heating resistors, nesoi	Aircraft
8517.13.00	Smartphones for cellular networks or for other wireless of networks	
8517.14.00	Other telephones for cellular networks or for other wireless of networks, other than smartphones	Aircraft
8517.61.00	Base stations	Aircraft
8517.62.00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	
8517.69.00	Other apparatus for transmission or reception of voice, images or other data, nesoi, but not apparatus of headings 8443, 8525, 8527 or 8528	Aircraft
8517.71.00	Aerials and aerial reflectors of all kinds; parts suitable for use therewith	Aircraft
8518.10.40	Microphones having a frequency range of 300Hz-3.4kHz with diameter not over 10 mm and height not exceeding 3 mm, for telecommunication	Aircraft
8518.10.80	Microphones and stands therefor, nesoi	Aircraft
8518.21.00	Single loudspeakers, mounted in their enclosures	Aircraft
8518.22.00	Multiple loudspeakers mounted in the same enclosure	Aircraft
8518.29.40	Loudspeakers not mounted in their enclosures, with frequency range of 300Hz to 3.4kHz, with a diameter of not exceeding 50 mm, for telecommunication	Aircraft
8518.29.80	Loudspeakers nesoi, not mounted in their enclosures, nesoi	Aircraft
8518.30.10	Line telephone handsets	Aircraft

HTSUS	Description	Scope Limitations
8518.30.20	Headphones, earphones and combined microphone/speaker sets, other than telephone handsets	Aircraft
8518.40.10	Audio-frequency electric amplifiers for use as repeaters in line telephony	Aircraft
8518.40.20	Audio-frequency electric amplifiers, other than for use as repeaters in line telephony	Aircraft
8518.50.00	Electric sound amplifier sets	Aircraft
8519.81.10	Transcribing machines	Aircraft
8519.81.20	Cassette players (non-recording) designed exclusively for motor-vehicle installation	Aircraft
8519.81.25	Cassette players (non-recording), nesoi	Aircraft
8519.81.30	Sound reproducing apparatus nesoi, not incorporating a sound recording device	Aircraft
8519.81.41	Other sound recording and reproducing apparatus using magnetic tape, optical media, or semiconductor media	Aircraft
8519.89.10	Record players, other than coin- or token-operated, without loudspeaker	Aircraft
8519.89.20	Record players, other than coin- or token-operated, with loudspeakers	Aircraft
8519.89.30	Sound recording and reproducing apparatus, nesoi	Aircraft
8521.10.30	Color, cartridge or cassette magnetic tape-type video players, not capable of recording	Aircraft
8521.10.60	Color, cartridge or cassette magnetic tape-type video recording and reproducing apparatus, nesoi	Aircraft
8521.10.90	Magnetic tape-type video recording or reproducing apparatus, other than color, cartridge or cassette type	Aircraft
8522.90.25	Assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, printed circuit assemblies	Aircraft
8522.90.36	Other assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, other than printed circuit assemblies	Aircraft
8522.90.45	Other parts of telephone answering machines, printed circuit assemblies	Aircraft
8522.90.58	Other parts of telephone answering machines, other than printed circuit assemblies	Aircraft
8522.90.65	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, printed circuit assemblies	Aircraft
8522.90.80	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, other than printed circuit assemblies	Aircraft
8523.51.00	Semiconductor media, solid state non-volatile storage devices	

HTSUS	Description	Scope Limitations
8524.11.10	Flat panel display modules of liquid crystals without drivers or control circuits, other than for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.11.90	Flat panel display modules of liquid crystals without drivers or control circuits, for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.12.00	Flat panel display modules of organic light-emitting diodes without drivers or control circuits	
8524.19.00	Other flat panel display modules without drivers or control circuits, nesoi	
8524.91.10	Flat panel display modules of liquid crystals with drivers or control circuits, other than for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.91.90	Flat panel display modules of liquid crystals with drivers or control circuits, for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.92.00	Flat panel display modules of organic light-emitting diodes with drivers or control circuits	
8524.99.00	Other flat panel display modules with drivers or control circuits, nesoi	
8526.10.00	Radar apparatus	Aircraft
8526.91.00	Radio navigational aid apparatus, other than radar	Aircraft
8526.92.10	Radio remote control apparatus for video game consoles	Aircraft
8526.92.50	Radio remote control apparatus other than for video game consoles	Aircraft
8528.42.00	Cathode-ray tube monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	Aircraft
8528.52.00	Other monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	
8528.62.00	Projectors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	Aircraft
8529.10.21	Television antennas and antenna reflectors, and parts suitable for use therewith	Aircraft
8529.10.40	Radar, radio navigational aid and radio remote control antennas and antenna reflectors, and parts suitable for use therewith	Aircraft
8529.10.91	Other antennas and antenna reflectors of all kinds and parts, for use	Aircraft
8529.90.04	Tuners (printed circuit assemblies)	Aircraft

HTSUS	Description	Scope Limitations
8529.90.05	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.06	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, not with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.09	Printed circuit assemblies for television cameras	Aircraft
8529.90.13	Printed circuit assemblies for television apparatus, nesoi	Aircraft
8529.90.16	Printed circuit assemblies which are subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together	Aircraft
8529.90.19	Printed circuit assemblies, nesoi, for radar, radio navigational aid or radio remote control apparatus	Aircraft
8529.90.21	Other printed circuit assemblies suitable for use solely or principally with the apparatus of headings 8524 to 8528, nesoi	Aircraft
8529.90.24	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies	Aircraft
8529.90.29	Tuners for television apparatus, other than printed circuit assemblies	Aircraft
8529.90.33	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, entered with components in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.36	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, other	Aircraft
8529.90.39	Parts of television receivers specified in U.S. note 9 to chapter 85 of the HTSUS, other than printed circuit assemblies, nesoi	Aircraft
8529.90.43	Printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.46	Combinations of printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.49	Combinations of parts of television receivers specified in U.S. note 10 to chapter 85 of the HTSUS, other than printed circuit assemblies, nesoi	Aircraft
8529.90.55	Flat panel screen assemblies for TV reception apparatus, color video monitors and video projectors	Aircraft
8529.90.63	Parts of printed circuit assemblies (including face plates and lock latches) for television cameras	Aircraft

HTSUS	Description	Scope Limitations
8529.90.68	Parts of printed circuit assemblies (including face plates and lock latches) for television apparatus other than television cameras	Aircraft
8529.90.73	Parts of printed circuit assemblies (including face plates and lock latches) for radar, radio navigational aid or radio remote control app.	Aircraft
8529.90.77	Parts of printed circuit assemblies (including face plates and lock latches) for other apparatus of headings 8524 to 8528, nesoi	Aircraft
8529.90.78	Mounted lenses for use in closed circuit television cameras, separately imported, with or without attached electrical connectors or motors	Aircraft
8529.90.81	Other parts of television cameras, nesoi	Aircraft
8529.90.83	Other parts of television apparatus (other than television cameras), nesoi	Aircraft
8529.90.87	Parts suitable for use solely or principally with the apparatus of 8525 and 8527 (except television apparatus or cellular phones), nesoi	Aircraft
8529.90.88	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, entered with components in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.89	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, other	Aircraft
8529.90.93	Parts of television apparatus, nesoi	Aircraft
8529.90.95	Assemblies and subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together, nesoi	Aircraft
8529.90.97	Parts suitable for use solely or principally in radar, radio navigational aid or radio remote control apparatus, nesoi	Aircraft
8529.90.98	Parts suitable for use solely or principally with the apparatus of headings 8524 through 8528, nesoi	Aircraft
8531.10.00	Electric burglar or fire alarms and similar apparatus	Aircraft
8531.20.00	Indicator panels incorporating liquid crystal devices (LCD's) or light-emitting diodes (LED's)	Aircraft
8531.80.15	Doorbells, chimes, buzzers, and similar apparatus	Aircraft
8531.80.90	Electric sound or visual signaling apparatus, nesoi	Aircraft
8536.70.00	Connectors for optical fibers, optical fiber bundles or cables	Aircraft
8539.10.00	Sealed beam lamp units	Aircraft
8539.51.00	Light-emitting diode (LED) modules	Aircraft
8541.10.00	Diodes, other than photosensitive or light-emitting diodes	

HTSUS	Description	Scope Limitations
8541.21.00	Transistors, other than photosensitive transistors, with a dissipation rating of less than 1 W	
8541.29.00	Transistors, other than photosensitive transistors, with a dissipation rating of 1 W or more	
8541.30.00	Thyristors, diacs and triacs, other than photosensitive devices	
8541.41.00	Light emitting diodes (LED)	
8541.49.10	Other photosensitive semiconductor diodes, other than light-emitting	
8541.49.70	Other photosensitive semiconductor transistors	
8541.49.80	Optical coupled isolators	
8541.49.95	Other photosensitive semiconductor devices, other than diodes or transistors, nesoi	
8541.51.00	Other semiconductor-based transducers, other than photosensitive transducers	
8541.59.00	Other semiconductor devices, other than semiconductor-based transducers, other than photosensitive devices, nesoi	
8541.90.00	Parts of diodes, transistors, similar semiconductor devices, photosensitive semiconductor devices, LEDs and mounted piezoelectric crystals	
8542.31.00	Electronic integrated circuits: processors and controllers	
8542.32.00	Electronic integrated circuits: memories	
8542.33.00	Electronic integrated circuits: amplifiers	
8542.39.00	Electronic integrated circuits: other	
8542.90.00	Parts of electronic integrated circuits and microassemblies	
8543.70.42	Flight data recorders	Aircraft
8543.70.45	Other electric synchros and transducers; defrosters and demisters with electric resistors for aircraft	Aircraft
8543.70.60	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks	Aircraft
8543.70.80	Microwave amplifiers	Aircraft
8543.70.91	Digital signal processing apparatus capable of connecting to a wired or wireless network for sound mixing	Aircraft
8543.70.95	Touch screens without display capabilities for incorporation in apparatus having a display	Aircraft
8543.90.12	Parts of physical vapor deposition apparatus of subheading 8543.70	Aircraft
8543.90.15	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, printed circuit assemblies	Aircraft
8543.90.35	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, not printed circuit assemblies	Aircraft

HTSUS	Description	Scope Limitations
8543.90.65	Printed circuit assemblies of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 and 8528.62	Aircraft
8543.90.68	Printed circuit assemblies of electrical machines and apparatus, having individual functions, nesoi	Aircraft
8543.90.85	Parts, nesoi, of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 and 8528.62	Aircraft
8543.90.88	Parts (other than printed circuit assemblies) of electrical machines and apparatus, having individual functions, nesoi	Aircraft
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Aircraft
8801.00.00	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders	Aircraft
8802.11.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight not over 2,000 kg	Aircraft
8802.12.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight over 2,000 kg	Aircraft
8802.20.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight not over 2,000 kg	Aircraft
8802.30.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 2,000 kg but not over 15,000 kg	Aircraft
8802.40.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 15,000 kg	Aircraft
8805.29.00	Ground flying trainers and parts thereof, other than air combat simulators	Aircraft
8806.10.00	Unmanned aircraft designed for the carriage of passengers	Aircraft
8806.21.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight not more than 250g	Aircraft
8806.22.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 250g but less than 7kg	Aircraft
8806.23.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 7kg but less than 25kg	Aircraft
8806.24.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 25kg but less than 150 kg	Aircraft

HTSUS	Description	Scope Limitations
8806.29.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 150 kg	Aircraft
8806.91.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight not more than 250g	Aircraft
8806.92.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more 250g less than 7kg	Aircraft
8806.93.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 7kg but less than 25kg	Aircraft
8806.94.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 25kg but less than 150 kg	Aircraft
8806.99.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 150 kg	Aircraft
8807.10.00	Parts of aircraft of headings 8801, 8802 or 8806, propellers and rotors and parts thereof	Aircraft
8807.20.00	Parts of aircraft of headings 8801, 8802 or 8806, undercarriages and parts thereof	Aircraft
8807.30.00	Parts of aircraft of headings 8801, 8802 or 8806, for airplanes, helicopters, unmanned aircraft, other than propellers, rotors or undercarriages, nesoi	Aircraft
8807.90.90	Parts of aircraft of headings 8801, 8802 or 8806, not for airplanes, helicopters or unmanned aircraft, nesoi	Aircraft
9001.90.40	Lenses nesoi, unmounted	Aircraft
9001.90.50	Prisms, unmounted	Aircraft
9001.90.60	Mirrors, unmounted	Aircraft
9001.90.80	Half-tone screens designed for use in engraving or photographic processes, unmounted	Aircraft
9001.90.90	Optical elements nesoi, unmounted	Aircraft
9002.90.20	Prisms, mounted, for optical uses	Aircraft
9002.90.40	Mirrors, mounted, for optical uses	Aircraft
9002.90.70	Half-tone screens, mounted, designed for use in engraving or photographic processes	Aircraft
9002.90.85	Mounted lenses suitable for use in, and entered separately from, closed circuit television cameras, with or without attached electrical connectors or motors	Aircraft
9002.90.95	Mounted optical elements, nesoi; parts and accessories of mounted optical elements, nesoi	Aircraft
9014.10.10	Optical direction finding compasses	Aircraft

HTSUS	Description	Scope Limitations
9014.10.60	Gyroscopic directing finding compasses, other than electrical	Aircraft
9014.10.70	Electrical direction finding compasses	Aircraft
9014.10.90	Direction finding compasses, other than optical instruments, gyroscopic compasses or electrical	Aircraft
9014.20.20	Optical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.20.40	Automatic pilots for aeronautical or space navigation	Aircraft
9014.20.60	Electrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.20.80	Nonelectrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.90.10	Parts and accessories of automatic pilots for aeronautical or space navigation of subheading 9014.20.40	Aircraft
9014.90.20	Parts and accessories of nonelectrical instruments and appliances for aeronautical or space navigation of subheading 9014.20.80	Aircraft
9014.90.40	Parts and accessories of nonelectrical navigational instruments and appliances nesoi of subheading 9014.80.50	Aircraft
9014.90.60	Parts and accessories of navigational instruments and appliances, nesoi	Aircraft
9020.00.40	Underwater breathing devices designed as a complete unit to be carried on the person and not requiring attendants, parts and accessories thereof	Aircraft
9020.00.60	Breathing appliances, nesoi, and gas masks, except protective masks having neither mechanical parts or replaceable filters, parts, accessories thereof	Aircraft
9025.11.20	Clinical thermometers, liquid-filled, for direct reading, not combined with other instruments	Aircraft
9025.11.40	Liquid-filled thermometers, for direct reading, not combined with other instruments, other than clinical thermometers	Aircraft
9025.19.40	Pyrometers, not combined with other instruments	Aircraft
9025.19.80	Thermometers, for direct reading, not combined with other instruments, other than liquid-filled thermometers	Aircraft
9025.80.10	Electrical hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers, psychometers, and any combination	Aircraft
9025.80.15	Nonelectrical barometers, not combined with other instruments	Aircraft
9025.80.20	Hydrometers and similar floating instruments, whether or not incorporating a thermometer, non-recording, other than electrical	Aircraft
9025.80.35	Hygrometers and psychrometers, non-electrical, non-recording	Aircraft

HTSUS	Description	Scope Limitations
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments, other than electrical	Aircraft
9025.80.50	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical	Aircraft
9025.90.06	Other parts and accessories of hydrometers and like floating instruments, thermometers, pyrometers, barometers, hygrometers, psychrometers and combinations	Aircraft
9026.10.20	Electrical instruments and apparatus for measuring or checking the flow or level of liquids	Aircraft
9026.10.40	Flow meters, other than electrical, for measuring or checking the flow of liquids	Aircraft
9026.10.60	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, non-electrical	Aircraft
9026.20.40	Electrical instruments and apparatus for measuring or checking the pressure of liquids or gases	Aircraft
9026.20.80	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases	Aircraft
9026.80.20	Electrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9026.80.40	Nonelectrical heat meters incorporating liquid supply meters, and anemometers	Aircraft
9026.80.60	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9026.90.20	Parts and accessories of electrical instruments and apparatus for measuring or checking variables of liquids or gases	Aircraft
9026.90.40	Parts and accessories of nonelectrical flow meters, heat meters incorporating liquid supply meters and anemometers	Aircraft
9026.90.60	Parts and accessories of nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9029.10.80	Revolution counters, production counters, odometers, pedometers and the like, other than taximeters	Aircraft
9029.20.40	Speedometers and tachometers, other than bicycle speedometers	Aircraft
9029.90.80	Parts and accessories of revolution counters, production counters, odometers, pedometers and the like, of speedometers nesoi and tachometers	Aircraft
9030.10.00	Instruments and apparatus for measuring or detecting ionizing radiations	Aircraft
9030.20.05	Oscilloscopes and oscillographs, specially designed for telecommunications	Aircraft
9030.20.10	Oscilloscopes and oscillographs, nesoi	Aircraft

HTSUS	Description	Scope Limitations
9030.31.00	Multimeters for measuring or checking electrical voltage, current, resistance or power, without a recording device	Aircraft
9030.32.00	Multimeters, with a recording device	Aircraft
9030.33.34	Resistance measuring instruments	Aircraft
9030.33.38	Other instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, without a recording device	Aircraft
9030.39.01	Instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, with a recording device	Aircraft
9030.40.00	Instruments and apparatus specially designed for telecommunications	Aircraft
9030.84.00	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, with a recording device	Aircraft
9030.89.01	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, without a recording device	Aircraft
9030.90.25	Printed circuit assemblies for instruments and apparatus for measuring or detecting ionizing radiation	Aircraft
9030.90.46	Parts and accessories for instruments and apparatus for measuring or detecting ionizing radiation, nesoi	Aircraft
9030.90.66	Printed circuit assemblies for subheadings and apparatus of subheadings 9030.40 or 9030.82	Aircraft
9030.90.68	Printed circuit assemblies, nesoi	Aircraft
9030.90.84	Parts and accessories for instruments and apparatus for measuring or checking semiconductor wafers or devices, nesoi	Aircraft
9030.90.89	Parts and accessories for articles of subheadings 9030.20 to 9030.84, nesoi	Aircraft
9031.80.40	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor devices or reticles	Aircraft
9031.80.80	Measuring and checking instruments, appliances and machines, nesoi	Aircraft
9031.90.21	Parts and accessories of profile projectors	Aircraft
9031.90.45	Bases and frames for the optical coordinate-measuring machines of subheading 9031.49.40	Aircraft
9031.90.54	Parts and accessories of measuring and checking optical instruments and appliances of subheading 9031.41 or 9031.49.70	Aircraft

HTSUS	Description	Scope Limitations
9031.90.59	Parts and accessories of measuring and checking optical instruments and appliances, other than test benches or profile projectors, nesoi	Aircraft
9031.90.70	Parts and accessories of articles of subheading 9031.80.40	Aircraft
9031.90.91	Parts and accessories of measuring or checking instruments, appliances and machines, nesoi	Aircraft
9032.10.00	Automatic thermostats	Aircraft
9032.20.00	Automatic manostats	Aircraft
9032.81.00	Hydraulic and pneumatic automatic regulating or controlling instruments and apparatus	Aircraft
9032.89.20	Automatic voltage and voltage-current regulators, designed for use in a 6, 12, or 24 V system	Aircraft
9032.89.40	Automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system	Aircraft
9032.89.60	Automatic regulating or controlling instruments and apparatus, nesoi	Aircraft
9032.90.21	Parts and accessories of automatic voltage and voltage-current regulators designed for use in a 6, 12, or 24 V system, nesoi	Aircraft
9032.90.41	Parts and accessories of automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system, nesoi	Aircraft
9032.90.61	Parts and accessories for automatic regulating or controlling instruments and apparatus, nesoi	Aircraft
9033.00.90	Other parts and accessories for machines, appliances, instruments or apparatus of chapter 90 of the HTSUS, nesoi	Aircraft
9104.00.05	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, not over $10 each	Aircraft
9104.00.10	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, not over $10 each	Aircraft
9104.00.20	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, nonelectric, valued not over $10 each	Aircraft
9104.00.25	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, over $10 each	Aircraft
9104.00.30	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, over $10 each	Aircraft

HTSUS	Description	Scope Limitations
9104.00.40	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, non-electric, valued over $10 each	Aircraft
9104.00.45	Instrument panel clocks for vehicles, air/spacecraft or vessels, watch or clock movement not over 50 mm wide, opto-electronic display only	Aircraft
9104.00.50	Instrument panel clocks for vehicles, air/spacecraft, vessels, watch or clock movement not over 50 mm wide, electric, not opto-electronic display	Aircraft
9104.00.60	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock or watch movement not over 50 mm wide, nonelectric	Aircraft
9109.10.50	Clock movements nesoi, complete and assembled, electrically operated, with opto-electronic display only	Aircraft
9109.10.60	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter	Aircraft
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter	Aircraft
9401.10.40	Seats, of a kind used for aircraft, leather upholstered	Aircraft
9401.10.80	Seats, of a kind used for aircraft (other than leather upholstered)	Aircraft
9403.20.00	Furniture (other than seats) of metal nesoi, other than of a kind used in offices	Aircraft
9403.70.40	Furniture (other than seats and other than of heading 9402) of reinforced or laminated plastics nesoi	Aircraft
9403.70.80	Furniture (other than seats and other than of heading 9402) of plastics (other than reinforced or laminated) nesoi	Aircraft
9405.11.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, designed for use solely with LED sources	Aircraft
9405.11.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), designed for use solely with LED sources	Aircraft
9405.11.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, designed for use solely with LED sources	Aircraft
9405.19.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, not designed for use solely with LED sources	Aircraft
9405.19.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), not designed for use solely with LED sources	Aircraft

HTSUS	Description	Scope Limitations
9405.19.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, not designed for use solely with LED sources	Aircraft
9405.61.20	Illuminated signs, illuminated name plates and the like, of brass, designed for use solely with LED sources	Aircraft
9405.61.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), designed for use solely with LED sources	Aircraft
9405.61.60	Illuminated signs, illuminated name plates and the like, not of base metal, designed for use solely with LED sources	Aircraft
9405.69.20	Illuminated signs, illuminated name plates and the like, of brass, not designed for use solely with LED sources	Aircraft
9405.69.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), not designed for use solely with LED sources	Aircraft
9405.69.60	Illuminated signs, illuminated name plates and the like, not of base metal, not designed for use solely with LED sources	Aircraft
9405.92.00	Parts of lamps, lighting fixtures, illuminated signs and the like, of plastics	Aircraft
9405.99.20	Parts of lamps, lighting fixtures, illuminated signs and the like, of brass	Aircraft
9405.99.40	Parts of lamps, lighting fixtures, illuminated signs and the like, not of glass, plastics or brass	Aircraft
9620.00.50	Monopods, bipods, tripods and similar articles of plastics, nesoi	Aircraft
9620.00.60	Monopods, bipods, tripods and similar articles of graphite and other carbon, nesoi	Aircraft
9802.00.40	Articles returned to the United States after having been exported for repairs or alterations made pursuant to a warranty	Aircraft
9802.00.50	Articles returned to the United States after having been exported for repairs or alterations, other	Aircraft
9802.00.60	Any article of metal (as defined in U.S. note 3(e) of subchapter II of chapter 98 of the HTSUS) manufactured in the United States or subjected to a process of manufacture in the United States, if exported for further processing, and if the exported article as processed outside the United States, or the article which results from the processing outside the United States, is returned to the United States for further processing	Aircraft
9802.00.80	Articles, except goods of heading 9802.00.91 and goods imported under provisions of subchapter XIX of this chapter and goods imported under provisions of subchapter XX, assembled abroad in whole or in part of fabricated	Aircraft

HTSUS	Description	Scope Limitations
	components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating and painting	
9818.00.05	Spare parts necessarily installed before first entry into the United States, upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country	Aircraft
9818.00.07	Other, upon first arrival in any port of the United States of any vessel described in U.S. note 1 to subchapter XVIII of chapter 98 of the HTSUS	Aircraft

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Presidential Documents

Executive Order 14388 of February 20, 2026

Continuing the Suspension of Duty-Free De Minimis Treatment for All Countries

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Background.* In several Executive Orders, including Executive Order 14193 of February 1, 2025 (Imposing Duties To Address the Flow of Illicit Drugs Across Our Northern Border), as amended; Executive Order 14194 of February 1, 2025 (Imposing Duties To Address the Situation at Our Southern Border), as amended; Executive Order 14195 of February 1, 2025 (Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China), as amended; Executive Order 14257 of April 2, 2025 (Regulating Imports With a Reciprocal Tariff To Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits), as amended; and Executive Order 14324 of July 30, 2025 (Suspending Duty-Free De Minimis Treatment for All Countries), I declared or described national emergencies with respect to unusual and extraordinary threats to the national security, foreign policy, or economy of the United States and took action to deal with those threats, including suspending duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for certain imports.

As relevant here, in section 3 of Executive Order 14324, I set forth the duty rates applicable to shipments sent to the United States through the international postal network that would otherwise qualify for the *de minimis* exemption under 19 U.S.C. 1321(a)(2)(C). These duty rates were based on the additional duty rates imposed by Executive Orders issued under IEEPA, including Executive Order 14193, as amended; Executive Order 14194, as amended; Executive Order 14195, as amended; and Executive Order 14257, as amended.

In section 6 of Executive Order 14324, I made clear that the suspension of, or continued suspension of, duty-free *de minimis* treatment, as detailed in Executive Order 14324, shall not be affected if the additional duties imposed under Executive Order 14193, as amended; Executive Order 14194, as amended; Executive Order 14195, as amended; or Executive Order 14257, as amended, were held to be invalid. I also provided that—should such invalidation occur—duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) would be available for shipments sent through the international postal network only until I received a notification from the Secretary of Commerce (Secretary) that adequate systems were in place to fully and expeditiously process and collect duties applicable to such shipments.

Since the issuance of Executive Order 14324, the conditions outlined in section 6 of Executive Order 14324 have occurred. Also since the issuance of Executive Order 14324, the Secretary has notified me that adequate systems are now in place to collect certain duties applicable to shipments sent through the international postal network that would otherwise be eligible

for duty-free *de minimis* treatment. I also have received additional information and recommendations from various senior officials regarding the suspension of duty-free *de minimis* treatment.

After considering the information and recommendations these officials have provided to me, among other things, I have determined that it is still necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C), including for shipments sent through the international postal network. U.S. Customs and Border Protection (CBP) shall collect duties on shipments sent through the international postal network in accordance with Executive Order 14324, as amended below. CBP shall also continue to take all appropriate action to collect all applicable duties, taxes, fees, exactions, and charges for shipments not sent through the international postal network. In my judgment, these actions are necessary and appropriate to deal with the national emergencies declared in Executive Order 14193, Executive Order 14194, Executive Order 14195, and Executive Order 14257. Each determination is independent of the other and is made only for the purpose of dealing with the respective emergency and not for the purpose of dealing with another emergency.

Sec. 2. *Continuing the Suspension of Duty-Free De Minimis Treatment.* Section 2 of Executive Order 14324 is revised to read as follows:

''(a) The duty-free *de minimis* exemption provided under 19 U.S.C. 1321(a)(2)(C) shall not apply to any shipment of articles not covered by 50 U.S.C. 1702(b), regardless of value, country of origin, mode of transportation, or method of entry. Accordingly, all such shipments, except those sent through the international postal network, shall be subject to all applicable duties, taxes, fees, exactions, and charges. International postal shipments not covered by 50 U.S.C. 1702(b) shall be subject to the duty rates described in section 3 of this order. Entry for all shipments that, prior to the effective date of this order, qualified for the *de minimis* exemption, shall be filed using an appropriate entry type in the Automated Commercial Environment (ACE) by a party qualified to make such entry—except for shipments sent through the international postal network, which shall be dutiable in accordance with section 3 of this order.

(b) Shipments sent through the international postal network that would otherwise qualify for the *de minimis* exemption under 19 U.S.C. 1321(a)(2)(C) shall pass free of any duties except those specified in section 3 of this order, and without the preparation of an entry by CBP, until the effective date for the new entry process for postal shipments established by CBP and published in the *Federal Register*.''

Sec. 3. *Duty Rates for International Postal Shipments.* Section 3 of Executive Order 14324 is revised to read as follows:

''(a) Transportation carriers delivering shipments sent to the United States through the international postal network, or other parties if qualified in lieu of such transportation carriers, as approved by CBP, must collect and remit duties to CBP using the methodology described in subsection (b) of this section. Each transportation carrier or other qualified party shall remit duty payment to CBP in accordance with CBP guidance on the requirements and process for remittance.

(b) A duty equal to the rate provided in the Proclamation of February 20, 2026 (Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems), shall be assessed on the value of each dutiable postal item containing goods entered for consumption. This duty rate shall be assessed until the expiration date of the temporary import surcharge established by the Proclamation of February 20, 2026, or until the effective date of the new entry process for postal shipments established by CBP, whichever date occurs first.

(c) For all international postal shipments subject to the duty rate in the Proclamation of February 20, 2026, in accordance with subsection (b) of this section, the country of origin of the article and its value must be declared to CBP.

(d) Shipments sent through the international postal network that are subject to antidumping and countervailing duties or a quota must continue to be entered under an appropriate entry type in ACE to the extent required by all applicable regulations.''

Sec. 4. *Further Revisions.* Executive Order 14324 is further revised by striking section 5 and renumbering sections 6 and 7 as 5 and 6, respectively.

Sec. 5. *Implementation.* (a) The modifications to Executive Order 14324 in this order shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 24, 2026. Additionally, the Harmonized Tariff Schedule of the United States shall be modified as provided in the Annex to this order.

(b) Consistent with applicable law, the Secretary of Homeland Security is directed and authorized to take all necessary actions to implement and effectuate this order —including through temporary suspension or amendment of regulations or through notices in the *Federal Register* and by adopting rules, regulations, or guidance. The Secretary of Homeland Security may continue to employ all powers that were previously authorized in Executive Order 14324 as may be necessary to implement and effectuate this order.

Sec. 6. *Effect on Prior Actions and Severability.* Any provision of previous proclamations and Executive Orders that is inconsistent with this order is superseded to the extent of such inconsistency. If any provision of this order or the application of any provision of this order to any individual or circumstance is held to be invalid, the remainder of this order and the application of its provisions to any other individuals or circumstances shall not be affected.

Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

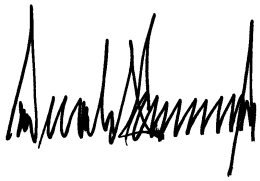
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Homeland Security.



THE WHITE HOUSE,
February 20, 2026.

[FR Doc. 2026–03829
Filed 2–24–26; 11:15 am]
Billing code 4410–10–P

Presidential Documents

Executive Order 14389 of February 20, 2026

Ending Certain Tariff Actions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Background.* In Executive Order 14193 of February 1, 2025 (Imposing Duties To Address the Flow of Illicit Drugs Across Our Northern Border), as amended; Executive Order 14194 of February 1, 2025 (Imposing Duties To Address the Situation at Our Southern Border), as amended; Executive Order 14195 of February 1, 2025 (Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China), as amended; Executive Order 14245 of March 24, 2025 (Imposing Tariffs on Countries Importing Venezuelan Oil); Executive Order 14257 of April 2, 2025 (Regulating Imports With a Reciprocal Tariff To Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits), as amended; Executive Order 14323 of July 30, 2025 (Addressing Threats to the United States by the Government of Brazil), as amended; Executive Order 14329 of August 6, 2025 (Addressing Threats to the United States by the Government of the Russian Federation), as amended; Executive Order 14380 of January 29, 2026 (Addressing Threats to the United States by the Government of Cuba); and Executive Order 14382 of February 6, 2026 (Addressing Threats to the United States by the Government of Iran), I declared or described national emergencies with respect to unusual and extraordinary threats to the national security, foreign policy, or economy of the United States and took actions to deal with those threats, including by imposing, pursuant to IEEPA, additional *ad valorem* duties on certain imports of certain foreign trading partners.

In light of recent events, the additional *ad valorem* duties imposed pursuant to IEEPA in Executive Order 14193, as amended; Executive Order 14194, as amended; Executive Order 14195, as amended; Executive Order 14245; Executive Order 14257, as amended; Executive Order 14323, as amended; Executive Order 14329, as amended; Executive Order 14380; and Executive Order 14382 shall no longer be in effect and, as soon as practicable, shall no longer be collected. All other actions, including any other action taken to address the national emergencies declared or described in Executive Order 14193, Executive Order 14194, Executive Order 14195, Executive Order 14245, Executive Order 14257, Executive Order 14323, Executive Order 14329, Executive Order 14380, and Executive Order 14382, that do not impose additional *ad valorem* duties under IEEPA or involve steps necessary to implement the imposition of additional *ad valorem* duties imposed under IEEPA shall not be affected by this order. The national emergencies declared or described in Executive Order 14193, Executive Order 14194, Executive Order 14195, Executive Order 14245, Executive Order 14257, Executive Order 14323, Executive Order 14329, Executive Order 14380, and Executive Order 14382 or subsequent orders remain in effect and shall not be affected by this order.

Sec. 2. *Implementation.* (a) To effectuate the terminations of the actions described in section 1 of this order, the head of each executive department and agency (agency) is authorized to and shall take all appropriate steps

to end the additional *ad valorem* duties imposed under IEEPA in Executive Order 14193, as amended; Executive Order 14194, as amended; Executive Order 14195, as amended; Executive Order 14245; Executive Order 14257, as amended; Executive Order 14323, as amended; Executive Order 14329, as amended; Executive Order 14380; and Executive Order 14382. The head of each agency shall immediately begin taking steps to effectuate this order and, as soon as practicable, terminate the collection of the additional *ad valorem* duties described in section 1 of this order. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate the authority to take such appropriate steps within the agency.

(b) The Secretary of Commerce, the Secretary of Homeland Security, and the United States Trade Representative, as appropriate and in consultation with the Commissioner of U.S. Customs and Border Protection, the Chair of the United States International Trade Commission, and any other senior official they deem appropriate, shall determine whether modifications to the Harmonized Tariff Schedule of the United States are necessary to effectuate this order and may make such modifications through notice in the *Federal Register*.

(c) The Executive Order of February 20, 2026 (Continuing the Suspension of Duty-Free De Minimis Treatment for All Countries), and the Proclamation of February 20, 2026 (Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems), are unaffected by this order.

(d) This order affects only the additional *ad valorem* duties imposed under IEEPA pursuant to the Executive Orders described in section 1 of this order. This order does not affect any other duties, including duties imposed under section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862, and section 301 of the Trade Act of 1974, as amended, 19 U.S.C. 2411.

Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

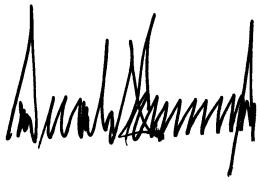
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Homeland Security.



THE WHITE HOUSE,
February 20, 2026.

[FR Doc. 2026–03832
Filed 2–24–26; 11:15 am]
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