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Contents

Federal Register

Vol. 91, No. 102

Thursday, May 28, 2026

Army Department
NOTICES
Intended Disinterment:
Carlisle Barracks Post Cemetery, 31708

Coast Guard
RULES
Safety Zone:
Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone, 31666–31668
Atlantic Ocean, Atlantic City, NJ, 31664–31666
Special Local Regulation:
Marine Events within the Sector Columbia River Captain of the Port Zone, 31662
Sail Grand Prix, Upper Bay, New York City, NY, 31662–31664

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for Purchase From People Who Are Blind or Severely Disabled
PROPOSED RULES
Central Nonprofit Agencies' Requirements to Charge Fees and Clarifying the Permissibility of Subcontracting within the AbilityOne Program; Extension, 31697
NOTICES
Procurement List; Additions and Deletions, 31705–31706

Copyright Office, Library of Congress
PROPOSED RULES
Group Registration of Updates to a News Website, 31684

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
AmeriCorps External Reviewer Application Instructions, 31707
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 31706–31707

Defense Department
See Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 31708

Education Department
PROPOSED RULES
Project Period with Funding for Arts in Education National Program:
Proposed Waiver and Extension, 31682–31683
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Client Assistance Program Performance Report, 31712–31713
Annual Protection and Advocacy of Individual Rights Program Performance Report, 31709–31710
Competition Announcement:
Fund for the Improvement of Postsecondary Education Basic Needs Program, 31710–31711
Fund for the Improvement of Postsecondary Education Centers of Excellence for Veteran Student Success Program, 31711
Fund for the Improvement of Postsecondary Education—Historically Black Colleges and Universities and Tribally Controlled Colleges and Universities Research And Development Infrastructure Grants Program, 31713
Fund for the Improvement of Postsecondary Education Open Textbook Pilot Program, 31711–31712
Fund for the Improvement of Postsecondary Education Transitioning Gang-involved Youth to Higher Education Grant Program, 31708–31709
Strengthening Institutions Program, 31709
TRIO Programs, 31710

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Maryland; Reasonably Available Control Technology for Municipal Waste Combustors, 31688
New York; Big Six Towers Inc., 31694–31697
Ohio; Removal of Air Nuisance Rule, 31688–31694
South Carolina; Department Name Change, 31686–31687
Hazardous and Solid Waste Management System:
Disposal of Coal Combustion Residuals from Electric Utilities; Federal CCR Permit Program, 31684–31686
NOTICES
Hearings, Meetings, Proceedings, etc.:
Science Advisory Board Contaminant Candidate List 6 Augmented Drinking Water Committee, 31713–31714

Federal Aviation Administration
RULES
Airworthiness Directives:
Honda Aircraft Company LLC Airplanes, 31649–31651
Rolls-Royce Deutschland Ltd and Co KG, 31647–31649
PROPOSED RULES
Airspace Designations and Reporting Points:
Groton, CT, 31678–31680
Airworthiness Directives:
Airbus Helicopters, 31673–31675
Leonardo S.p.A. Helicopters, 31675–31678

Federal Communications Commission
PROPOSED RULES
Geostationary Orbit Reference Links, 31697–31699
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 31714–31719

Federal Energy Regulatory Commission
RULES
Standards for Business Practices of Interstate Natural Gas Pipelines, 31651–31660

Federal Motor Carrier Safety Administration
NOTICES
Exemption Application:
Qualification of Drivers; Epilepsy and Seizure Disorders, 31822–31832

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 31719

Federal Trade Commission
NOTICES
Proposed Consent Order:
1010 Digital Works LLC, 31721–31722
CMG Media Corp., 31722–31723
MindSift LLC, 31719–31721

Food and Drug Administration
RULES
Medical Devices:
Gastroenterology-Urology Devices; Classification of the Endoscopic Suturing Device for Altering Gastric Anatomy for Weight Loss, 31660–31662
PROPOSED RULES
Color Additive Petition:
Environmental Defense Fund, et al.; Color Additive Regulations; Remove the Solvents Ethylene Dichloride, Methylene Chloride, and Trichloroethylene, 31680–31681
Food Additive Petition:
Environmental Defense Fund, et al.; Food Additive Regulations; Remove the Solvents Benzene, Ethylene Dichloride, Methylene Chloride, and Trichloroethylene, 31681–31682
NOTICES
Hearings, Meetings, Proceedings, etc.:
Challenges and Solutions in Lot-Level Food Traceability, 31723–31725
Request for Information:
AI-Enabled Optimization of Early-Phase Clinical Trials Pilot Program, 31725–31726

Foreign-Trade Zones Board
NOTICES
Approval of Subzone Status:
PMI Services North America, Inc., El Paso, TX, 31700

Health and Human Services Department
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard

Interior Department
See Land Management Bureau
See National Park Service

Internal Revenue Service
NOTICES
Hearings, Meetings, Proceedings, etc.:
Taxpayer Advocacy Panel Joint Committee, 31858–31859

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Large Vertical Shaft Engines between 225cc and 999cc, and Parts Thereof from the People's Republic of China, 31702–31703
Difluoromethane (R 32) from the People's Republic of China, 31700–31701
Xanthan Gum From the People's Republic of China, 31701–31702
Implementing Certain Tariff-Related Elements of a Trade and Security Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States, 31818–31822

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Medical Imaging Devices, 31745–31746
Fine Denier Polyester Staple Fiber, 31744–31745
Methylene Diphenyl Diisocyanate from China, 31743–31744

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Student Volunteer Service Agreement, 31746

Land Management Bureau
NOTICES
Plats of Survey:
Oregon/Washington, 31727–31728

Library of Congress
See Copyright Office, Library of Congress

Maritime Administration
NOTICES
Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade:
M/V Andiamo, 31833–31834
S/V Jana C, 31832–31833

National Highway Traffic Safety Administration
NOTICES
New Car Assessment Program, 31834–31858

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 31726–31727

National Oceanic and Atmospheric Administration
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 31703–31704

National Park Service
NOTICES
Inventory Completion:
Cleveland State University, Cleveland, OH, 31738
Dominican University of California, San Rafael, CA, 31741–31742
Eastern Washington University, Cheney, WA, 31730–31731

Kansas State Historical Society, Topeka, KS, 31739–31740
Missouri Department of Natural Resources, Jefferson City, MO, 31732–31733
New York University, College of Dentistry, New York, NY, 31728–31729
Oregon Health and Sciences University, Portland, OR, 31742
U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, 31734–31737
University of California, Davis, Davis, CA, 31731–31732
University of Missouri, Museum of Anthropology, Columbia, MO, 31729, 31743
National Register of Historic Places:
Pending Nominations and Related Actions, 31735–31738
Repatriation of Cultural Items:
California Polytechnic State University San Luis Obispo, San Luis Obispo, CA, 31730
Eiteljorg Museum of American Indian and Western Art, Indianapolis, IN, 31740–31741
Oakland Museum of California, Oakland, CA, 31732
San Bernardino County Museum, Redlands, CA, 31738–31739
Santa Barbara Museum of Natural History, Santa Barbara, CA, 31733–31734
U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, 31736

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Native American Tribal Insignia Database, 31704–31705

Personnel Management Office
PROPOSED RULES
Elimination of Time-in-Grade, 31669–31673

Presidential Documents
PROCLAMATIONS
Special Observances:
Memorial Day (Proc. 11031), 31865–31868

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 31794–31795
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BYX Exchange, Inc., 31795–31813
Cboe EDGA Exchange, Inc., 31751–31769
Investors Exchange LLC, 31813–31817
Nasdaq PHLX LLC, 31769–31794
NYSE American LLC, 31749–31751
NYSE Arca, Inc., 31746–31749

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data, 31817–31818

Surface Transportation Board
NOTICES
Exemption:
Operation; Channel Pacific Railroad in West Sacramento, Yolo County, CA, 31818

Trade Representative, Office of United States
NOTICES
Implementing Certain Tariff-Related Elements of a Trade and Security Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States, 31818–31822

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Maritime Administration
See National Highway Traffic Safety Administration

Treasury Department
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Cash Management Improvement Act Annual Report and Direct Cost Claims, 31863
Multiple Alcohol and Tobacco Tax and Trade Bureau Information Collection Requests, 31859–31860
Multiple Internal Revenue Service Information Collection Requests, 31861–31863

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Grant Funded Cemetery Data Sheet and Cemetery Grant Documents, 31863–31864

Separate Parts In This Issue

Part II
Presidential Documents, 31865–31868

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

11031 31867

5 CFR

Proposed Rules:

300 31669
315 31669
316 31669
352 31669
410 31669

14 CFR

39 (2 documents) 31647, 31649

Proposed Rules:

39 (2 documents) 31673, 31675
71 31678

18 CFR

284 31651

21 CFR

876 31660

Proposed Rules:

73 31680
172 31681
173 31681

33 CFR

100 (2 documents) 31662
165 (2 documents) 31664, 31666

34 CFR

Proposed Rules:

Ch. III 31682

37 CFR

Proposed Rules:

202 31684

40 CFR

Proposed Rules:

22 31684
52 (4 documents) 31686, 31688, 31694
124 31684
257 31684

41 CFR

51–3.5 31697
51–4.4 31697

47 CFR

Proposed Rules:

25 31697

Rules and Regulations

Federal Register
Vol. 91, No. 102
Thursday, May 28, 2026

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4635; Project Identifier MCAI–2025–00213–E; Amendment 39–23346; AD 2026–10–06]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–24–08, which applied to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211 Trent 768–60, 772–60, 772B–60, and 772C–60 engines. AD 2020–24–08 required replacement of high-pressure turbine (HPT) blades with parts eligible for installation before exceeding specified flight cycles since new. Since the FAA issued AD 2020–24–08, RRD published updated service material to revise the applicability for certain engines and introduce a terminating action for the repetitive replacements of the HPT blades. This AD requires removal from service of certain engines and replacement of the HPT blades before exceeding specified flight cycles since new. This AD also allows for a modification of the engine that would eliminate the need for the repetitive replacements of the HPT blades. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 12, 2026.

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

The FAA must receive comments on this AD by July 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–2026–4635; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find 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, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–4635.

FOR FURTHER INFORMATION CONTACT: Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 910–0063; email: *daiyun.fang@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–2026–4635; Project Identifier MCAI–2025–00213–E'' 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 Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. 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 2020–24–08, Amendment 39–21338 (85 FR 82302, December 18, 2020) (AD 2020–24–08), for RRD Model RB211 Trent 768–60, 772–60, 772B–60, and 772C–60 engines. AD 2020–24–08 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2018–0291, dated December 21, 2018 (EASA AD 2018–0291), to correct an unsafe condition identified as high levels of corrosion fatigue of the HPT blades on certain RRD Model RB211 Trent 700 engines. AD 2020–24–08 required replacement of the HPT blades

with parts eligible for installation before exceeding specified flight cycles since new. The FAA issued AD 2020–24–08 to prevent failure of the HPT blades.

Actions Since AD 2020–24–08 Was Issued

Since the FAA issued AD 2020–24–08, EASA superseded EASA AD 2018–0291 and issued EASA AD 2018–0291R1, dated February 24, 2025 (EASA AD 2018–0291R1) (also referred to as the MCAI). RRD also published updated service material to remove certain engines from the applicability and to introduce an optional terminating action for the replacement of the HPT blades. The MCAI states that affected blades on RRD Model RB211 Trent 700 engines have been subject to high levels of corrosion fatigue, which could result in blade cracking and eventual release with consequent aborted take-off and in-flight shut-down events. Sampling has identified that corrosion fatigue affects blades at varying rates and is likely dependent on environmental, operational, and individual blade conditions. To address this potential unsafe condition, the MCAI requires removal from service of certain engines and replacement of the HPT blades before exceeding specified flight cycles since new and also allows for a modification of the engine that would eliminate the need for the repetitive replacements of the HPT blades. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4635.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2018–0291R1, which specifies procedures for removal of specific engines to enable replacement of potentially corrosion-fatigued HPT blades. EASA AD 2018–0291R1 also specifies procedures for replacement of the HPT blades and modification of an engine as terminating action for the repetitive replacements.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2018–0291R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

Where EASA AD 2018–0291R1 applies to RRD Model RB211 Trent 772C–60 engines, this AD does not, as these engines do not have an FAA type certificate.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA incorporates EASA AD 2018–0291R1 by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2018–0291R1 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 2018–0291R1 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 2018–0291R1. Material required by EASA AD 2018–0291R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–4635 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.

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), 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.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no engines with this type certificate on the U.S. Registry.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–24–08, Amendment 39–21338 (85 FR 82302, December 18, 2020); and

■ b. Adding the following new airworthiness directive:

2026–10–06 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–23346; Docket No. FAA–2026–4635; Project Identifier MCAI–2025–00213–E.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2020–24–08, Amendment 39–21338 (85 FR 82302, December 18, 2020).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211 Trent 768–60, 772–60, and 772B–60 engines as identified in European Union Aviation Safety Agency (EASA) 2018–0291R1, dated February 24, 2025 (EASA AD 2018–0291R1).

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer determination that high-pressure turbine (HPT) blades on certain RRD Model RB211 Trent 700 engines have been subject to high levels of corrosion fatigue. The FAA is issuing this AD to prevent failure of the HPT blades. The unsafe condition, if not addressed, could result in blade failure with increased risk of high-energy debris release, which could result in damage to the airplane and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, EASA AD 2018–0291R1.

(h) Exceptions to EASA AD 2018–0291R1

(1) Where EASA AD 2018–0291R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2018–0291R1.

(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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 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) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 910–0063; email: *daiyun.fang@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) 2018–0291R1, dated February 24, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 8, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10594 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0020; Project Identifier AD–2025–01374–A; Amendment 39–23342; AD 2026–10–02]

RIN 2120–AA64

Airworthiness Directives; Honda Aircraft Company LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Honda Aircraft Company LLC (Honda) Model HA–420 airplanes. This AD was prompted by a report of tool damage to multiple locations on the interior fuselage skin fiber and the omission of certain service material from the Airworthiness Limitations Section (ALS) of the maintenance manual. This AD requires incorporating certain material into the ALS of the existing maintenance manual or instructions for continued airworthiness (ICA) and the existing maintenance or inspection program, as applicable. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 2, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 2, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–0020; 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, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Honda material identified in this AD, contact Honda, 6430 Ballinger Road, Greensboro, NC 27410; phone: (336) 662–0246; website: *hondajet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–0020.

FOR FURTHER INFORMATION CONTACT: Kelly Fichter, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5544; email: *ECB-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Honda Model HA–420 airplanes. The NPRM was published in the **Federal Register** on January 22, 2026 (91 FR 2720). The NPRM was prompted by a report of tool damage to four locations on the interior fuselage skin fiber at the forward pressure bulkhead ring angle and the omission of certain service material from the ALS of the maintenance manual. The unsafe condition, if not addressed, could cause crack propagation in the skin and result in a pressurization leak and loss of pressurization.

In the NPRM, the FAA proposed to require incorporating certain material into the ALS of the existing maintenance manual or ICA and the existing maintenance or inspection program, as applicable.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from an anonymous commenter. The commenter supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Honda Aircraft Company Mandatory Service Bulletin SB–420–53–009, dated April 26, 2023, which specifies serial numbers of affected airplanes, compliance times, and procedures for a visual inspection for defect conditions such as impact damage, burrs, gouges, disbonding, blistering, and discoloration due to heat damage and other surface irregularities. This material also specifies procedures for an ultrasonic inspection of the fuselage skin for damage (local notches, cracks), and repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 218 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS	1 work-hour × $85 per hour = $85	$0	$85	$18,530

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–02 Honda Aircraft Company LLC: Amendment 39–23342; Docket No. FAA–2026–0020; Project Identifier AD–2025–01374–A.

(a) Effective Date

This airworthiness directive (AD) is effective July 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Honda Aircraft Company LLC (Honda) Model HA–420 airplanes, serial numbers 42000012 through 42000230, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5330, Fuselage Main, Plate/Skin.

(e) Unsafe Condition

This AD was prompted by a report of tool damage to multiple locations on the interior fuselage skin fiber at the forward pressure bulkhead ring angle and the omission of certain service material from the Airworthiness Limitations Section (ALS) of the maintenance manual. The FAA is issuing this AD to detect and address tool damage to the interior fuselage skin fiber at the forward pressure bulkhead ring angle. The unsafe condition, if not addressed, could cause crack propagation in the skin and result in a pressurization leak and loss of pressurization.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD, revise the ALS of the existing maintenance manual or instructions for continued airworthiness and your existing approved maintenance or inspection program, as applicable, by incorporating the information specified in Honda Aircraft Company Mandatory Service Bulletin SB–420–53–009, dated April 26, 2023.

(2) The initial compliance time for accomplishing the actions specified in Honda Aircraft Company Mandatory Service Bulletin SB–420–53–009, dated April 26, 2023, is before accumulating 6,000 total flights or within 30 days after the effective date of this AD, whichever occurs later.

(h) Provisions for Alternative Actions and Intervals

After the action required by paragraph (g) of this AD has been done, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless approved as an alternative method of compliance in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

For more information about this AD, contact Kelly Fichter, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5544; email: *ECB-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 the AD specifies otherwise.

(i) Honda Aircraft Company Mandatory Service Bulletin SB–420–53–009, dated April 26, 2023.

(ii) [Reserved]

(3) For Honda material identified in this AD, contact Honda Aircraft Company LLC, 6430 Ballinger Road, Greensboro, NC 27410; phone: (336) 662–0246; website: *hondajet.com*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 6, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10606 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM96–1–044; Order No. 587–AB]

Standards for Business Practices of Interstate Natural Gas Pipelines

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission amends its regulations to incorporate by reference, as mandatory enforceable requirements, revisions to three of the Version 4.0 Standards for Business Practices of Interstate Natural Gas Pipelines adopted by the Wholesale Gas Quadrant (WGQ) of the North American Energy Standards Board (NAESB). These revisions are designed to streamline the process for accessing publicly available gas-electric coordination data during extreme cold weather or emergency events.

DATES:

Effective date: This rule is effective July 27, 2026.

Incorporation by reference: The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of July 27, 2026. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of February 7, 2025.

Compliance date: Compliance filings required by this final rule are due on September 1, 2026. Compliance with the standards incorporated by reference in this rule is required by January 1, 2027.

FOR FURTHER INFORMATION CONTACT:

Jerry Chiang (Technical Issues), Office of Technical Reporting and Economics, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8786, *jerry.chiang@ferc.gov*.

Matthew Roy (Technical Issues), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6520, *matthew.roy@ferc.gov*.

Yaisa Strickland (Legal Issues), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6244, *yaisa.strickland@ferc.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

	Paragraph Nos.
I. Overview	1.
II. Background	3.
III. NOPR	9.
IV. Comments on the NOPR	10.
V. Discussion	15.
A. Modifications to the NAESB WGQ Version 4.0 Business Practice Standards	18.

	Paragraph Nos.
1. WGQ Additional Standards	20.
2. WGQ Quadrant Electronic Delivery Mechanism Standards	21.
3. WGQ Capacity Release Related Standards	22.
B. Compliance and Implementation Dates	23.
C. Implementation Procedures	26.
VI. Additional Areas for Gas-Electric Coordination	31.
VII. Use of Voluntary Consensus Standards	35.
VIII. Incorporation by Reference	36.
IX. Information Collection Statement	40.
X. Environmental Analysis	47.
XI. Regulatory Flexibility Act	48.
XII. Document Availability	51.
XIII. Regulatory Planning and Review	54.
XIV. Effective Date and Congressional Notification	55.

I. Overview

1. In this final rule, the Federal Energy Regulatory Commission (Commission) amends its regulations at 18 CFR 284.12 to incorporate by reference, as mandatory enforceable requirements, revisions to three of the WGQ Version 4.0 business practice standards applicable to natural gas pipelines: Additional Standards, Electronic Delivery Mechanism Standards, and Capacity Release Related Standards and an updated version of the WGQ Invoicing Related Standards that includes the Minor Correction incorporated by reference in Order No. 587–AA.[1] This final rule requires interstate natural gas pipelines to file compliance filings with the Commission by September 1, 2026, with an effective date of the tariff records of January 1, 2027.[2]

2. On December 4, 2024, NAESB reported to the Commission that it had approved the revisions to three sets of standards. The revised standards will streamline the process for accessing publicly available gas-electric coordination data during extreme cold weather or emergency events and improve communication among natural gas and electricity market participants to enhance situational awareness during extreme cold weather events.[3] Coordination between the gas and electric sectors is essential to maintaining reliability for both the natural gas pipeline network system and the bulk electric system, especially during periods when both systems have coincident peak requirements.

II. Background

3. Since 1996, the Commission has incorporated by reference in its regulations NAESB's business practice standards and communication methodologies of interstate natural gas pipelines to create a more integrated and efficient pipeline network system. These regulations have been promulgated in the Order No. 587 series of orders,[4] wherein the Commission has incorporated by reference the standards for interstate natural gas pipeline business practices and electronic communications developed by NAESB's WGQ. Upon incorporation by reference, these revisions to three sets of standards will add two new standards and revise one standard in the currently incorporated version of NAESB's business practice standards.

4. On July 25, 2022, the Commission and NERC sent a letter to NAESB requesting that NAESB convene a forum ''to identify actions that will improve the reliability of the natural gas infrastructure system as necessary to support the bulk electric system and to address recurring challenges stemming from natural gas-electric infrastructure interdependency.'' [5]

5. In response to that letter, NAESB convened a Gas-Electric Harmonization Forum to consider issues related to the challenges stemming from natural gas-electric interdependence. Over 700 individuals representing more than 370 organizations from all segments of the natural gas and electric markets participated in the Gas-Electric Harmonization Forum. NAESB released its Gas-Electric Harmonization Forum Report on July 28, 2023, which identified 20 recommendations for consideration to improve the reliability of natural gas infrastructure as necessary to support the bulk electric system and to address the recurring challenges stemming from natural gas-electric interdependency.[6]

6. On November 7, 2023, as updated on February 28, 2024, the Commission, NERC, and various regional entities published a report on the performance of the bulk power system during the cold weather event that occurred between December 21 and December 26, 2022 (Winter Storm Elliott).[7] To help improve natural gas-electric coordination and grid reliability, the Winter Storm Elliott Report recommended that NAESB ''convene natural gas infrastructure entities, electric grid operators, and local distribution companies to identify

[1] *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* Order No. 587–AA, 89 FR 97518 (Dec. 9, 2024), 189 FERC ¶ 61,135 (2024). The WGQ Invoicing Related Standards contains no substantive changes from those adopted in Order No. 587–AA.

[2] Consistent with Interstate Natural Gas Association of America's (INGAA) comment that the Commission provide pipelines with flexibility to implement the proposed rule earlier in the winter heating period, if practical, interstate natural gas pipelines voluntarily may implement these NAESB standards at an earlier date. *See infra* PP 24–25.

[3] As explained below, NAESB has adopted two new standards and revisions to one existing standard in response to Recommendation 5 of the report that the staffs of the Commission, North American Electric Reliability Corporation (NERC), and Regional Entities issued November 7, 2023. FERC et al., *FERC, NERC & Reg'l Entity Staff Rep.: Inquiry into Bulk-Power Sys. Operations During Dec. 2022 Winter Storm Elliott,* Docket No. AD23–8–000, at 143 (Nov. 7, 2023) (Recommendation 5), *https://elibrary.ferc.gov/eLibrary/filedownload?fileid=00F8FAAC-A049-C84B-8784-8BB5FEC00000* (as updated Feb. 28, 2024), *https://elibrary.ferc.gov/eLibrary/filedownload?fileid=BB92A244-97DD-C8A7-96AC-8D897D600000*) [hereinafter Winter Storm Elliott Report].

[4] This series of orders began with the Commission's issuance of Order No. 587, *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* 61 FR 39053 (July 26, 1996), FERC Stats. & Regs. ¶ 31,038 (1996) (cross-referenced at 76 FERC ¶ 61,042).

[5] Letter from then-Chairman Richard Glick of the Federal Energy Regulatory Commission and Jim Robb, President and CEO of NERC to Michael Desselle, Chairman of NAESB, and Jonathan Booe, Executive Vice President and Chief Operating Officer (July 25, 2022) (on file at NAESB), *https://naesb.org/pdf4/FERC_NERC_Letter_072922_to_NAESB.pdf. See also* FERC, NERC, and Regional Entity Staff Report, *The February 2021 Cold Weather Outage in Texas and the South Central United States* (Nov. 2021) (Recommendation 7), *https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and.*

[6] *See* NAESB, *Gas Electric Harmonization Forum Report* (July 2023), *https://www.naesb.org/pdf4/geh_final_report_072823.pdf.*

[7] Winter Storm Elliott Report, *supra* note 2.

improvements in communication during extreme cold weather events to enhance situational awareness.'' [8]

7. In response to the Winter Storm Elliott Report, the NAESB Board of Directors directed, as part of its 2024 Annual Plan, the joint WGQ, Wholesale Electric Quadrant (WEQ), and Retail Market Quadrant (RMQ) Business Practices Subcommittees to review and modify the NAESB Gas/Electric Coordination Business Practice Standards, and any corresponding standards, to improve communications among gas and electric market participants and enhance situational awareness during extreme weather events without endangering sensitive commercial information. The Joint WGQ, WEQ, and RMQ Business Practices Subcommittees recommended proposing new and revised WGQ Business Practice Standards, which the NAESB WGQ Executive Committee approved on October 24, 2024 and the NAESB WGQ membership ratified on November 25, 2024.[9]

8. On December 4, 2024, NAESB filed its Informational Report informing the Commission that it had revised three sets of standards applicable to interstate natural gas pipelines. Notably, the Informational Report identifies revisions to three sets of standards which include two new standards and one revised standard. One new standard facilitates the posting of applicable scheduled quantity information for power plants that are directly connected to the pipeline as part of the new ''Gas Electric Coordination'' posting category. The one revised standard includes a new ''Gas Electric Coordination'' posting category. The second new standard supports the inclusion of the geographic information of impacted area(s), location(s), and/or pipeline facility(ies) by a transportation service provider when issuing a critical notice. Pipelines are currently required to make this information available through computer-to-computer electronic data interchange in addition to other batch file downloadable formats they may provide.[10]

III. NOPR

9. On October 16, 2025, the Commission issued a notice of proposed rulemaking (NOPR) requesting comment on the proposed adoption of the revisions to three sets of standards.[11]

IV. Comments on the NOPR

10. On January 20, 2026, the Commission received eight comments on the NOPR representing a variety of industry stakeholders, including one comment from a public citizen. Seven commenters, including American Gas Association (AGA), American Public Gas Association (APGA), Utility Coalition,[12] ISO/RTO Council,[13] NERC, INGAA, and Conservative Political Action Coalition Foundation Center for Regulatory Freedom (CRF) support the proposed revisions to the three sets of standards included in the NOPR. One commenter, James Hunter Poole, objects to ''the proposed FERC rule as written'' because it includes documentation requirements that Mr. Poole characterizes as excessive. Several supporting commenters also provide comments on additional gas-electric coordination improvements and recommendations for various Commission actions beyond revisions to the three sets of standards.[14] We summarize the comments below.

11. AGA states that the modifications will promote greater gas-electric coordination and situational awareness during severe weather events and are steps toward the goal of a more transparent process through enhanced real-time information sharing to ensure all stakeholders have a more accurate view of current system conditions.[15] APGA states that the modifications ''will ensure all market participants have equal access to this critical information,'' particularly for the communities served by municipal gas systems.[16] The Utility Coalition emphasizes that the revised standards represent a meaningful advancement toward enhancing real-time operational transparency across the interdependent natural gas and electric system.[17] ISO/RTO Council supports the incorporation by reference of each of these changes into the Commission's regulations as providing more timely and actionable information about the gas system to enable more effective gas-electric coordination and reduce the risk of potential impacts on system reliability.[18] NERC emphasizes that the modifications align with the Winter Storm Elliott Report and its own work plan priorities.[19] INGAA also supports the proposal and urges the Commission to, if possible, consider an effective date for the revisions to the three sets of standards that falls earlier in the winter heating period.[20] CRF commends the Commission for relying on revisions to the three sets of consensus-based standards and agrees that the revisions ''impose modest, one-time compliance costs that are justified by [the] reliability benefits.'' [21]

12. Multiple commenters emphasize that establishing a new information posting category, Gas Electric Coordination, on the pipelines' Informational Postings website will significantly improve situational awareness, particularly during extreme weather events.[22] AGA notes that creation of this posting category would help streamline the process for stakeholders to access data during extreme weather conditions so that available data is centralized and easily accessible.[23]

13. NERC states that the revisions to the three sets of standards would address Winter Storm Elliott Report recommendations to enhance situational awareness by increasing accessibility and visibility of information about fuel availability and impacted areas and pipeline facilities that could affect power plants and impact electric systems.[24] NERC states that both the new Gas-Electric Coordination posting category on pipelines' Informational Postings websites and the geographic information of impacted areas, locations, and pipeline facilities in critical notices are enhancements that

[8] *Id.* at 143.

[9] NAESB WGQ Business Practice Standards Version 4.0 Report, Docket No. RM96–1–000, at 2–3 (Dec. 3, 2024) (Informational Report).

[10] 18 CFR 284.12 (a)(1)(v), (b)(3)(i)(A). *See Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* Order No. 587–G, 63 FR 20072 (Apr. 23, 1998), FERC Stats. & Regs. ¶ 31,062, at text accompanying note 58 (1998) (cross-referenced at 83 FERC ¶ 61,029).

[11] *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* 193 FERC ¶ 61,041 (2025).

[12] National Grid USA; Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.; Old Dominion Electric Cooperative; and Washington Gas Light Company (collectively, the Utility Coalition).

[13] The following independent system operators (ISO) and regional transmission organizations (RTO) of the ISO/RTO Council are participating in these comments: California Independent System Operator Corporation; Electric Reliability Council of Texas, Inc.; ISO New England Inc.; Midcontinent Independent System Operator, Inc.; New York Independent System Operator, Inc; PJM Interconnection, L.L.C.; and Southwest Power Pool, Inc.

[14] Additional Areas for Gas-Electric Coordination will be addressed in section VI of this final rule. *See infra* PP 31–34.

[15] AGA Comments at 6.

[16] AGPA Comments at 5.

[17] Utility Coalition Comments at 5–6.

[18] ISO/RTO Council Comments at 2–3.

[19] NERC Comments at 5–6. NERC outlines its comprehensive work plan addressing four key risk areas: (a) natural gas supply and transportation risks (freeze-offs, pipeline constraints, facility outages); (b) market harmonization (scheduling mismatches, unit commitment timing issues); (c) resource adequacy (generation performance during peak demand periods); and (d) generator winterization and extreme weather preparedness.

[20] INGAA Comments at 3.

[21] CRF Comments at 2.

[22] *Id.* at 4–5; AGA Comments at 6.

[23] AGA Comments at 6.

[24] NERC Comments at 10–11.

provide a common platform for operational exchanges and unified situational awareness.[25]

14. James Hunter Poole generally protests the paperwork and compliance burden estimates set forth in the NOPR while not providing substantive comments on the revisions to the three sets of standards.

V. Discussion

15. In the NOPR, the Commission proposed to incorporate by reference in its regulations revisions to the three sets of standards in the currently incorporated version of the standards. No commenters substantively opposed the proposed revisions to the three sets of standards.[26]

16. In this final rule, we adopt the proposal to incorporate by reference in the Commission's regulations the revisions to three sets of standards in the currently incorporated version of the standards. Each set of business practice standards is hereafter referred to as a ''manual.''

Manual	Business practice standards
0	Additional Standards.
3	Invoicing Related Standards.[27]
4	Quadrant Electronic Delivery Mechanism Related Standards.
5	Capacity Release Related Standards.

17. We require compliance filings to be made by September 1, 2026, with an effective date of January 1, 2027. We discuss below some specific aspects of NAESB's Informational Report.

A. Modifications to the NAESB WGQ Version 4.0 Business Practice Standards

18. NAESB used its consensus procedures to develop and approve revisions to three sets of standards. As the Commission found in Order No. 587, the adoption of consensus standards is appropriate because the consensus process helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry.[28] Moreover, since the industry itself must conduct business under these standards, the Commission's regulations should reflect those standards that have the widest possible support. In section 12(d) of the National Technology Transfer and Advancement Act of 1995,[29] Congress affirmatively requires federal agencies to use technical standards developed by voluntary consensus standards organizations, like NAESB, as a means to carry out policy objectives or activities.

19. We incorporate by reference into the Commission's regulations revisions to three sets of standards in the currently incorporated version of the standards, as discussed below.

1. WGQ Additional Standards

20. One new standard, WGQ Standard No. 0.3.30, in the Additional Standards manual, provides that a natural gas transportation service provider must post scheduled quantity information for power plants directly connected to the pipeline, as part of the newly established Gas Electric Coordination posting category. WGQ Standard No. 0.3.30 identifies examples of the data that could be posted in a new information posting category, ''Gas Electric Coordination'' (discussed below), including Cycle Indicator (Cycle),[30] Effective Gas Day,[31] Effective Time,[32] generator's location information,[33] measurement basis,[34] posting date and time,[35] and scheduled quantity associated with power plants that are directly connected to an interstate pipeline.[36]

2. WGQ Quadrant Electronic Delivery Mechanism Standards

21. Revised existing standard WGQ Standard No. 4.3.23 under the Quadrant Electronic Delivery Mechanism Standards manual establishes the new information posting category, ''Gas Electric Coordination,'' on a transportation service provider's Informational Postings website where a transportation service provider must post publicly available data, including scheduled quantity information for RTOs/ISOs and other parties to access such data.

3. WGQ Capacity Release Related Standards

22. New standard, WGQ Standard No. 5.3.74 under the Capacity Release Related Standards manual provides that geographic information must be included when a natural gas transportation service provider issues a critical notice, such as geographic information of impacted areas, locations, and pipeline facilities.[37]

B. Compliance and Implementation Dates

23. Pipelines are required to make compliance filings incorporating the

[25] *Id.* at 12.

[26] One individual, James Hunter Poole, filed comments opposing the NOPR proposal, arguing that the paperwork and compliance burdens were understated and raising general concerns about regulatory burdens. However, this commenter did not address or find fault with any specific proposed NAESB standards modification.

[27] As explained above, we are incorporating by reference an updated WGQ Invoicing Related Standard that includes the Minor Correction in Order No. 587–AA. This manual contains no modifications to the standards, unlike the other three manuals listed in the table.

[28] Order No. 587, 76 FERC ¶ 61,042 at 12–13.

[29] Public Law 104–113, 12(d), 110 Stat. 775 (1996).

[30] According to existing NAESB standard provisions, Cycle would include each of the five standard daily nominations cycles (Timely, Evening, Intraday 1, Intraday 2, and Intraday 3) or additional transportation service provider defined cycles during which shippers may submit nomination requests for natural gas transportation throughout the gas day.

[31] The Effective Gas Day (Eff Gas Day) is the Gas Day for which the information is applicable, beginning at 9 a.m. Central Clock Time and ending 9 a.m. Central Clock Time the next day.

[32] The Effective Time (Eff Time) is the time for which the posted information is applicable, which may be subsequent to the posting.

[33] The applicable generators' locations (Loc) may be the transportation service providers' assigned identifier where transactions may take place, Location Name (Loc Name), Location County (Loc Cnty), Location State Abbreviation (Loc St Abbrev).

[34] The standard includes the Measurement Basis (Meas Basis), such as Million British Thermal Units.

[35] The Posting Date (Post Date) and Posting Time (Post Time) are the date and time at which transportation service providers post the relevant information.

[36] The standard includes posting of the RTO/ISO in whose service territory the affected generator is directly connected to the interstate pipeline and Total Scheduled Quantity (TSQ)—the net quantity scheduled to be delivered to each applicable generator at the effective date and time of the posting.

[37] Critical notices are notices posted on a transportation service provider's website that, according to existing WGQ Standard No. 5.2.1, ''pertain to information on transportation service provider conditions that affect scheduling or adversely affect scheduled gas flow.''

NAESB standards into their tariffs by September 1, 2026. We are adopting this compliance filing schedule to give interstate natural gas pipelines subject to these standards time to prepare compliance filings implementing these changes.

24. INGAA highlights the importance of implementing these modifications earlier in the winter heating period to enhance situational awareness when both the gas and electric systems have coincident peak requirements.[38] In addition, INGAA suggests that the Commission provide pipelines with flexibility to implement the proposed rule earlier, if practical, at a time that minimizes disruptions. Lastly, INGAA suggests that the Commission require implementation of this rule on the first gas day of the month.

25. We are requiring implementation by January 1, 2027. Consistent with INGAA's suggestion that the Commission provide pipelines with flexibility to implement the proposed rule earlier in the winter heating period, we confirm that interstate natural gas pipelines can voluntarily implement these NAESB standards at an earlier date.[39] While the implementation date is relatively early in the winter heating season, we expect that implementation should not be particularly time consuming or disruptive to the industry as the standards involve only the posting of information relating to the natural gas and electric industries during extreme cold weather or emergency events.

C. Implementation Procedures

26. We will continue the compliance filing requirements as revised and prescribed in Order No. 587–V to increase the transparency of the interstate natural gas pipelines' incorporation by reference of the NAESB WGQ Standards so that shippers and the Commission will know which tariff provision(s) implements each standard as well as the status of each standard.[40]

27. Consistent with the Commission's practice since Order No. 587–V, each interstate natural gas pipeline must designate a single tariff section under which every NAESB WGQ Standard incorporated by reference by the Commission is listed.[41] In that tariff section, the pipeline must list for each standard:

(a) whether the standard is incorporated by reference;

(b) for those standards not incorporated by reference, the tariff provision that complies with the standard; or

(c) for those standards with which the pipeline does not comply, an explanatory statement, including an indication of whether the pipeline has been granted a waiver, extension of time, or other variance with respect to compliance with the standard.[42]

28. Likewise, consistent with past practice, we will post on our eLibrary website (under Docket No. RM96–1–044) a sample tariff format, to provide filers with an illustrative example to aid them in preparing their compliance filings. Also, consistent with our policy since Order No. 587–V,[43] entities may request waivers under the requirements set forth in Order No. 587–V and the Commission will evaluate those requests at that time.[44]

29. If the pipeline is requesting a continuation of an existing waiver or extension of time, it must include a table in its transmittal letter that identifies the standard for which the Commission granted a waiver or extension of time, and the docket number or order citation to the proceeding in which the Commission granted the waiver or extension of time. The pipeline also must present an explanation for why such waiver or extension of time should remain in force regarding a revision to the three sets of standards in the currently incorporated version of the standards.

30. This approach to implementation continues the Commission's practice of having pipelines include in their tariffs a common location that identifies the way in which the pipeline is incorporating all the NAESB WGQ Standards and the standards with which it is required to comply.

VI. Additional Areas for Gas-Electric Coordination

31. Commenters also provided suggestions for further action to promote gas-electric coordination beyond revisions to the three sets of standards.[45] ISO/RTO Council encourages the Commission to support proposed rules or practices that can enhance reliability of electric and gas transmission and distribution systems.[46] Further, ISO/RTO Council suggests that the Commission could expand dialogues with ISOs/RTOs and national gas industry associations to include other entities involved in the natural gas supply chain to better assess how to improve situational awareness and understand constraints that may affect reliability of the electricity and gas transmission systems.[47]

32. CRF suggests early engagement on gas-electric coordination to allow the Commission, NAESB, and industry participants to consider whether existing coordination frameworks sufficiently capture real-world system behavior during emergencies.[48] Both AGA and the Utility Coalition request that the Commission establish a proceeding dedicated to pipeline reliability issues.[49] The Utility Coalition requests that the Commission issue a notice of inquiry (NOI) to seek input from industry stakeholders and examine additional measures the Commission could take to preserve and further incentivize reliable deliveries of natural gas via the interstate pipeline network. The Utility Coalition further states that an NOI could aid in the collection of necessary information to provide clear guidance to NAESB in the development or modification of business practice standards.[50] Specifically, the Utility Coalition notes that NAESB in its 2026 WGQ Annual Plan offered to consider developing and/or modifying business practice standards that reflect best practices that will provide stronger operating reliability from production/supply/transport, for example, during extreme weather conditions, and more clear communication and business

[38] INGAA Comments at 3.

[39] We note that several pipelines have already implemented these standards on a voluntary basis. *See, e.g.,* Natural Gas Pipeline Company of America (*https://pipeline2.kindermorgan.com/default.aspx?code=NGPL*), Tennessee Gas Pipeline Company, L.L.C. (*https://pipeline2.kindermorgan.com/*), Algonquin Gas Transmission, LLC (*https://infopost.enbridge.com/infopost/AGHome.asp?Pipe=AG*).

[40] *Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* Order No. 587–V, 77 FR 43711 (July 26, 2012), 140 FERC ¶ 61,036, at PP 36–39 (2012).

[41] *Trans-Union Interstate Pipeline L.P.,* 141 FERC ¶ 61,167, at P 36 (2012) (Order No. 587–V Compliance Order); *Version 3.2 NOPR,* 174 FERC ¶ 61,103 at P 21.

[42] Shippers can use the Commission's electronic tariff system to locate the tariff record containing the NAESB standards, which will indicate the docket in which any waiver or extension of time was granted.

[43] Order No. 587–V, 140 FERC ¶ 61,036.

[44] Order No. 587–V Compliance Order, 141 FERC ¶ 61,167 at PP 4, 38 (a pipeline does not need to seek a waiver for standards that address business practices that the pipeline does not offer).

[45] *See Standards for Bus. Pracs. of Interstate Nat. Gas Pipelines,* 193 FERC ¶ 61,041 (2025) (Chang, Comm'r, concurring at P 3).

[46] ISO/RTO Council Comments at 3.

[47] *Id.* at 3–4.

[48] CRF Comments at 10.

[49] AGA Comments at 22. Utility Coalition Comments at 8 & n.8 (supporting the National Petroleum Council Report recommendation that the Commission and the states, through the existing Federal and State Current Issues Collaborative, established in Docket No. AD24–7–000, publish a framework that identifies and defines the roles and responsibilities for reliability, resource adequacy, and fuel assurance).

[50] Utility Coalition Comments at 9.

processes around force majeure declarations during critical operating periods.[51] The Utility Coalition also encourages the Commission to consider greater standardization of pipeline scheduling and confirmation practices.[52] The Utility Coalition also avers that the Commission could require pipelines to consider whether facilities targeted for replacement or abandonment may still offer reliability benefits to customers as redundant facilities.[53]

33. Additional areas identified by commenters for gas-electric coordination beyond the NAESB WGQ standards include: revisiting the policy for force majeure (particularly during critical operating periods) including updating the NAESB Base Contract for Sale and Purchase of Natural Gas to enhance transparency regarding the conditions under which parties may invoke force majeure and providing guidance to improve force majeure definitions/provisions and reservation charge crediting.[54] Commenters also suggest standardization of pipeline reliability metrics and reporting requirements; [55] support for natural gas storage infrastructure; [56] encouraging state commissions to issue incentives to develop demand response programs and Advanced Metering Infrastructure; [57] and weatherization requirements.[58]

34. We find that these comments are outside the scope of this proceeding because they do not address the merits of the revised NAESB WGQ standards that are the subject of the NOPR. Nonetheless, the Commission will continue to consider standards for gas-electric coordination approved by NAESB through its consensus-based process as NAESB and other stakeholders continue their dialogue on gas-electric coordination.

VII. Use of Voluntary Consensus Standards

35. Office of Management and Budget Circular A–119 (section 11) (Feb. 10, 1998) provides that, when a federal agency issues or revises a regulation containing a standard, the agency should publish a statement in the final rule stating whether the adopted standard is a voluntary consensus standard or a government-unique standard. In this rulemaking, the Commission is incorporating by reference a new WGQ Additional Business Practice Standard No. 0.3.30, a revised WGQ Quadrant Electronic Delivery Mechanism Related Business Practice Standard No. 4.3.23, and a new WGQ Capacity Release Related Business Practice Standard No. 5.3.74, which are voluntary consensus standards developed by the NAESB WGQ.

VIII. Incorporation by Reference

36. The Office of the Federal Register requires agencies incorporating material by reference in final rules to discuss, in the preamble of the final rule, the ways that the materials it incorporates by reference are reasonably available to interested parties and how interested parties can obtain the materials.[59] The regulations also require agencies to summarize, in the preamble of the final rule, the material it incorporates by reference. The revisions to the three sets of standards we are incorporating by reference are designed to streamline the process for accessing publicly available gas-electric coordination data during extreme cold weather or emergency events and improve communication among natural gas and electricity market participants to enhance situational awareness during extreme cold weather events. The applicable standards are included in WGQ Additional Business Practice Standards, WGQ Quadrant Electronic Delivery Mechanism Related Business Practice Standards, and WGQ Capacity Release Related Business Practice Standards. We are also incorporating an updated version of WGQ Invoicing Related Standards that includes the Minor Correction incorporated by reference in Order No. 587–AA. We summarize these sets of standards below.

37. *WGQ Additional Standards, Version 4.0, September 29, 2023, (including Addition of WGQ Standard No. 0.3.30, November 25, 2024)* addresses standards that are in addition to the five distinct areas of business activities—Nominations, Flowing Gas, Invoicing, Electronic Delivery Mechanism, and Capacity Release. The six categories within the WGQ Additional Standards are: (1) General; (2) Creditworthiness; (3) Gas/Electric Operational Communications; (4) Operating Capacity and Unsubscribed Capacity; (5) Location Data Download; and (6) Storage Information. WGQ Standard No. 0.3.30 provides that a natural gas transportation service provider must post scheduled quantity information for power plants directly connected to the pipeline, as part of the newly established Gas Electric Coordination posting category.

38. *WGQ Quadrant Electronic Delivery Mechanism Related Standards, Version 4.0, September 29, 2023, (including Revision to Standard No. 4.3.23, November 25, 2024)* defines the framework for the electronic dissemination and communication of information between parties in the North American wholesale gas marketplace for Electronic Data Interchange/EDM transfers, batch flat file/EDM transfers, informational postings websites, Electronic Bulletin Boards/EDM, and interactive flat file/EDM. WGQ Standard No. 4.3.23 establishes the new information posting category, ''Gas Electric Coordination,'' on a transportation service provider's Informational Postings website where a transportation service provider must post publicly available data, including scheduled quantity information for RTOs/ISOs and other parties to access such data.

39. *WGQ Capacity Release Related Standards, Version 4.0, September 29, 2023, (including Addition of WGQ Standard No. 5.3.74, November 25, 2024)* defines the business processes for communication of information related to the selling of all or any portion of a transportation service requester's contract rights. WGQ Standard No. 5.3.74 provides that geographic information must be included when a natural gas transportation service provider issues a critical notice, such as geographic information of impacted areas, locations, and pipeline facilities.

40. WGQ Invoicing Related Standards, Version 4.0, September 29, 2023, (including Minor Correction MC24002 applied May 17, 2024) defines the process for the communication of charges for services rendered (Invoice), communication of details about funds rendered in payment for services rendered (Payment Remittance), and communication of the financial status of a customer's account (Statement of Account). Commission regulations provide that copies of the standards incorporated by reference may be obtained through purchase or otherwise from the North American Energy Standards Board, 1415 Louisiana, Suite 3460, Houston, Texas 77002, phone: (713) 356–0060, website: *https://www.naesb.org/. The standards can also be reviewed without purchasing them.*

41. The procedures used by NAESB make its standards reasonably available to those affected by Commission

[51] *Id.*

[52] *Id.* at 7.

[53] *Id.*

[54] AGA Comments at 17; Utility Coalition Comments at 7, 9.

[55] AGA Comments at 21–22; Utility Coalition Comments at 7.

[56] AGA Comments at 18 & n.20 (referencing the recommendation of National Association of Regulatory Utility Commissioners' Taskforce on Gas-Electric Alignment for Reliability).

[57] *Id.* at 19.

[58] *Id.* at 20.

[59] 1 CFR 51.5. *See* Incorporation by Reference, 79 FR 66267 (Nov. 7, 2014).

regulations, which generally is comprised of entities that have the means to acquire the information they need to effectively participate in Commission proceedings. Participants can join NAESB, for an annual membership cost of $8,000, which entitles them to full participation in NAESB and enables them to obtain these standards at no additional cost. Non-members may obtain any of the ten individual standards manuals for $250 per manual, which in the case of these revisions to three sets of standards would total $750 for all three standards manuals. Non-members also may obtain the complete set of standards manuals for $2,000.

42. NAESB provides ample opportunities for non-members, including agents, subsidiaries, and affiliates of NAESB members, to obtain access to the copyrighted standards through a no-cost limited copyright waiver. The limited copyright waivers are issued by the NAESB office and are granted to non-members on a case-by-case basis for the purpose of evaluating standards prior to purchase and/or reviewing the standards to prepare comments to a regulatory agency. Following the granting of a limited copyright waiver, the non-member is provided with read-only access to the standards through the end of the comment period or some other set period of time via Locklizard Safeguard Secure Viewer.[60] NAESB will grant one limited copyright waiver per company for each set of standards or final actions. Any entity seeking a limited copyright waiver should contact the NAESB office.

43. The following standards appear in the amendatory text of this document and were previously approved for 18 CFR 284.12: WGQ Nominations Related Standards, WGQ Flowing Gas Related Standards, and. WGQ Cybersecurity Related Standards.

IX. Information Collection Statement

44. The collection of information contained in this final rule is being submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). Respondents subject to the filing requirements of this final rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The information collection requirements in this final rule are revising two currently approved collections that will be submitted to OMB for review.

45. During the NOPR, the Commission solicited comments on our need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

46. *Public Reporting Burden:* The Commission's burden estimates for the requirements in this final rule are for one-time implementation of the information collection requirements of this final rule (including tariff filing, documentation of the process and procedures, and information technology work).

47. The collections of information related to this final rule fall under FERC–545 (Gas Pipeline Rates: Rate Change (Non-Formal)) [61] and FERC–549C (Standards for Business Practices of Interstate Natural Gas Pipelines).[62] The following estimates of reporting burden are related only to this final rule and anticipate the costs to interstate natural gas pipelines for compliance with this final rule. The burden estimates are related to implementing these standards and regulations and will not result in ongoing costs. Within the NOPR, the Commission solicited comments on the information collection requirements and received one comment from an individual citizen, James Hunter Poole, protesting paperwork and compliance burden estimates. Mr. Poole states that the Commission's current approach relies on excessive, layered, and duplicative documentation requirements that exceed what is necessary to achieve safety, reliability, or market integrity. He also states that the Commission's fixed documentation and reporting costs disproportionately burden municipal utilities, rural cooperatives, and small transmission operators forcing small entities to divert scarce technical staff into compliance; delay grid upgrades and capacity expansion; and suppress job creation. He argues that excessive documentation and compliance lead to economic harm, including, delayed grid expansion and modernization; suppressed private investment; increased outage risk due to delayed upgrades; deferred maintenance and slower integration of new capacity; reduced resilience during extreme weather and emergencies; and higher energy costs passed through to ratepayers.[63] Conversely, CRF contends that these reforms impose modest one-time compliance costs that are justified by their substantial reliability benefits, including avoiding prolonged outages, generator failures, and cascading system disruptions.[64] CRF states that these reliability benefits deliver significant value to consumers and the broader economy, far outweighing the limited implementation burdens identified in the NOPR.[65]

48. Although the revised standards impose modest one-time compliance costs, discussed below, we agree with CRF regarding the substantial benefits achieved with minor and limited implementation burdens. Mr. Poole's comments reflect a general concern with documentation and reporting costs, not a concern with the calculation of the costs for these revised standards and their respective requirements. Therefore, we continue to estimate that the burden will remain consistent with our estimate put forth in the NOPR. A breakdown of the one-time costs is in the table below.

RM96–1–044 NOPR (Standards for Business Practices of Interstate Natural Gas Pipelines)

	Number of respondents[66]	Number of responses per respondent	Total number of responses	Average burden hours per response	Total burden hours & total cost[67]	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5)/(1) = (6)
FERC–545 (one-time)	193	1	193	10 hrs.; $980	1,930 hrs.; $189,140	$980

[60] For more information on Locklizard, please refer to the company's website: *https://www.locklizard.com.*

[61] FERC–545 covers rate change filings made by natural gas pipelines, including tariff changes.

[62] FERC–549C covers Standards for Business Practices of Interstate Natural Gas Pipelines.

[63] Mr. Poole Comment at 2–3.

[64] CRF Comment at 2–3. CFR states that ''enhancing the timely availability of relevant, standardized data—particularly during extreme weather and emergency conditions—is a practical and cost-effective means of reducing outage risk for consumers and strengthening overall system resilience.'' *Id.* at 2.

[65] *Id.*

RM96–1–044 NOPR (STANDARDS FOR BUSINESS PRACTICES OF INTERSTATE NATURAL GAS PIPELINES)—Continued

	Number of respondents[66] (1)	Number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours per response (4)	Total burden hours & total cost[67] (3) * (4) = (5)	Cost per respondent ($) (5)/(1) = (6)
FERC–549C (one-time)	193	1	193	100 hrs.; $9,800	19,300 hrs.; $1,891,400	9,800
Total			386		21,230 hrs.; $2,080,540	10,780

The total one-time burden (for both the FERC–545 and FERC–549C) would take place in Year 1 as follows:

FERC–545: 193 entities × 1 response/entity (10 hours/response × $98/hour) = $189,140.

FERC–549C: 193 entities × 1 response/entity (100 hours × $98/hour) = $1,891,400.

Title: FERC–545, Gas Pipeline Rates: Rates Change (Non-Formal); FERC–549C, Standards for Business Practices of Interstate Natural Gas Pipelines.

Action: Revision to existing information collections.

OMB Control Nos.: 1902–0154 (FERC–545), 1902–0174 (FERC–549C).

Respondents: Business or other for profit (*e.g.,* Natural Gas Pipelines, applicable to only a few small businesses).

Frequency of Responses: One-time implementation (related to business procedures and data processing).

Necessity of Information: In response to NAESB's standard development activities, the final rule revises three sets of standards to the standards previously incorporated by reference by the Commission. First, a new standard in the WGQ Additional Standards manual, WGQ Standard No. 0.3.30, facilitates the posting of applicable scheduled quantity information for directly connected power plants, as part of the new Gas Electric Coordination posting category. Types of data that could be provided include Cycle Indicator, Effective Gas Day, Location, Location Name, Location County, Location State Abbreviation, Measurement Bases, Posting Date, Posting Time, RTO/ISO, and Total Scheduled Quantity. Second, a revised standard in the WGQ Quadrant Electronic Delivery Mechanism Related Standards manual, WGQ Standard No. 4.3.23, establishes a new information posting category—Gas Electric Coordination, for use by a transportation service provider, to help streamline the process for RTOs/ISOs and other parties accessing critical data during extreme cold weather or emergency events. Third, a new standard in the WGQ Capacity Release Related Standards manual, WGQ Standard No. 5.3.74, supports the inclusion of the geographic information of impacted areas, locations, or pipeline facilities by a transportation service provider when issuing a critical notice. Upon completion of the implementation of the above standards, the Commission staff will use the data for general industry oversight.

Internal Review: We have reviewed the requirements pertaining to business practices of interstate natural gas pipelines and have determined that the revisions are necessary to streamline the process for accessing publicly available gas-electric coordination data during extreme cold weather or emergency events and improve communication among natural gas and electricity market participants to enhance situational awareness during extreme cold weather events. We agree with CRF that the revisions may provide reliability benefits, including avoiding prolonged outages, generator failures, and cascading system disruptions. Further, the revisions may deliver significant value to consumers and the broader economy, far outweighing the limited implementation burdens identified in the NOPR. We have determined through our internal review that there is specific, objective support for the burden estimates associated with the information requirements.

49. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Kayla Williams, Office of the Executive Director, email: *DataClearance@ferc.gov,* phone: (202) 502–8663].

50. Comments concerning the information collections in this rule and the associated burden estimates should be sent to the Commission and to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments to OMB should be sent by email to: *oira_submission@omb.eop.gov.* Please reference Docket No. RM96–1–044 and related OMB Control No(s) (FERC–545) or (FERC–549C) in any submission. A copy of the comments on information collection should also be sent to the Commission, in Docket No. RM96–1–044 by any of the following methods:

- *eFiling at Commission's Website: https://www.ferc.gov/docs-filing/efiling.asp;*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426; or
- Delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to the Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

X. Environmental Analysis

51. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[68] The actions that we take here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or

[66] The number of respondents is the number of entities in which a change in burden from the current standards to the proposed exists, not the total number of entities from the current or proposed standards that are applicable.

[67] The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures for May 2024 posted on April 2, 2025 by the Bureau of Labor Statistics for the Utilities sector (available at *https://www.bls.gov/oes/current/naics2_22.htm*) and scaled to reflect benefits using the relative importance of employer costs for employee compensation (available at *https://www.bls.gov/news.release/ecec.nr0.htm*). The hourly estimates for salary plus benefits are:

Computer and Information Systems Manager (Occupation Code: 11–3021), $110.62.

Computer and Information Analysts (Occupation Code: 15–1210), $68.34.

Electrical Engineer (Occupation Code: 17–2071), $71.19.

Legal (Occupation Code: 23–0000), $140.76.

The average hourly cost (salary plus benefits), weighting these skill sets evenly, is $97.728. We round it to $98/hour.

[68] *Reguls. Implementing the Nat'l Envt'l Pol'y Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

procedural, for information gathering, analysis, and dissemination, and for rules regarding sales, exchange, and transportation of natural gas that require no construction of facilities.[69] Therefore, an environmental review is unnecessary and has not been prepared as part of this final rule.

XI. Regulatory Flexibility Act

52. The Regulatory Flexibility Act of 1980 (RFA)[70] generally requires a description and analysis of rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such an analysis if proposed regulations would not have such an effect. In the NOPR, the Commission included an initial regulatory flexibility analysis that assessed the rule's potential impact on small businesses. The Commission determined that the proposed requirements would not have a significant economic impact on a substantial number of small entities. Therefore, within this final rule we continue to determine this to be true.

53. Approximately 193 interstate natural gas pipelines, both large and small, are respondents subject to the requirements in this final rule. Most of the natural gas pipelines regulated by the Commission do not fall within the RFA's definition of a small entity,[71] which is currently defined for natural gas pipelines as a company that, in combination with its affiliates, has total annual receipts of $41.5 million or less.[72] For the year 2022, only 14 companies not affiliated with larger companies had annual revenues in combination with their affiliates of $41.5 million or less and therefore could be considered a small entity under the RFA. This represents about seven percent of the total universe of potential respondents that may have a significant burden imposed on them. We estimate that the one-time implementation cost of the requirements in this final rule is $2,080,540 (or $10,780 per entity, regardless of entity size).[73] We do not consider the estimated $10,780 impact per entity to be significant. Moreover, these requirements are designed to benefit all customers, including small businesses that must comply with them. Further, as noted above, incorporation by reference of consensus standards helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of industry participants representing all segments of the industry. Because of that representation and the fact that industry conducts business under these standards, the Commission has found value in incorporating standards that have the widest possible support.

54. Accordingly, pursuant to section 605(b) of the RFA,[74] the Commission certifies that the regulations proposed herein should not have a significant economic impact on a substantial number of small entities.

XII. Document Availability

55. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*).

56. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

57. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

XIII. Regulatory Planning and Review

58. Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (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, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined this regulatory action is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866, as amended. Accordingly, OIRA has not reviewed this regulatory action for compliance with the analytical requirements of Executive Order 12866.

XIV. Effective Date and Congressional Notification

59. These regulations are effective July 27, 2026. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 18 CFR Part 284

Continental shelf, Incorporation by reference, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

Issued May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

In consideration of the foregoing, the Commission amends 18 CFR part 284 as follows:

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

■ 1. The authority citation for part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717z, 3301–3432; 42 U.S.C. 7101–7352; 43 U.S.C. 1331–1356.

■ 2. In § 284.12:

■ a. Revise paragraphs (a)(1)(i) through (vii); and

■ b. Remove paragraph (a)(1)(viii).

The revisions read as follows:

§ 284.12 Standards for pipeline business operations and communications.

(a) * * *

(1) * * *

(i) WGQ Additional Standards, Version 4.0, September 29, 2023, (including Addition of WGQ Standard No. 0.3.30, November 25, 2024).

(ii) WGQ Nominations Related Standards, Version 4.0, September 29, 2023.

(iii) WGQ Flowing Gas Related Standards, Version 4.0, September 29, 2023.

(iv) WGQ Invoicing Related Standards, Version 4.0, September 29,

[69] *See* 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), & 380.4(a)(27) (2025).

[70] 5 U.S.C. 601–612.

[71] *See* 5 U.S.C. 601(3) citing section 3 of the Small Business Act (SBA), 15 U.S.C. 623. Section 3 of the SBA defines a ''small business concern'' as a business that is independently owned and operated, and that is not dominant in its field of operation.

[72] 13 CFR 121.201 (Subsector 486-Pipeline Transportation; North American Industry Classification System code 486210; Pipeline Transportation of Natural Gas) (2025) ''Annual Receipts'' are total income plus cost of goods sold.

[73] This number is derived by dividing the total cost figure by the number of respondents. $2,080,504/193 = $10,780.

[74] 5 U.S.C. 605(b).

2023, (including Minor Correction MC24002 applied May 17, 2024).

(v) WGQ Quadrant Electronic Delivery Mechanism Related Standards, Version 4.0, September 29, 2023, (including Revision to Standard No. 4.3.23, November 25, 2024).

(vi) WGQ Capacity Release Related Standards, Version 4.0, September 29, 2023, (including Addition of WGQ Standard No. 5.3.74, November 25, 2024).; and

(vii) WGQ Cybersecurity Related Standards, Version 4.0, September 29, 2023.

* * * * *

[FR Doc. 2026–10600 Filed 5–27–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2026–N–5200]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Endoscopic Suturing Device for Altering Gastric Anatomy for Weight Loss

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

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

DATES: This order is effective May 28, 2026. The classification was applicable on July 12, 2022.

FOR FURTHER INFORMATION CONTACT: April Marrone, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5449, Silver Spring, MD 20993–0002, 240–402–6510, *April.Marrone@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

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

II. De Novo Classification

On September 30, 2021, FDA received Apollo Endosurgery, Inc.'s request for De Novo classification of the APOLLO ESG System, APOLLO ESG SX System, APOLLO REVISE System, and APOLLO REVISE SX System devices. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

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

controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on July 12, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 876.5983.[1] We have named the generic type of device ''endoscopic suturing device for altering gastric anatomy for weight loss,'' and it is identified as a device that uses suturing to approximate gastric tissue to restrict the volume of the stomach for the intended purpose of weight loss.

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

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR ENDOSCOPIC SUTURING DEVICES FOR ALTERING GASTRIC ANATOMY FOR WEIGHT LOSS

Identified risks to health	Mitigation measures
Device- and/or procedure-related adverse events, including: • Death • Gastrointestinal bleeding • Obstruction • Perforation • Injury to organs adjacent to the stomach • Perigastric leak • Nausea • Infection • Pain • Pneumoperitoneum • Pneumothorax • Pulmonary embolism	Clinical performance testing; Non-clinical performance testing; Labeling; Training; Sterilization validation; and Shelf life testing.
Weight gain	Clinical performance testing Labeling.
Adverse tissue reaction	Biocompatibility evaluation.

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

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

III. Analysis of Environmental Impact

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

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

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

■ 2. Add § 876.5983 to subpart F to read as follows:

§ 876.5983 Endoscopic suturing device for altering gastric anatomy for weight loss.

(a) *Identification.* An endoscopic suturing device for altering gastric anatomy for weight loss uses suturing to approximate gastric tissue to restrict the volume of the stomach for the intended purpose of weight loss.

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

(1) Clinical performance testing must demonstrate the device performs as intended under anticipated conditions of use and evaluate the following:

(i) Weight change; and

(ii) All adverse events.

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

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

(i) Performance bench testing in a simulated use model must verify functional aspects of the device design and support device durability during clinical use;

(ii) Dimensional specifications must be verified; and

(iii) Tensile strength testing must be performed for all articulating components.

(3) Performance data must support the shelf life of the device by demonstrating continued package integrity and device functionality over the labeled shelf life.

(4) Performance data must demonstrate the sterility of the patient-contacting components of the device.

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

(6) Training must be provided so that, upon completion of the training program, the user can use the device correctly to approximate tissue to alter the gastric anatomy for the purpose of weight loss with minimal impact to the safety of the patient.

(7) Labeling must include:

(i) A summary of clinical performance testing with the device, including a discussion of adverse events and clinical benefit reported as percent total body weight loss; and

(ii) A shelf life.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10621 Filed 5–27–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–0598]

Special Local Regulations; Marine Events Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations at various locations in the Sector Columbia River Captain of the Port Zone from May 30, 2026, to August 8, 2026. This action is necessary to provide for the safety of life and property on these navigable waters during marine events. During the enforcement periods, the operator of any vessel in the regulated area must comply with the directions from the Patrol Commander or any official patrol vessel.

DATES: The regulations in 33 CFR 100.1302 will be enforced for the regulated areas identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Commander Jesse Wallace, Waterways Management Division, Sector Columbia River, Coast Guard; telephone 503–572–3524, email *SCRWWM@USCG.MIL.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.1302 for the following events found in lines 1, 2, and 6 of Table 1 to § 100.1302. The event in line 1, the Rose Fest Dragon Boat Races, will be held from 7:00 a.m. to 4:00 p.m. on June 6, 2026 through June 7, 2026 in Portland, OR. Regulated area includes all waters of the Willamette River shore to shore, bordered on the north by the Hawthorne Bridge, and on the south by the Marquam Bridge.

The event in line 2, Spring Testing Hydroplane races, will be held on May 30, 2026, from 8:00 a.m. to 6:00 p.m. in Kennewick, WA. Regulated area includes all navigable waters within the Columbia River in the vicinity of Columbia Park, commencing at the Interstate 395 Bridge and continuing upriver approximately 2.0 miles and terminating at the northern end of Wade Island.

The event in line 6, Swim the Snake, will be held on August 8, 2026, from 11:00 a.m. to 1:00 p.m. in Perry, WA. Regulated area includes all navigable waters, bank-to-bank of the Snake River, 500 yards upstream and 500 yards downstream from the Washington State Highway 261 Bridge at the approximate position of 46°35′23″ N; 118°13′10″ W. All coordinates reference Datum NAD 1983.

During the enforcement periods, as reflected in § 100.1302, if you are the operator of a vessel in the regulated area you must comply with the lawful directions from the Patrol Commander or any official patrol vessel. Vessels may not transit the regulated areas without approval from the Patrol Commander. Vessels permitted to transit must operate at a no wake speed, in a manner which will not endanger participants or other crafts in the event. Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through Local Notice to Mariners, unless authorized by an official patrol vessel. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of these enforcement periods via the Local Notice to Mariners and marine information broadcasts.

Dated: May 22, 2026.

Anthony R. Migliorini,

CAPT, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2026–10597 Filed 5–27–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–0096]

RIN 1625–AA08

Special Local Regulation; Sail Grand Prix, Upper Bay, New York City, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for certain waters of the Upper Bay of New York Harbor. The SLR is needed to provide for the safety of life to mitigate the dangers associated with a high-speed sailboat race. This proposed rulemaking temporarily prohibits persons and vessels from entering, transiting through, blocking, or loitering within the ''Event Area'', unless authorized by the Captain of the Port New York or a designated representative.

DATES: This rule is effective from noon on May 30, 2026, through 6:30 p.m. on May 31, 2026. The rule will only be enforced, however, from noon until 6:30 p.m. on Saturday May 30, 2026, and from noon until 6:30 p.m. on Sunday, May 31, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0096.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MSTC Sean Fitzgerald, Sector New York Waterways Management Division, U.S. Coast Guard; telephone 718–801–2932, or email *SectorNYWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, New York
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Sail GP Sail Grand Prix
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

On January 15, 2026, the Coast Guard received an application for a marine event permit under 33 CFR 100.15 to conduct Sail Grand Prix (Sail GP) 2026 in the Upper Bay of New York Harbor. The event will be held from noon until 6:30 p.m. on Saturday, May 30, 2026, and again, from noon until 6:30 p.m. on Sunday, May 31, 2026. The race features 12 high-speed F50 catamaran teams racing at speeds of up to 60 mph, hundreds of spectator vessels, and thousands of spectators.

The Captain of the Port, New York (COTP) has determined that due to the high-profile nature of this event, the presence of spectator vessels, event support vessels, and race participants operating in close proximity to each other at high speeds, there is an increased potential of collision and allision hazards. The hazards associated with the race itself and the race location are a safety concern for anyone within the ''Race Area'' and adjacent navigable waters. To mitigate those dangers, and having issued a marine event permit, the COTP is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard does not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

The Coast Guard is establishing a Special Local Regulation (SLR) in the Upper Bay of New York Harbor from noon on Saturday, May 30, 2026, through 6:30 p.m. on Sunday, May 31, 2026.

In the event that weather conditions prevent or delay a safe race start, the public will be notified of changes to the enforcement period through marine broadcasts, local notices to mariners, or by on-scene designated representatives. The areas regulated by this SLR lie between Governors Island, Ellis Island, and Liberty Island and cover all navigable waters, from surface to bottom, as more specifically defined in the regulatory text below. The Sail GP Sponsor will mark the regulated areas via colored visual markers. The regulated area will include a ''Transit Only Area'' and an ''Event Area''. No vessel or person will be permitted to enter the ''Event Area'' without obtaining permission from the COTP or their designated representative.

Within the ''Event Area'', the event sponsor will establish a smaller, dynamic ''Race Area'' based on prevailing weather conditions. The location and boundaries of the ''Race Area'' are subject to change and will be demarcated by on-scene assets, colored markers, and announced by the event sponsor. The ''Race Area'' is restricted to registered race participants and official safety and support personnel. All other persons and vessels are prohibited from entering, transiting, or remaining in the ''Race Area''. All waters within the ''Event Area'' not designated as the ''Race Area'' will be considered the ''Spectator Area''. Spectators and their vessels must remain in the ''Spectator Area'' and are responsible for maneuvering to avoid the changing ''Race Area''.

IV. Regulatory Analyses

The Coast Guard developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below is a summary of the Coast Guard's analyses based on a number of these statutes and Executive Orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

The Coast Guard has analyzed this rule under Executive Order 13132, Federalism, and has determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

The Coast Guard has analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a Special Local Regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T0199–0096 to read as follows:

§ 100.T0199–0096 Special Local Regulation; Upper Bay, New York City, NY.

(a) *Regulated areas.* (1) ''*Event Area*''*—Location.* This special local regulation applies to the following area: all waters of the Upper Bay of New York Harbor, from surface to bottom, encompassed by a line connecting the following points beginning at 40°41′49.68″ N 74°02′2.28″ W; thence to 40°41′49.74″ N 74°01′23.64″ W; thence to 40°41′43.140″ N 74°1′9.00 W; thence to 40°41′43.140″ N, 074°01′08.996″ W; thence to 40°41′35.616″ N, 074°01′10.011″ W; thence along the shore to 40°41′02.594″ N, 074°01′24.182″ W; thence to 40°40′47.760″ N 74°1′43.200″ W thence to 40°40′38.460″ N 74°2′0.420″ W; thence to 40°40′38.940″ N 74°2′45.000″ W; thence to 40°41′2.040″ N 74°2′24.720″ W; thence to 40°41′13.080″ N 74°2′24.360″ W; thence to 40°41′35.820″ N 74°2′15.600″ W and thence back to the point of origin. Positions provided are expressed in Degrees (°) Minutes (′) Seconds (″) (DMS) based on North American Datum 1983 (NAD 83).

(2) ''*Transit Only Area*''*—Location.* All navigable waters of the Upper Bay of New York Harbor, from surface to bottom, encompassed by a line connecting the following points beginning at 40°41′49.68″ N 74°02′11.21″ W; thence 40°41′49.68″ N 74°02′02.28″ W; thence to 40°41′35.28″ N 74°02′15.6″ W; thence to 40°41′13.08″ N 74°02′24.36″ W; thence to 40°41′02.04″ N 74°02′24.72″ W; thence to 40°40′38.94″ N 74°02′45.00″ W; thence to 40°40′38.94″ N 74°02′54.18″ W; thence to 40°41′02.04″ N 74°02′33.83″ W; thence to 40°41′13.08″ N 74°02′33.48″ W; thence to 40°41′35.82″ N 74°02′24.68″ W; thence back to the point of origin.

(3) ''*Race Area*''*—Location.* All navigable waters of the Upper Bay of New York Harbor, from surface to bottom, which will be demarcated by visual markers and on scene race control vessels within the ''Event Area'' designated in paragraph (a)(1) of this section.

(4) ''*Spectator Area*''*—Location.* All navigable waters of the Upper Bay of New York Harbor, from surface to bottom, within the ''Event Area'' as described in paragraph (a)(1) of this section outside of the ''Race Area''.

(b) *Definitions.* As used in this section:

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the COTP in the enforcement of the special local regulation.

Participant means all persons and vessels registered with the event sponsor as a participant in the race.

Spectator means any person or vessel, which is not designated by the sponsor as a support vessel or participant, in the vicinity of the event with the primary purpose of witnessing the event. Spectator vessels can observe the marine event from the designated ''Spectator Area''.

(c) *Regulations.* (1) No vessel shall enter the ''Event Area'' described in paragraph (a)(1) of this section unless authorized by the COTP or their designated representative.

(2) No vessels within the ''Event Area'', except participants and official safety and support personnel, shall enter the ''Race Area'' as described in paragraph (a)(3) of this section unless authorized by the COTP or their designated representative. The event sponsor will demarcate the exterior perimeter of the ''Race Area'' by colored markers and on scene assets. The COTP or their designated representative may restrict the number of vessels allowed within the ''Spectator Area'' to prevent overcrowding and ensure safe navigation. Once the COTP or their designated representative determines that the ''Spectator Area'' has reached a safe capacity, no additional vessels will be allowed to enter unless specifically authorized by the COTP or their designated representative.

(3) No vessels may stop, loiter, remain, or anchor in the ''Transit Only Area'' described in paragraph (a)(2) of this section during the period of enforcement.

(4) To seek permission to enter the ''Event Area'', contact the COTP or the COTP's representative on VHF–FM channel 16. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Effective and enforcement periods.* (1) This section is effective from noon on May 30, 2026, through 6:30 p.m. on May 31, 2026. The rule will only be enforced, however, from noon until 6:30 p.m. on Saturday, May 30, 2026, and from noon until 6:30 p.m. on Sunday, May 31, 2026.

(2) In the event that weather conditions prohibit a safe race start or causing delays, the public will be notified of changes to the enforcement period as described in paragraph (d)(1) of this section through marine broadcasts, local notices to mariners, or by on-scene designated representatives.

Jonathan A. Andrechik,

Captain, U.S. Coast Guard, Captain of the Port, Sector New York.

[FR Doc. 2026–10612 Filed 5–27–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0418]

RIN 1625–AA00

Safety Zone; Atlantic Ocean, Atlantic City, NJ

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Atlantic Ocean, near Atlantic City, NJ. This action is necessary to provide for the safety of life on these navigable waters during an offshore airshow on May 29, 2026, through May 31, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port, Sector Delaware Bay, or their designated representative.

DATES: This rule is effective from 11:30 a.m. on May 29, 2026, through 3:30 p.m. on May 31, 2026. It will, however, only be subject to enforcement between 11:30 a.m. and 3:30 p.m. on each of those days.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0418.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Dominick Dobridge,

Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone (206) 815–6688, option 3; email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Delaware Bay
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

On April 1, 2026, an organization notified the Coast Guard that from 11:30 a.m. on May 29, 2026, through 3:30 p.m. on May 31, 2026, an over-the-water airshow would be taking place over the Atlantic Ocean, near Atlantic City, NJ. The event will be held from 11:30 a.m. through 3:30 p.m. on those days.

The Captain of the Port Delaware Bay (COTP) is issuing this safety zone rule under the authority in 46 U.S.C. 70034. The COTP has determined that potential hazards associated with an offshore airshow could pose a risk to waterway users if normal vessel traffic were allowed to traverse the area below the air show during the event. Possible hazards include a risk of being hit by a plane or debris from a plane if there is a mid-air collision or if one of the air show pilots loses control and their plan crashes. The purpose of this rulemaking is to protect event spectators and transiting vessels during the scheduled event.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event on April 1, 2026, but we must establish this safety zone by May 29, 2026, to protect personnel, vessels, and the marine environment. Therefore, we have do not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a temporary safety zone which will be in effect from 11:30 a.m. on May 29, 2026, until 3:30 p.m. on May 31, 2026, but will only be subject to enforcement between 11:30 a.m. and 3:30 p.m. on each of those days. The regulated area covers all navigable waters of Atlantic Ocean near Atlantic City, NJ, within a polygon bounded by the following: originating on the shore line at approximate position latitude 39°21′24.06″ N, longitude 074°24′56.09″ W; thence east to approximate position 39°20′46.89″ N, longitude 074°24′41.85″ W; thence south to approximate position to latitude 39°20′39.72″ N, longitude 074°25′58.45″ W; thence west to the shoreline at approximate position latitude 39°21′6.55″ N, longitude 074°26′8.41″ W; thence north along the shoreline to the point of origin.

The duration of the zone is intended to ensure the safety of participants and other waterway users during the scheduled offshore air show. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–0418 to read as follows:

§ 165.0599–0418 Safety Zone; Atlantic Ocean, Atlantic City, NJ.

(a) *Location.* This special local regulation applies to the following regulated area: All navigable waters of Atlantic Ocean near Atlantic City, NJ, within a polygon bounded by the following: originating on the shore line at approximate position latitude 39°21′24.06″ N, longitude 074°24′56.09″ W; thence east to approximate position 39°20′46.89″ N, longitude 074°24′41.85″ W; thence south to approximate position to latitude 39°20′39.72″ N, longitude 074°25′58.45″ W; thence west to the shoreline at approximate position latitude 39°21′6.55″ N, longitude 074°26′8.41″ W; thence north along the shoreline to the point of origin. These coordinates are based on World Geodetic System (WGS 84)).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Delaware Bay (COTP) in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period[s].* This section will be enforced every day from 11:30 a.m. to 3:30 p.m. on May 29, 2026, through May 31, 2026.

Dated: May 19, 2026.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026–10588 Filed 5–27–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0025]

RIN 1625–AA00

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard amends the regulations establishing safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River. This action adds a safety zone for a fireworks display, removes a safety zone for a fireworks display no longer under the Coast Guard's authority and jurisdiction, edits a fireworks display's name, and adds a second date for a fireworks display. This rulemaking prohibits persons and vessels from being in the safety zone unless specifically authorized by the Captain of the Port, Sector Columbia River.

DATES: This rule is effective June 29, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Jesse Wallace, Sector Columbia River Waterways Management Division, U.S. Coast Guard; telephone (503) 572–3524, or email *SCRWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard revises its regulation for recurring fireworks displays in the geographic boundaries of the Northwest District Sector Columbia River Captain of the Port (COTP) Zone, 33 CFR 165.1315. This rule adds one (1) safety zone for a new, recurring fireworks display that was previously published as a temporary safety zone. This rule also removes one (1) previously established safety zone for a fireworks display. This rule would change the name of an existing fireworks display. Finally, this rule adds a second date for an existing fireworks display. The purpose of this revision is to provide the public accurate information regarding safety zones for annual fireworks displays in the Sector Columbia River Captain of the Port Zone. On February 17, 2026 (91 FR 7188), the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone.'' In that NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to these fireworks displays.

Under the authority in 46 U.S.C. 70034, the COTP has determined that this rule is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with fireworks displays. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

III. Discussion of Comments and the Rule

During the comment period that ended on March 19, 2026, we received two (2) comments.

The first commenter supported the proposed rule, highlighting the importance of disseminating accurate information to public waterway users, stakeholders, and local businesses. The commenter suggested that additional information on procedures for requesting access to these safety zones is needed. The Coast Guard believes that this process is already properly captured in the regulation, as 33 CFR 165.1315(f) outlines specific authorization procedures for vessel operators who desire to enter the safety zone. However, the phone number listed for requesting entry into the safety zone was not accurate and will be updated as a change in the regulatory text of this rule.

The second commenter opposed the proposed rule due to the potential negative impacts to wildlife that are associated with fireworks displays. The Coast Guard believes that this rule is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with fireworks displays. Additionally, the Coast Guard upholds the public's right to ensure fair and equitable use of the waterway, which includes fireworks display events. Lastly, the establishment of safety zones requires the Coast Guard to comply with the National

Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and a Record of Environmental Consideration is available for the establishment of the proposed safety zone.

There are three (3) changes in the regulatory text of this rule from the proposed rule in the NPRM. The first change states that all safety zones will be a uniform size of 450 yards from their respective launch sites, the Irrigon Watermelon Festival safety zone will not be 550 feet. The second change updates the phone number for requesting access to the safety zones. The third change updates the description of dates for the Portland Rose Festival for clarity to ''two days in May or June.''

The Coast Guard establishes a safety zone for one fireworks display event (Irrigon Watermelon Festival) that occurs annually in July. The Irrigon Watermelon Festival safety zone was previously issued as a temporary safety zone (Docket Number USCG–2025–0691), and after conferring with the event sponsor, the Coast Guard has learned it will be a recurring fireworks display. The safety zone covers all navigable waters within 450 yards of the launch site located at approximately 45°54′3.72″ N, 119°29′15.36″ W at Marina Park, located in Irrigon, OR. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

The Coast Guard also disestablishes a safety zone for one fireworks display event; Westport 4th of July. The Westport 4th of July event has moved inland and thus is no longer subject to the authority and jurisdiction of the Coast Guard.

The Coast Guard changes the name of ''The Mill Casino Independence Day'' fireworks display to ''Ko-Kwel Casino Resort Independence Day Celebration'' to reflect the changed name of the event.

Finally, the Coast Guard changes the date of the ''Portland Rose Festival Fireworks'' from ''one day in May or June'' to ''two days in May or June,'' to reflect an additional day of the festival's fireworks.

IV. Regulatory Analyses

This rule was developed after considering numerous statutes and Executive orders related to rulemaking. Below is a summary of the analysis based on the statutes and Executive orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The Coast Guard certifies that, although some small entities may intend to transit the safety zone above, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic will be able to safely transit around this safety zone. This safety zone will only impact a small designated area for a few hours. It is during a time when vessel traffic is normally low. In addition, the Coast Guard will issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans. The rule also allows vessels to request permission to enter the zone from the COTP.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

This rule has been analyzed under Executive Order 13132, Federalism, and was determined to be consistent with the fundamental federalism principles and preemption requirements described in that order.

Also, this rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or Tribal government, in the aggregate, or by the private sector.

E. Environment

This rule has been analyzed under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule, which establishes a safety zone and disestablishes a different safety zone, is categorically excluded from further review. The establishment of the safety zone is excluded under paragraph L60(a), and the disestablishment is excluded under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket; however, one is not required for the disestablishment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Amend § 165.1315 as follows:

■ a. Revise paragraph (a) introductory text;

■ b. Designate the table in paragraph (a) as table 1 to paragraph (a);

■ c. In newly designated table 1 to paragraph (a):

■ i. Revise the entry for ''Portland Rose Festival Fireworks'';
■ ii. Remove the entry for ''The Mill Casino Independence Day'' and add in its place the entry ''Ko-Kwel Casino Resort Independence Day Celebration'';
■ iii. Remove the entry for ''Westport 4th of July''; and
■ iv. Add an entry for ''Irrigon Watermelon Festival Fireworks'' between the entries for ''Yachats 4th of July'' and ''Astoria Regatta''; and
■ d. Revise paragraph (f).

The revisions and addition read as follows:

§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.

(a) *Safety zones.* The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, Umpqua River, Clatskanie River, Tillamook Bay and waters of the Washington and Oregon Coasts, within a 450-yard radius of the launch site at the approximate locations listed in the following table.

TABLE 1 TO PARAGRAPH (a)

Event name (typically)	Event location	Date of event	Latitude	Longitude
Portland Rose Festival Fireworks	Portland, OR	Two days in May or June	45°30′58″ N	122°40′12″ W
* * *	*	*	*	*
Ko-Kwel Casino Resort Independence Day Celebration.	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W
* * *	*	*	*	*
Irrigon Watermelon Festival Fireworks	Irrigon, OR	One day in July	45°54′4″ N	119°29′15″ W
* * *	*	*	*	*

* * * * *

(f) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16 or the Coast Guard Sector Columbia River Command Center via telephone at (833) 769–8724.

Anthony R. Migliorini,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2026–10596 Filed 5–27–26; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 91, No. 102
Thursday, May 28, 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 Parts 300, 315, 316, 352, and 410

[Docket ID: OPM–2026–0067]

RIN 3206–AP05

Elimination of Time-in-Grade

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes eliminating the Time-in-Grade (TIG) restriction on advancement to competitive service positions in the General Schedule. Currently, employees in competitive service General Schedule positions in grades 5 and above must serve 52 weeks in grade before becoming eligible for promotion to the next grade level. Abolishing the restriction would eliminate the 52-week service requirement. If the requirement is eliminated, an employee must continue to meet occupational qualification standard requirements, and any additional job-related qualification requirements.

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

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

All submissions must include the agency name and docket number or RIN for this **Federal Register** document. Please arrange and identify your comments about the regulatory text by subpart and section number. If your comments relate to the supplementary information, please refer to the heading and page number in the supplementary section. All comments must be received by the end of the comment period for them to be considered. All comments and other submissions received generally will be posted on the internet at *https://regulations.gov* as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information, including but not limited to personal or sensitive information pertaining to third parties.

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: Ms. Michelle Glynn at (202) 606–1571 or by email at *WPIntake@opm.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

TIG restrictions in 5 CFR part 300, subpart F, were established to prevent excessively rapid promotions in the competitive service. Under these provisions, employees generally must complete 52 weeks at specified lower grades before becoming eligible for promotion. On June 14, 1995 (59 FR 30717) and January 10, 1996 (60 FR 2546), OPM published proposals to eliminate time in grade. In 2008, OPM again proposed eliminating TIG and sought public comment (73 FR 6857, Feb. 6, 2008). A final rule was published in 2008 but later withdrawn (74 FR 40057, Aug. 11, 2009) before taking effect in order to consider TIG as part of a broader review of pay, performance, and staffing. OPM never finalized that review, however.

After almost 20 years, OPM has again assessed whether TIG remains necessary in light of current statutory protections (including merit system principles and prohibited personnel practices), Governmentwide qualification standards, agency merit promotion procedures, Executive Order (E.O.) 14170 titled *Reforming the Federal Hiring Process and Restoring Merit to Government Service* issued on January 20, 2025, (90 FR 8625; Jan. 31, 2025) and the Executive Office of the President and OPM joint implementing guidance memorandum of May 29, 2025, (''Merit Hiring Plan'' available at *https://www.opm.gov/chcoc/transmittals/2025/Merit%20Hiring%20Plan%205-29-2025%20FINAL.pdf*). OPM preliminarily concludes TIG is not necessary to protect merit or budgetary interests and may unduly restrict agencies' ability to make selections based on job-related- qualifications and performance.

OPM issues this proposed rule under 5 U.S.C. 3301 and 3302 and E.O. 10577 (19 FR 7521), which authorize OPM to prescribe regulations for the competitive service. Eliminating TIG does not alter statutory qualification, classification, or competition requirements; agencies must continue to comply with 5 U.S.C. chapter 33; 5 CFR part 335; and OPM's qualification standards.

Since the early 1950s, Federal employees in General Schedule (GS) competitive service positions at grades 5 and above have qualified for promotions to higher grades if they met two criteria: (1) have at least one year of specialized experience equivalent in difficulty to the next lower grade level or (in some cases) the equivalent education; and (2) have service of at least 52 weeks at their current grade (known as ''TIG''). We propose eliminating the TIG restriction as a prerequisite for promotion.

The TIG restriction originated in a statute called the *Whitten Amendment.* Sec. 1302, Public Law 81–843, 64 Stat. 1066. The *Whitten Amendment* was passed by Congress in 1950 during the Korean conflict. The statute was created to prevent the permanent buildup of the civil service with expanded grade levels during the Korean conflict, as had happened during World War II.

The *Whitten Amendment* consisted of a series of personnel controls. The controls included a requirement to effect all promotions and appointments on a temporary basis to simplify adjusting personnel actions downward at the end of the conflict; to conduct an annual survey of positions to assure each was properly graded; and to implement the TIG restrictions to prevent excessively rapid promotions of Federal employees in GS competitive and excepted service positions.

Before the *Whitten Amendment* expired, Congress sought a review by the predecessor of OPM, the Civil Service Commission (Commission), to determine whether to retain any of the provisions in the amendment. The Commission reported that the TIG restriction for competitive service GS positions had been placed in regulation and would continue even if the *Whitten Amendment* expired. The law expired September 14, 1978, and the TIG restrictions continue in regulation for competitive service GS positions.

II. Reasons for Proposed Elimination

We propose eliminating TIG for the following reasons:

—*Grade Control No Longer Needed.* When the *Whitten Amendment* was first enacted, no effective means existed to prevent employees from advancing quickly through GS grade levels. Today, Governmentwide qualification standards, established by OPM, are in place for competitive service GS positions. (The OPM Operating Manual *Qualification Standards for General Schedule Positions* is available on the OPM website (*www.opm.gov*)).

Eliminating the TIG restriction will not have an impact on how agencies now use qualification standards to evaluate candidates. Under current standards, candidates may demonstrate possession of either experience of at least one year (acquired through any paid or unpaid work or non-work setting or situation in which the experience enabled the individual to acquire the required competencies/knowledges, skills, or abilities) and/or the appropriate level of education, where allowed, as outlined in the OPM Operating Manual. Consistent with the Federal shift toward skills-based hiring, OPM is providing agencies with greater control for determining whether an employee has the skillsets needed for promotion to the next higher grade level. Agencies must continue to apply the existing requirements, including any experience at the appropriate grade level (as defined in classification standards) and any applicable education provisions.

In addition to applying OPM qualification standards, agencies may establish additional, job-related requirements for career ladder promotions, as many already do. Examples include a required level of performance, demonstration of specific job-related competencies/knowledge, skills, and abilities, evidence that higher-level duties exist, and/or confirmation that funds are available.

Eliminating the TIG requirement does not remove an agency's responsibility to determine whether a candidate is qualified to perform the essential higher-level duties. Rather, removing the 52-week waiting period reinforces the principle that promotions should be based on demonstrated ability and merit—particularly the skills and readiness needed to perform the work—rather than time served.

—*Performance Management Accountability Continues.* Managers are responsible for ensuring there are sound performance management criteria based on job-related factors at the appropriate levels of proficiency when considering promotions of employees to higher graded duties. Eliminating the TIG requirement will help dispel the myth that promotion automatically follows a set period of time spent in a particular grade and instead emphasizes the importance of the qualification requirements, as well as the quality and level of performance needed to succeed at the next higher grade level.

Elimination would also underscore the manager's responsibility to decide which individual is best qualified to perform the essential duties of the higher-level position. Overall, eliminating time in grade will give managers the flexibility to more strategically align their human capital and the ability to more efficiently use their employees to meet the mission of the agency.

—*Safeguards Are Now in Place.* When TIG expired in the *Whitten Amendment,* the merit system principles (title 5, United States Code (U.S.C.), section 2301) and prohibited personnel practices (5 U.S.C. 2302) did not exist. Together they ensure that personnel policies and procedures uphold the merit system values that are the foundation of the Civil Service. In the context of promotions, the merit system principles serve as safeguards and the prohibited personnel practices protect against potential misuse, because violation allegations are now investigated and prosecution is now possible.

—*Inconsistencies Exist Among Federal Employees.* TIG applies to competitive service General Schedule (GS) employees but does not apply to competitive service employees under other pay plans, including employees in Wage Grade positions. TIG does not apply to those competitive service GS employees who apply for other competitive service positions through a competitive examination. The TIG restriction does not apply to excepted service GS employees, although individual agencies can, at their discretion, require TIG for their excepted service employees. This disparate treatment of employees under varying appointments and pay plans highlights the inequities of retaining TIG.

Eliminating TIG enables any Federal competitive service GS employee (regardless of current occupation or grade), who meets the qualification standards for a particular position, to become eligible for promotion to a competitive service GS position. Thus, promotions will have a more skills-based focus without TIG, consistent with E.O. 14170 and the Merit Hiring Plan. This can be done through a competitive examination or under an agency's internal merit promotion procedures, as applicable. Elimination also gives agencies the flexibility to continue requiring employees to meet a specified amount of time in their current grade, regardless of their qualifications.

Over the years, many demonstration projects have waived the use of TIG, especially when pay banding was incorporated. In these cases, agencies imposed their own internal policies regarding promotions that were similar to TIG. In the China Lake demonstration project, OPM data indicate workers progressed through the bands at a slower rate, at least initially, than people in the GS pay scale. (To illustrate, an employee in a competitive service GS position can sometimes receive a pay raise, a within-grade increase, and a promotion in the same year and do so again in consecutive years, whereas a more disciplined pay system makes movement through the band less automatic and rapid.) Therefore, based on the China Lake findings and the fact that we are not aware of any widespread abuses concerning those positions that do not have a TIG requirement, we do not believe TIG elimination will lead to a large number of excessively rapid promotions Governmentwide.

—*Labor Market Challenges Exist.* Competitive pressures in the labor market challenge the Federal Government's ability to recruit, select, and retain highly qualified employees. These pressures did not exist during the time of the *Whitten Amendment.* Applying TIG sometimes results in eliminating from consideration candidates who are in fact able to successfully perform the essential duties of the position. The merit system requires determining the qualifications of individuals; identifying appropriate recruitment sources; ensuring there is representation of all segments of society in the workforce; determining that selection and advancement are based solely on relative competencies/knowledge, skills, and ability; and ensuring that all receive equal opportunity through fair and open competition. Agencies already must meet these requirements; TIG does not enhance agency ability to recruit, select, and retain the broadest pool possible of qualified Federal employees. In fact, TIG can limit the pool of possible qualified candidates. The proposal to eliminate TIG is

consistent with upholding merit principles and has the added benefit of helping agencies recruit and hire in tight labor market conditions.

—*Agencies Gain Flexibility.* Eliminating the TIG requirement will simplify OPM and agency operations. It will remove administrative burdens because agencies will no longer need OPM approval of training agreements that provide for consecutive accelerated promotions. Also, agencies will be able to implement flexibilities, such as pay banding or new ideas proposed in demonstration projects, without being required to obtain approval from OPM to waive TIG.

Other Regulatory Changes

OPM proposes to make conforming changes in 5 CFR part 315, Career and Carer-Conditional Employment; 5 CFR part 316 Subpart I, Hiring Authority for Post-Secondary Students; 5 CFR part 352, subpart C—Detail and Transfer of Federal Employees to International Organizations; and 5 CFR part 410, Training. This proposed rulemaking would amend §§ 315.714(b)(4), 316.909(a) and (c)(iii), 316.910(d)(iv), 352.311(d), and 410.307(a) by removing all references to time in grade or 5 CFR part 300, subpart F.

III. Regulatory Analysis

A. Statement of Need

The proposed change is needed because current rules governing advancement to a General Schedule position in the competitive service are outdated and no longer address the needs of agencies in the twenty-first century. The statutory unpinning for TIG, the *Whitten Amendment,* expired on September 14, 1978. TIG is an arbitrary and unnecessary obstacle preventing agencies from promoting qualified employees to higher-graded positions with the skill sets agencies need. Elimination of this requirement modernizes the rules pertaining to employee advancement, creates a more efficient process by allowing agencies to promote an employee when the individual first demonstrates that he or she is qualified for a higher-graded position, and thus gives agencies greater flexibility in managing their workforces.

B. Impact

OPM expects the impact of this proposed rulemaking, once finalized, will be a streamlined, more efficient and merit-based promotion process. The elimination of TIG will result in promotions based on an employee's skill sets and qualifications for the next higher grade level. This increases the impact of merit on advancement through the General Schedule grade levels by eliminating TIG, a non-merit factor. OPM expects elimination of TIG will result in better recruitment and retention of employees because it attunes promotions in the federal sector with those in non-federal sectors.

C. Regulatory Alternatives

OPM considered leaving TIG regulations in place. We determined this was not a viable alternative. TIG rules are not merit-based because they require the passage of time (*i.e.,* one year) before an agency could promote an otherwise qualified employee. This is inconsistent with E.O. 14170 and the Merit Hiring Plan. The requirements of the Merit Hiring Plan may result in talented employees leaving their employing agency or Federal service for positions and salaries more in line with the employee's skill sets. OPM aims to create a more efficient and modernized employee advancement process by eliminating this non-merit factor.

D. Costs

OPM estimates the proposed rule, once finalized, may require agencies to modify their merit promotion plans under 5 CFR 335.103. For this cost analysis, OPM assumed the average salary rate of Federal employees performing this work will be the rate in 2026 for GS–14, step 5, from the Washington, DC, locality pay table ($163,104 annual locality rate and $78.15 hourly locality rate). We assume that the total dollar value of labor, which includes wages, benefits, and overhead, is equal to 200 percent of the wage rate, resulting in an assumed labor cost of $156.30 per hour. We estimate that, in the first year following publication of the final rule, this will require an average of 250 hours of work by employees with an average hourly cost of $156.30. This would result in estimated costs in that first year of implementation of about $39,075 per agency, and about $3,126,000 in total Governmentwide. We do not believe this rule will substantially increase the ongoing administrative costs to agencies (including the administrative costs of administering the program and hiring and training new staff).

E. Benefits

This proposed rule has several benefits for agencies and their employees. Eliminating TIG gives agencies greater flexibility to apply internal, job-related experience or performance prerequisites for advancement consistent with merit system principles. TIG removal promotes consistency across the Federal workforce by lessening the differences across pay systems and appointment types and better aligning competitive service practices with excepted service and pay-banded systems (movement within the excepted service is not subject to TIG nor is movement within a payband). OPM anticipates administrative costs of implementing the proposed rule, once finalized, may be offset by eliminating agency TIG-related approvals and reviews prior to executing internal promotion actions. Agencies may experience efficiency gains by filling positions more quickly with qualified employees, and employees can advance to higher-graded positions based on their qualifications rather than having to wait one year before advancing based on their qualifications. This may improve retention of talented employees within and across agencies.

IV. Regulatory Compliance

A. Regulatory Review

OPM has examined the impact of this rule as required by E.O.s 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). A regulatory impact analysis must be prepared for rules that 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. This rulemaking does not reach that threshold but has otherwise been designated as a ''significant regulatory action'' under section 3(f) of Executive Order 12866.

B. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal agencies and employees.

C. Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in

accordance with E.O. 13132, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Civil Justice Reform

This regulation meets the applicable standard set forth in section 3(a) and (b)(2) of E.O. 12988.

E. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately $206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

F. Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA: USAJOBS 3.0 (OMB Control Number 3206–0219).

OPM believes any additional burden associated with this final rule falls within the existing estimates currently associated with this control number. OPM does not anticipate that the implementation of this final rule will increase the cost burden to members of the public. Additional information regarding this collection of information—including all background materials—can be found at *https://www.reginfo.gov/public/do/PRAMain* by using the search function to enter either the title of the collection or the OMB Control Number.

List of Subjects

5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

5 CFR Part 315

Government employees.

5 CFR Part 316

Employment, Government employees.

5 CFR Part 352

Administrative practice and procedure, Government employees.

5 CFR Part 410

Education, Government employees.

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.

U.S. Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

Accordingly, OPM proposes to amend 5 CFR parts 300, 315, 316, 352, and 410 as follows:

PART 300—EMPLOYMENT (GENERAL)

■ 1. Revise the authority citation for part 300 to read:

Authority: 5 U.S.C. 552, 2301, 2302, 3301, and 3302; E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, 7701; E.O. 11478, 34 FR 12985, 3 CFR, 1966–1970 Comp., page 803; E.O. 13087, 63 FR 30097, 3 CFR 1998 Comp., p. 191; and E.O. 13152, 65 FR 26115, 3 CFR 2000 Comp., p. 264.

Sec. 300.301 also issued under 5 U.S.C. 3341 and E.O. 13562, 75 FR 82585, 3 CFR 2010 Comp., p. 291.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c).

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5).

Subpart F—[Removed and Reserved]

■ 2. Remove and reserve subpart F, consisting of §§ 300.601 through 300.606.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

■ 3. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218; E.O. 14284, 90 FR 17729.

Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652.

Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104.

Sec. 315.603 also issued under 5 U.S.C. 8151.

Sec. 315.605 also issued under 22 U.S.C. 2051, 42 U.S.C. 2991.

Sec. 315.606 also issued under E.O. 11219, 30 FR 6381, 3 CFR, 1964–1965 Comp., p. 303.

Sec. 315.607 also issued under 22 U.S.C. 2560.

Sec. 315.608 also issued under E.O. 12721, 55 FR 31349, 3 CFR, 1990 Comp., p. 293.

Sec. 315.610 also issued under 5 U.S.C. 3304(c).

Sec. 315.611 also issued under 5 U.S.C. 3304(f).

Sec. 315.612 also issued under 5 U.S.C. 3330d.

Sec. 315.613 also issued under 5 U.S.C. 9602.

Sec. 315.710 also issued under E.O. 12596, 52 FR 17537, 3 CFR, 1987 Comp., p. 264.

Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 44 FR 1055, 3 CFR, 1978 Comp., p. 264.

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

■ 4. Amend § 315.714 by revising paragraphs (b)(2) and (b)(3) and removing paragraph (b)(4).

§ 315.714 Conversion based on service in a post-secondary student appointment under part 316, subpart I, of this chapter.

* * * * *

(b) * * *

(2) Have completed not less than 640 hours of current continuous employment in an appointment under § 316.902 of this chapter; and

(3) Meet the OPM qualification standards for the position to which the student will be converted.

* * * * *

PART 316—TEMPORARY AND TERM EMPLOYMENT

■ 5. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3316. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218; E.O. 14284, 90 FR 17729. 5 CFR 2.2(c).

Subpart I—Hiring Authority for Post-Secondary Students

■ 6. Revise § 316.909 paragraphs (a) and (c) to read as follows:

§ 316.909 Promotion.

(a) *Students on term appointments.* An agency may promote a student who was appointed for an initial period expected to last more than 1 year but less than 4 years provided the student meets the qualification requirements for the higher graded position, and the public notification for the position filled by the student stated the potential for promotion and specified a career ladder.

* * * * *

(c) *Promotions at the time of conversion.* Students (on temporary or term appointments) may be eligible for

non-competitive promotions upon conversion if:

(1) the agency has established a career ladder or promotion potential for the position; and

(2) the public notification for the position filled by the student stated the potential for promotion and specified a career ladder.

■ 7. Amend § 316.910 by revising paragraphs (b) and (c) and removing paragraph (d). The revisions read as follows:

§ 316.910 Conversion.

* * * * *

(b) Has completed not less than 640 hours of current continuous employment in an appointment under § 316.902; and

(c) Meets the OPM qualification standards for the position to which the student will be converted.

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Detail and Transfer of Federal Employees to International Organizations

■ 8. The authority citation for part 352, subpart C, is revised to read as follows:

Authority: 5 U.S.C. 3584. E.O. 11552, 35 FR 13569, 3 CFR 1966–1970 Comp., p. 954. Section 352.313 also issued under 5 U.S.C. Ch. 77.

■ 9. Revise § 352.311(d) to read as follow:

§ 352.311 Reemployment.

* * * * *

(d) The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are creditable service for all appropriate civil service employment purposes (*e.g.,* tenure, service computation date, retirement). Employees, upon return, are also entitled to restoration of any sick leave.

* * * * *

PART 410—TRAINING

■ 9. The authority citation for part 410 continues to read as follows:

Authority: 5 U.S.C. 1103(c), 2301, 2302, and Ch. 41. E.O. 11348, 32 FR 6335, 3 CFR, 1967 Comp., p. 275; E.O. 11478, 34 FR 12985, 3 CFR, 1966–1970 Comp., page 803, unless otherwise noted; E.O. 13087, 63 FR 30097, 3 CFR, 1998 Comp., p. 191; and E.O. 13152, 65 FR 26115, 3 CFR, 2000 Comp., p. 264.

Subpart C—Establishing and Implementing Training Programs

■ 10. Amend § 410.307(a) by revising paragraphs (1) and (2) and removing paragraph (3) to read as follows:

§ 410.307 Training for promotion or placement in other positions.

(a) * * *

(1) Agency authority to modify qualification requirements in certain situations as provided in the OPM Operating Manual for Qualification Standards for General Schedule Positions; and

(2) Agency authority to establish training programs that provide intensive and directly job-related training to substitute for all or part of the experience (but not education, licensing, certification, or other specific credentials), required by OPM qualification standards. Such training programs may be established to provide employees with the opportunity to acquire the experience and knowledge, skills, and abilities necessary to qualify for another position (including at a higher grade) at an accelerated rate.

* * * * *

[FR Doc. 2026–10552 Filed 5–27–26; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4646; Project Identifier MCAI–2025–01763–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Model AS350B2 helicopters. This proposed AD was prompted by a report of magnetization on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control due to a diode not properly installed in the hydraulic circuit. This proposed AD would require performing a cut-off test of the rear rotor actuator valve and depending on the results of the test, this AD would require performing corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by July 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–2026–4646; 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 Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4058; email: *aryanna.t.sanchez@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–4646; Project Identifier MCAI–2025–01763–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0263, dated November 26, 2025; corrected December 9, 2025 (EASA AD 2025–0263) (also referred to as the MCAI), to correct an unsafe condition on certain Airbus Helicopters Model AS350 B2 helicopters. The MCAI states that during maintenance on a helicopter, magnetization was observed on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control. The MCAI also states that after further investigation, it was determined that diode 43D2 was not installed in the hydraulic circuit.

The FAA is proposing this AD to prevent loss of the efficiency of the yaw load compensator and of hydraulic assistance for the three main servo-controls and the tail servo-control. The unsafe condition, if not addressed, could result in reduced control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4646.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0263, which specifies procedures for performing a cut-off test, and, if any discrepancy is detected, replacing any affected diodes, or installing any missing diodes. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0263, 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 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 2025–0263 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0263 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 2025–0263 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 2025–0263. Material required by EASA AD 2025–0263 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–4646 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 12 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Perform cut-off test	3 work-hours × $85 per hour = $255	$0	$255	$3,060

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace diode	1 work-hour × $85 per hour = $85	$180	$265
Install missing diode	5 work-hours × $85 per hour = $425	1,000	1,425

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2026–4646; Project Identifier MCAI–2025–01763–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS350B2 helicopters as specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0263, dated November 26, 2025; corrected December 9, 2025 (EASA AD 2025–0263).

(d) Subject

Joint Aircraft System Component (JASC) Code 2900, Hydraulic Power System.

(e) Unsafe Condition

This AD was prompted by a report of magnetization on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control due to a diode not properly installed in the hydraulic circuit. The FAA is issuing this AD to prevent loss of the efficiency of the yaw load compensator and of hydraulic assistance for the three main servo-controls and the tail servo-control. The unsafe condition, if not addressed, could result in reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0263.

(h) Exceptions to EASA AD 2025–0263

(1) Where EASA AD 2025–0263 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0263 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2025–0263 specifies ''remove the diode 43D2'', this AD requires replacing that text with ''remove the diode 43D2 from service''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0263.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0263 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5110; email: *aryanna.t.sanchez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0263, dated November 26, 2025; corrected December 9, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10591 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4647; Project Identifier MCAI–2025–01212–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Leonardo S.p.A. Model A109A, A109A II, A109C, A109K2, A109E, A119, and AW119 MKII helicopters; and certain Model A109S and AW109SP helicopters. This proposed AD was prompted by a report of an incorrectly installed swashplate duplex bearing (bearing). This proposed AD would require a one-time inspection of the bearing and depending on the result, corrective action. This proposed AD would also prohibit the installation of an affected bearing unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by July 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–2026–4647; 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 AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Evan Weaver, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 518–9297; email: *evan.weaver@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–4647; Project Identifier MCAI–2025–01212–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0148, dated July 11, 2025 (EASA AD 2025–0148) (also referred to as the MCAI), to correct an unsafe condition on all Leonardo S.p.A. Helicopters Model A109A, A109AII, A109C, A109K2, A109E, A109LUH, A119, and AW119MKII helicopters, and certain A109S and AW109SP helicopters. The MCAI states that there was a report of improper installation of bearing part number 109–0110–35–3. The MCAI further states that relevant investigation determined that the affected bearing was improperly installed during production. The FAA is proposing this AD to detect and correct improper installation of the bearing. The unsafe condition, if not addressed, could result in failure of the bearing and loss of control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4647.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0148, which specifies procedures for a one-time visual inspection for proper installation of the bearing. EASA AD 2025–0148 also prohibits installation of the bearing on any helicopter unless the part is new (never previously installed), or has passed an inspection using certain material.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0148, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See ''Differences Between this Proposed AD and the MCAI'' for a discussion of the general differences included in this proposed AD.

Differences Between This Proposed AD and the MCAI

Where the MCAI specifies to contact Leonardo for corrective actions, this proposed AD would require repairing an affected part in accordance with a method approved by the FAA, or EASA, or Leonardo S.p.A. EASA Design Organization Approval.

The MCAI applies to Leonardo S.p.A Model A109LUH helicopters, whereas this proposed AD does not because that model does not have an FAA type certificate.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0148 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0148 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 2025–0148 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 2025–0148. Material required by EASA AD 2025–0148 for compliance will be available at regulations.gov under Docket No. FAA–2026–4647 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 227 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual Inspection of swashplate duplex bearing	4 work-hours × $85 per hour = $340	$0	$340	$77,180

The extent of repairs that may be needed could vary significantly from helicopter to helicopter. The FAA has no way of determining the cost to correct or repair each helicopter or the number of helicopters that may require repair.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Leonardo S.p.A.: Docket No. FAA–2026–4647; Project Identifier MCAI–2025–01212–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.A. Model A109A, A109A II, A109C, A109K2, A109E, A109S, A119, AW109SP and AW119 MKII helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0148, dated July 11, 2025 (EASA AD 2025–0148).

(d) Subject

Joint Aircraft System Component (JASC) Code 6230, Main rotor mast/swashplate.

(e) Unsafe Condition

This AD was prompted by a report of an incorrectly installed swashplate duplex bearing (bearing). The FAA is issuing this AD to detect and correct improper installation of the bearing. The unsafe condition, if not addressed, could result in failure of the bearing and loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required

actions and compliance times specified in, and in accordance with, EASA AD 2025–0148.

(h) Exceptions to EASA AD 2025–0148

(1) Where EASA AD 2025–0148 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0148 refers to flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (3) of EASA AD 2025–0148 and the material referenced in EASA AD 2025–0148 specifies contacting Leonardo for applicable repair instructions, this AD requires, before further flight, contacting the Manager, International Validation Branch, FAA; or EASA; or Leonardo S.p.A. EASA Design Organization Approval (DOA) for repair instructions and accomplishing those instructions. If approved by the DOA, the approval must include the DOA-authorized signature.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0148.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0148 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs):

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

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

(k) Additional Information

For more information about this AD, contact Evan Weaver, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 518–9297; email: *evan.weaver@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0148, dated July 11, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10593 Filed 5–27–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–5644; Airspace Docket No. 26–ANE–4]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace Over Groton, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D and Class E airspace over Groton, CT. This action would reduce the radius of the Groton, CT, Class D airspace to a 4.2-mile radius of the airport, excluding that airspace within a 1-mile radius of the Elizabeth Field Airport, Fishers Island, NY. This action would update the geographic coordinates for the Groton-New London Airport, Groton, CT, and the Elizabeth Field Airport, Fishers Island, NY, in the associated airspace legal descriptions. This action would also update the airport name for Elizabeth Field Airport in the Groton, CT, Class D airspace legal description. This action would also replace ''Airport/Facility Directory'' in the Groton, CT, Class D airspace legal description with ''Chart Supplement'' to comply with current FAA guidance. This action would also remove the exclusions of adjacent Class E airspace areas from the Groton, CT, and Fishers Island, NY, Class E airspace legal descriptions to comply with current FAA guidance.

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

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–5644 and Airspace Docket No. 26–ANE–4 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 W58–213, West Building, 5th Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th 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 W58–213 of the West Building, 5th 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 D and Class E airspace in

Groton, CT, and Class E airspace in Fishers Island, NY.

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 D and Class E airspace designations are published in paragraphs 5000 and 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 D and Class E airspace over Groton, CT, and Fishers Island, NY. A review of the Groton, CT, Class D airspace revealed a need for a reduction in the lateral dimensions of the airspace to properly contain Instrument Flight Rules (IFR) operations at the Groton-New London Airport. This action would reduce the lateral dimensions of the Groton, CT, Class D airspace from a 5-mile radius of the Groton-New London Airport, excluding that airspace within a 1-mile radius of Elizabeth Field to a 4.2-mile radius of the airport, excluding that airspace within a 1-mile radius of Elizabeth Field. This action would also update the geographic coordinates of the Groton-New London Airport in the Groton, CT, Class D and Class E airspace legal descriptions from (lat. 41°19′48″ N, long. 72°02′42″ W) to (lat. 41°19′48″ N, long. 72°02′43″ W), which is one second of longitude.

This action would also update the geographic coordinates of Elizabeth Field Airport, Fishers Island, NY, in the Groton, CT, Class D airspace legal description from (lat. 41°15′07″ N, long. 72°01′54″ W) to (lat. 41°15′08″ N, long. 72°01′54″ W), which is one second of latitude. This action would also update the airport name for Elizabeth Field Airport in the Groton, CT, Class D airspace legal description. This action also proposes to update the verbiage in the Groton, CT, Class D airspace legal description from ''Airport/Facility Directory'' to ''Chart Supplement'' to comply with current FAA guidance. This action also proposes to remove the exclusion for the adjacent Class E airspace area of Westerly, RI, from the Groton, CT, Class E airspace legal description in order to comply with current FAA guidance.

This action would also update the geographic coordinates of Elizabeth Field Airport, Fishers Island, NY, in the Fishers Island, NY, Class E airspace legal description from (lat. 41°15′05″ N, long. 72°01′54″ W) to (lat. 41°15′08″ N, long. 72°01′54″ W), which is three seconds of latitude. This action also proposes to remove the exclusions for the adjacent Class E airspace areas of Montauk, NY; Westerly, RI; and Groton, CT, from the Fishers Island, NY, Class E5 airspace legal description in order to comply with current FAA guidance.

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 Order 2100.6B, ''Rulemaking and Guidance Procedure'' (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies 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 5000 Class D Airspace.

* * * * *

ANE CT D Groton, CT [Amended]

Groton-New London Airport, CT
(Lat. 41°19′48″ N, long. 72°02′43″ W)
Elizabeth Field, NY
(Lat. 41°15′08″ N, long. 72°01′54″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of the Groton-New London Airport; excluding that airspace within a 1-mile radius of the Elizabeth Field, NY Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ANE CT E5 Groton, CT [Amended]

Groton-New London Airport, CT
(Lat. 41°19′48″ N, long. 72°02′43″ W)
Groton VOR
(Lat. 41°19′49″ N, long. 72°03′07″ W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Groton-New London Airport, and within 1.3 miles each side of the Groton VOR 048° radial extending from the 7.5-mile radius to 15.6 miles northeast of the VOR.

AEA NY E5 Fishers Island, NY [Amended]

Elizabeth Field, NY
(Lat. 41°15′08″ N, long. 72°01′54″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Elizabeth Field.

* * * * *

Issued in College Park, Georgia, on May 22, 2026.

Patrick Young,

Acting Manager, Tactical Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–10595 Filed 5–27–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2023–C–5679]

Color Additive Petition from Environmental Defense Fund, et al.; Request To Amend the Color Additive Regulations To Remove the Solvents Ethylene Dichloride, Methylene Chloride, and Trichloroethylene; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is reopening the comment period for the notification of petition, published in the **Federal Register** of January 11, 2024, announcing that we filed a color additive petition proposing that the color additive regulations be amended to remove three specified solvents. FDA is reopening the comment period to allow for the submission of any updated data and other information over the last two years.

DATES: FDA is reopening the comment period on the notification of petition published January 11, 2024 (89 FR 1856). Either electronic or written comments must be submitted by June 29, 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 June 29, 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–2023–C–5679 for ''Color Additive Petition from Environmental Defense Fund, et al.; Request to Amend the Color Additive Regulations to Remove the Solvents Ethylene Dichloride, Methylene Chloride, and Trichloroethylene; Reopening of the Comment Period.'' 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.'' We will review this copy, including the claimed confidential information, in our 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: Alexandra Beliveau, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 240–402–2378, *HFP-Policy@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 11, 2024 (89 FR 1856), FDA announced that we had filed a color additive petition proposing that we amend 21 CFR 73.1, ''Diluents in color additive mixtures for food use exempt from certification''; 21 CFR 73.30, ''Annatto extract''; 21 CFR 73.345, ''Paprika oleoresin''; and 21 CFR 73.615, ''Turmeric oleoresin'' to remove the use of three specified solvents.

The three solvents that are the subject of this petition are:

1. Ethylene dichloride (Chemical Abstract Service (CAS) No. 107–06–2);

2. Methylene chloride (CAS No. 75–09–2); and

3. Trichloroethylene (CAS No. 79–01–6).

Interested persons were originally given until March 11, 2024, to comment on the filed color additive petition.

FDA is reopening the comment period to allow for the submission of any updated data and other information over the last two years. FDA is also seeking comment on what practical considerations food manufacturers would have in phasing out impacted uses if FDA were to grant this petition in part or in whole.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10614 Filed 5–27–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172 and 173

[Docket No. FDA–2023–F–5684]

Food Additive Petition From Environmental Defense Fund, et al.; Request To Amend the Food Additive Regulations To Remove the Solvents Benzene, Ethylene Dichloride, Methylene Chloride, and Trichloroethylene; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is reopening the comment period for the notification of petition, published in the **Federal Register** of January 11, 2024, announcing that we filed a food additive petition proposing that the food additive regulations be amended to remove four specified solvents. FDA is reopening the comment period to allow for the submission of any updated data and other information over the last two years.

DATES: FDA is reopening the comment period on the notification of petition published January 11, 2024 (89 FR 1857). Either electronic or written comments must be submitted by June 29, 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 June 29, 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–2023–F–5684 for ''Food Additive Petition from Environmental Defense Fund, et al.; Request to Amend the Food Additive Regulations to Remove the Solvents Benzene, Ethylene Dichloride, Methylene Chloride, and Trichloroethylene; Reopening of the Comment Period.'' 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.'' We will review this copy, including the claimed confidential information, in our 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: Alexandra Beliveau, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 240–402–2378, *HFP-Policy@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 11, 2024 (89 FR 1857), FDA announced that we had filed a food additive petition proposing that we amend 21 CFR 172.560, ''Modified hop extract''; 21 CFR 172.710, ''Adjuvants for pesticide use dilutions''; 21 CFR 173.230, ''Ethylene dichloride''; 21 CFR 173.255, ''Methylene chloride''; 21 CFR 173.290, ''Trichloroethylene''; and 21 CFR 173.315, ''Chemicals used in washing or to assist in the peeling of fruits and vegetables'' to remove the use of four specified solvents.

The four solvents that are the subject of this petition are:

1. Benzene (Chemical Abstract Service (CAS) No. 71–43–2);
2. Ethylene dichloride (CAS No. 107–06–2);
3. Methylene chloride (CAS No. 75–09–2); and
4. Trichloroethylene (CAS No. 79–01–6).

Interested persons were originally given until March 11, 2024, to comment on the filed food additive petition.

FDA is reopening the comment period to allow for the submission of any updated data and other information over the last two years. FDA is also seeking comment on what practical considerations food manufacturers would have in phasing out impacted uses if FDA were to grant this petition in part or in whole.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10615 Filed 5–27–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2026–OESE–1783]

Proposed Waiver and Extension of the Project Period With Funding for Arts in Education National Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Proposed waiver and extension of project period with funding.

SUMMARY: The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable one project under Assistance Listing Number (ALN) 84.351A to receive funding for one additional period, not to exceed September 30, 2027.

DATES: We must receive your comments on or before June 29, 2026.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *www.regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *www.regulations.gov,* please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.''

Privacy Note: The Department's policy is generally to make comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Simon Earle. Telephone: (202) 453–7923. Email: *assistanceforartseducation@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 14192 and their overall requirement of reducing regulatory burden that might result from the proposed waiver and extension. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect public comments about the proposed priority and definition by accessing *Regulations.gov*.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed waiver and extension. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background: The Elementary and Secondary Education Act of 1965, as amended (ESEA) authorizes awards under the Assistance for Arts Education (AAE) program to promote arts education for students, including disadvantaged students and students who are children with disabilities.

In the FY 2022 competition for the Arts in Education National Program (AENP), the Department utilized the rulemaking waiver provided under the General Education Provisions Act

(GEPA) section 437(d)(1) to waive a rulemaking that governs ''the first grant competition under a new or substantially revised program authority.'' (See 87 FR 32399 at 32402, May 31, 2022). Through that waiver, the Department established a priority and competition for a national nonprofit organization that has previously implemented a large-scale AENP project. The Consolidated Appropriations Act, 2026 (Pub. L. 119–75, February 3, 2026), directs the Department to use funds appropriated for AAE ''. . . for grants for eligible national nonprofit organizations, as described in the Applications for New Awards; Assistance for Arts Education Program published in the **Federal Register** on May 31, 2022, for activities described under section 4642(a)(1)(C).'' The Consolidated Appropriations Act, 2026 further directs the Department to give competitive preference ''. . . only to an eligible national nonprofit organization that previously received the competitive preference priority pursuant to such notice.'' However, at this time, there are no valid priorities that comply with the Consolidated Appropriations Act, 2026. The Department would be required to engage in notice-and-comment rulemaking to redevelop and republish such a priority in keeping with the directive because the GEPA rulemaking waiver is not available. Because the Consolidated Appropriations Act, 2026, was enacted later than expected, the Department has determined there is not enough time in FY 2026 to develop a new priority and carry out a full, robust competitive process.

Thus, the Department is proposing to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds in order to provide a continuation grant for the AENP grantee first awarded in FY 2022. This would provide the Department with sufficient time to develop the priority for a 2027 competition.

In FY 2022 the Department made one 36-month award under the AENP as follows:

FY 2022 award under ALN 84.351A	Grantee and project name/topic area
S351A220007	John F Kennedy Center for the Performing Arts: Kennedy Center National Arts Education Program.

In FY 2025, the Department published a Proposed Waiver and Extension of the Project Period in the **Federal Register** on May 20, 2025 (90 FR 21441) and a Final Waiver and Extension of the Project Period in the **Federal Register** on July 28, 2025 (90 FR 35439), which extended the project period for this grantee to September 30, 2026. The Department has verified that the grantee, if the grant is extended, would be able to continue to support the educational activities within the scope and objectives of its approved grant application.

Waivers and Extensions: The Department proposes to extend the project end date of the current FY 2022 84.351A AENP grant by one additional year. As a result, for this project, the Secretary proposes to waive the requirements in 34 CFR 75.261(a) and (b)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver will allow the Department to issue a continuation award in FY 2026, consistent with the directive from Congress, to the currently funded 84.351A AENP project at an amount consistent with the amount awarded in the FY 2025 extension.

Any activities carried out during the year of this continuation award must be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2022 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entity that would be affected by the proposed waiver and extension of the project period is the current AENP grantee.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on this entity, because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2026–10620 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 2026–5]

Group Registration of Updates to a News Website

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is proposing to amend its regulation governing the group registration option for news websites. This update revises the definition of a ''news website'' to clarify the works eligible for the option. The Office invites comment on this proposal.

DATES: Written comments on the proposed rule must be received by the U.S. Copyright Office no later than June 29, 2026.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments should be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at *https://copyright.gov/rulemaking/newswebsite-amendment/*. If electronic submission of comments is not feasible due to lack of access to a computer or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at *USCOGeneralCounsel@copyright.gov* or by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: In July 2024, the U.S. Copyright Office (''Office'') adopted a final rule establishing a group registration option for frequently updated news websites.[1] This registration option permits a news publisher to register a month of updates to a news website with one application and filing fee.[2] In that final rule, the Office explained that the definition of ''news websites'' was intended to ''encompass news websites that cover current events and provide information on diverse topics,'' but acknowledged that it would monitor the rule's implementation and consider revisions ''if the definition proves too rigid or unworkable.'' [3]

Since the rule's implementation, many aspects of the group registration option have functioned as intended. News publishers are taking advantage of this registration option, and the Office has gained experience examining these claims. That experience has shown that the current definition of ''news websites'' presents recurring questions in its application. In particular, the current requirement that the news website ''contain[ ] a broad range of news on *all* subjects and activities,'' [4] if strictly applied, could be understood to exclude otherwise eligible news websites that focus on a defined subject area or set of topics.[5]

Accordingly, the Office issues this notice of proposed rulemaking to amend the definition of ''news website.'' The proposed amendment is intended to clarify the works eligible for the group option, while preserving administrability and accommodating a range of modern news publishing practices. The updated definition reflects that: (1) a news website need only report on a variety of subjects, (2) the primary function of the website must be to report on current events, and (3) the news content must be updated frequently. All other aspects of the final rule published in July 2024 remain unchanged.[6]

The Office welcomes public comment on its proposal.

List of Subjects in 37 CFR Part 202

Copyright, Copyright claims, preregistration and registration.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 202 as follows:

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 2. Amend § 202.4 by revising paragraph (m)(1) to read as follows:

§ 202.4 Group registration.

* * * * *

(m) * * *

(1) *Definitions.* For the purposes of paragraph (m) of this section:

(i) *News website* means a website that is primarily designed to be a source of written information on current events, either local, national, or international in scope.

* * * * *

Dated: May 26, 2026.

Emily L. Chapuis,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2026–10604 Filed 5–27–26; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 22, 124, and 257

[EPA–HQ–OLEM–2019–0361; FRL–7080–06–OLEM]

RIN 2050–AH07

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Federal CCR Permit Program; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Environmental Protection Agency (EPA) issued a proposed rule on February 20, 2020, to establish a Federal permit program for disposal of coal combustion residuals (CCR). The EPA is reopening the comment period on that proposed rule and requesting comment on several issues in particular.

DATES: The comment period for the proposed rule published on February 20, 2020 (85 FR 9940) closed April 20, 2020. The comment period was extended on April 14, 2020 (85 FR 20625) and May 19, 2020 (85 FR 29878) to close on July 19, 2020 and was reopened on July 31, 2020 to close on August 7, 2020 (85 FR 46046). With this document, EPA is reopening the comment period until June 29, 2026. Comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2019–0361, online at *https://www.regulations.gov.* Follow the detailed online instructions provided under **ADDRESSES** in the **Federal Register** document published on February 20, 2020 (85 FR 9940). Do not

[1] 89 FR 58991 (July 22, 2024).

[2] *Id.*

[3] *Id.* at 58994.

[4] 37 CFR 202.4(m)(1)(i) (emphasis added).

[5] For example, the *Washington Post* recently ceased coverage of sports, foreign news, and books. Mary Cunningham, *Washington Post begins sweeping layoffs as it sharply scales back news coverage,* CBS News (Feb. 5, 2026), *https://www.cbsnews.com/news/washington-post-begins-sweeping-layoffs/.*

[6] *But see* 91 FR 13529, 13534–35 (Mar. 20, 2026) (discussing the proposed fee increase for the group registration of updates to news websites).

submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instruction on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Jessica Schumacher, Region 5, Land, Chemicals, and Redevelopment Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (312) 886–0769; email address: *schumacher.jessica@epa.gov,* or Phoebe O'Connor, Office of Resource Conservation and Recovery, Waste Information, Notice, and Generators Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–1451; email address: *oconnor.phoebe@epa.gov.* For more information on this rulemaking please visit *https://www.epa.gov/coal-combustion-residuals.*

SUPPLEMENTARY INFORMATION:

I. General Information

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) (2015 CCR Rule or Federal CCR regulations). The rule established a set of self-implementing regulations that apply directly to CCR units, including requirements for the location, design, operating criteria, recordkeeping, notifications, groundwater monitoring and corrective action, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units.

In 2016, Congress passed the Water Infrastructure Improvements for the Nation (WIIN) Act, which—among other things—authorized EPA to issue permits under RCRA for CCR units located in Indian country or in a State that has not been approved to issue its own CCR permits (a ''nonparticipating State''). And under the WIIN Act, once an EPA (or State) permit is issued and in effect, the requirements of that permit apply in lieu of the federal regulations. On February 20, 2020, EPA proposed a rule (85 FR 9940) (2020 Proposed Rule) to establish a Federal CCR permit program. The original comment period closed on August 7, 2020. With this document, EPA reopens the public comment period on the entire proposal for 30 days.

Since publication of the 2020 Proposed Rule, EPA established regulations applicable to inactive surface impoundments at inactive facilities (legacy CCR surface impoundments) under 40 CFR part 257, subpart D (89 FR 38950, May 8, 2024) (2024 Legacy Final Rule). In the 2024 Legacy Final Rule, EPA established regulations requiring owners and operators of legacy CCR surface impoundments to comply with the existing CCR regulations that apply to other inactive CCR surface impoundments, and established new compliance deadlines to ensure the owners or operators of these units have time to come into compliance with these newly applicable regulatory requirements. In addition, EPA established requirements to address the risks from solid waste management activities involving the direct placement of CCR on the land at CCR facilities; EPA regulated these activities as CCR management units or CCRMU. EPA extended a subset of the existing requirements in 40 CFR part 257, subpart D to CCRMU, which include CCR surface impoundments and landfills that closed prior to the effective date of the 2015 CCR Rule, inactive CCR landfills, and other areas where CCR is managed directly on the land at CCR facilities. The additional requirements for CCRMU apply to all active CCR facilities, all inactive facilities with legacy CCR surface impoundments, and those active facilities (*i.e.,* facilities producing electricity for the grid as of October 19, 2015) that ceased placing CCR in onsite CCR units prior to the effective date of the 2015 CCR Rule.

EPA has recently proposed several further revisions to subpart D that would exempt CCR dewatering structures and modify certain legacy CCR surface impoundment and CCR management unit provisions (91 FR 18968, April 13, 2026) (''2026 Proposed Rule''). Additionally, EPA proposed to establish new provisions that would allow a CCR permit authority to establish alternative requirements in light of site-specific conditions for the groundwater monitoring and corrective action points of compliance, the cleanup levels for corrective action, the appropriate closure requirements, closure timeframes; and extend the closure deadlines timeframes for CCR units where CCR is being extracted from the unit for beneficial use during closure. The Agency also proposed to revise the definition of beneficial use by eliminating the requirement for an environmental demonstration for the non-roadway use of more than 12,400 tons of unencapsulated CCR on land; to establish a definition of CCR storage pile; and to exclude specific beneficial uses from Federal CCR regulations.

II. Requests for Comment

Although EPA is soliciting comment on all aspects of the proposal, EPA is specifically seeking comments on: (1) The estimated timeframes to compile materials that would be needed under all of the various proposals discussed in the 2026 Proposed Rule, to aid the Agency in determining the permit application deadline; (2) Shortening the deadline for the first tier of permit applications to the effective date of the final permitting rule, which would be six months after publication of the final permitting rule in the **Federal Register**; and (3) Implementing an electronic permitting process for both EPA-issued CCR permits as well as for States that are implementing the CCR permitting program in lieu of EPA. Each of these are discussed in more detail below.

A. Deadlines for Federal CCR Permit Applications

In the 2020 Proposed Rule, EPA proposed that all owners and operators of a CCR unit in a nonparticipating State or in Indian country must apply for and obtain a Federal CCR permit in accordance with § 257.123(a). EPA planned to establish tiers of deadlines for the owners and operators of a CCR unit to submit a permit application, and proposed at § 257.124(a)(1) that the first tier of permit applications would be due 18 months after the effective date of the final rule. As it relates to this first set of deadlines, EPA requests comment on the amount of time that facilities estimate would be necessary to compile the materials needed for all of the various site-specific decisions that the permit authority would make under the provisions discussed in the 2026 Proposed Rule. For example, EPA requests estimates of how long it would take a CCR facility to conduct a site-specific risk assessment and compile the documents needed to support a request for alternative closure requirements. In order to expediate processing permit applications, EPA also requests comment on shortening the deadline for submission of the first tier of permit applications to the effective date of the final permitting rule, which would be six months after publication of the final permitting rule in the **Federal Register**, and whether this is enough time to compile materials needed for the permit application.

EPA is also seeking comment on the approaches or criteria to tiering permit applications that EPA identified in the 2020 Proposed Rule; such as, prioritizing CCR units located in States that affirmatively declare to EPA that they do not intend to pursue program approval.[1] Further EPA is seeking comment from State agencies that have not yet submitted an application package to confirm interest in seeking program approval and approximate timelines, as it has been six years since the initial proposal, and up-to-date information may be used for tiering permit applications.

B. Electronic Permitting

In the Federal CCR permit program proposed rule, EPA proposed to use an electronic permitting process whereby applicants would electronically submit a permit application to EPA. This included proposing development of a CCR module in the RCRAInfo system which would allow for improved effectiveness and efficiency in the permitting process. EPA is seeking comment on how best to implement this electronic permitting process, including use of required forms that would provide basic information about each CCR unit at the facility as part of the permit application process.

In addition, EPA is considering implementing the electronic permitting process for both EPA-issued CCR permits as well as for States that are implementing the CCR permitting program in lieu of EPA to provide for national data consistency. This would require the state to enter permit data into an EPA data management system to track the status of state-issued permits in the same database as federal-issued permits, in line with the practice for RCRA hazardous waste Part B permits for the treatment, storage, and disposal of hazardous waste. EPA requests comment on this provision.

III. Public Participation

Written Comments

To submit comments or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document published on February 20, 2020 (85 FR 9940). Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be considered in the final action as appropriate. If you have questions, consult the people listed under **FOR FURTHER INFORMATION CONTACT**.

Steven Cook,

Principal Deputy Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2026–10641 Filed 5–27–26; 8:45 am]

BILLING CODE 6560–50–P

[1] See further examples at 85 FR 9951 (February 20, 2020).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2025–3625; FRL–13296–01–R4]

Air Plan Approval; SC; Department Name Change

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of South Carolina on July 23, 2025. The proposed revision updates all references to reflect the restructuring of South Carolina Department of Health and Environmental Control (DHEC) to the South Carolina Department of Public Health and the South Carolina Department of Environmental Services (DES).

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2025–3625 at *regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Weston Freund, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8773. Mr. Freund can also be reached via electronic mail at *freund.weston@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 2024, DHEC and the DHEC Board were restructured into a health agency, the Department of Public Health, and an environmental agency, DES. As discussed in the July 23, 2025, SIP revision and in a letter from South Carolina to EPA Region 4 dated June 20, 2024, all functions, powers, and duties of the environmental divisions, offices, and programs of DHEC are retained and continued in full force and effect under DES.[1] This includes the authority to administer and enforce SIPs. Therefore, the changes in this SIP revision reflecting the restructuring are merely administrative in nature.

II. EPA's Analysis of South Carolina's Submittal

EPA is proposing to approve a SIP revision submitted by DES on July 23, 2025, amending Regulations 61–62.1, *Definitions and General Requirements*, Section I, *Definitions*; 61–62.3, *Air Pollution Episodes*; 61–62.4, *Hazardous Air Pollution Conditions*; 61–62.5, Standard No. 4, *Emissions from Process Industries*; and 61–62.96, *Nitrogen Oxides (NO_X) Budget Program*.[2] The revision updates all references in these regulations from DHEC and the DHEC Board to reflect the newly created DES.

Specifically, the SIP revision makes the following changes to Regulation 61–62.1, Section I, *Definitions*: Removes the term ''Board'' and the associated definition in Paragraph (11) and replaces it with ''Reserved''; removes the term ''Commissioner'' and the associated definition in paragraph (20) and replaces it with ''Reserved''; and revises the definition of ''Department'' in paragraph (25) to reference DES instead of DHEC.

[1] The June 20, 2024, letter is in the docket for the proposed rulemaking.

[2] The July 23, 2025, submission also contains changes to Regulation 61–62.1, Section II, *Permit Requirements* and Regulations 61–62.60, 62.63, 62.70, and 86.1. EPA will act on the changes to Regulation 61–62.1, Section II in a separate SIP-related rulemaking. Regulations 61–62.60, 62.63, 62.70, and 86.1 are not part of the SIP; therefore, EPA will not act on these changes in a SIP-related rulemaking.

The SIP revision makes the following changes to Regulation 61–62.3, Section I, *Episode Criteria*: Replaces ''Commissioner'' with ''Department'' in both the prefatory paragraph and in paragraph 1.

The SIP revision similarly replaces ''Commissioner'' with ''Department'' in Regulation 61–62.4, *Hazardous Air Pollution Conditions*, at Regulation 61–62.4, Section E, *CLEANUP*.

The SIP revision then replaces ''Board'' with ''Department'' in the footnote to Table B of Regulation 61–62.5, Standard No. 4, Section VIII, *OTHER MANUFACTURING*.

Finally, the SIP revision replaces the reference to DHEC with a reference to DES in Regulation 61–62.96, *Nitrogen Oxides (NO_X) Budget Program*, at Section 96.2, paragraph (q).

EPA is proposing to approve these changes because they are administrative in nature and therefore would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Clean Air Act (CAA).[3]

III. Incorporation by Reference

In this document, EPA is proposing to include a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section II of this preamble, EPA is proposing to incorporate by reference Regulation 61–62.1, Section I, *Definitions*, paragraphs (11), (20), and (25);[4] Regulation 61–62.3, Section I, *Episode Criteria,* paragraph 1 and the preceding unnumbered initial paragraph;[5] Regulation 61–62.4, *Hazardous Air Pollution Conditions*, Section E;[6] Regulation 61–62.5, Standard No. 4, Section VIII, *Other Manufacturing*, footnote to Table B;[7] and Regulation 61–62.96, *Nitrogen Oxides (NO_X) Budget Program*, Section 96.2, paragraph (q),[8] all of which are state effective on May 23, 2005, and revise these rules to update outdated references. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve South Carolina's July 23, 2025, SIP revision consisting of administrative changes to Regulations 61–62.1, *Definition and General Requirements*, Section I; 61–62.3, *Air Pollution Episodes*; 61–62.4, *Hazardous Air Pollution Conditions*; 61–62.5, Standard 4, *Emissions from Process Industries*; and 61–62.96, *Nitrogen Oxides (NO_X) Budget Program*, for the reasons discussed above.

V. Statutory and Executive Order Reviews

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

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

Because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The CIN also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: May 15, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

[FR Doc. 2026–10640 Filed 5–27–26; 8:45 am]

BILLING CODE 6560–50–P

[3] *See* CAA section 110(l).

[4] The remaining portions of Regulation 61–62.1, Section I, retain the April 24, 2020, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

[5] The remaining portions of Regulation 61–62.3, Section I, retain the April 26, 2013, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

[6] The remaining portions of Regulation 61–62.4 retain the December 20, 1978, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

[7] The remaining portions of Regulation 61–62.5, Standard No. 4, Section VIII retain the June 24, 2016, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

[8] The remaining portions of Regulation 61–62.96 retain the January 25, 2019, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0295; EPA–R03–OAR–2025–0267; FRL–12837–03–R3]

Air Plan Approval; Maryland; Reasonably Available Control Technology for Municipal Waste Combustors; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for a proposed rule that published April 29, 2026. The current comment period for the proposed rule was scheduled to close on May 29, 2026. The EPA is extending the comment period for the proposed action to June 12, 2026.

DATES: The comment period for the proposed rule published on April 29, 2026 (91 FR 23046) was originally scheduled to close on May 29, 2026, but the comment period is being extended by 14 days. Comments must be received on or before June 12, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0267 at *www.regulations.gov.* Additional instructions to comment can be found in the notice of proposed rulemaking published April 29, 2026 at 91 FR 23046.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5787. Ms. Schmitt can also be reached via electronic mail at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: On April 29, 2026, the EPA published the notice of proposed rulemaking (NPRM) ''Air Plan Approval; Maryland; Reasonably Available Control Technology for Municipal Waste Combustors'' in the **Federal Register** (91 FR 23046). The NPRM specified that the comment period would end on May 29, 2026. However, due to technical problems with posting the docket on *www.regulations.gov* in the first week of publishing the NPRM, the EPA is extending the comment period by two weeks to June 12, 2026, to ensure the public and interested parties have sufficient time to review the associated docket materials and submit comments.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–10638 Filed 5–27–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–1611; FRL–13365–01–R5]

Air Plan Approval; Ohio; Removal of Air Nuisance Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to act in accordance with Ohio EPA's November 14, 2025, request to remove the air pollution nuisance rule (ANR) from the Ohio State Implementation Plan (SIP). The EPA is proposing to find that the Ohio SIP contains adequate control requirements and enforcement measures to maintain air quality in the State without the ANR. This proposed action will not interfere with the National Ambient Air Quality Standards (NAAQS) and meets all applicable requirements under the Clean Air Act (CAA).

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2025–1611 at *https://www.regulations.gov,* or via email to *arra.sarah@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mayesha Choudhury, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 886–5909, email address: *choudhury.mayesha@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background of Action

The Air Nuisance Rule has been part of the Ohio SIP since 1974 (Ohio rule AP–2–07). The EPA approved an amended rule, Ohio Administrative Code (OAC) 3745–15–07, into the SIP on August 13, 1984 (49 FR 32182). The ANR prohibits the ''emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances, in such manner or in health, safety or welfare of the public, or cause unreasonable injury or damage to property.''

In a final rule published on November 19, 2020 (85 FR 73636), the EPA removed the ANR from Ohio's SIP using the EPA's error correction authority under section 110(k)(6) of the CAA. On January 19, 2021, environmental groups and private citizens petitioned the United States Court of Appeals for the Sixth Circuit for review of the EPA's removal of the ANR.[1] On February 10, 2023, the Sixth Circuit granted the EPA's request for a voluntary remand to reevaluate its November 2020 removal of the ANR.[2] On January 21, 2025 (90 FR 6811), the EPA determined that its November 2020 removal of the ANR was deficient and in error. Consequently, the EPA reversed the November 2020 removal and reinstated the ANR into

[1] *Sierra Club* v. *EPA,* 60 F.4th 1008 (6th Cir. 2023).

[2] *Id.*

Ohio's SIP. (January 2025 Reinstatement).

In June 2025, the Governor of Ohio signed the State's 2026–2027 operating budget, which includes a provision requiring the Director of the Ohio EPA to take necessary steps to remove any ''air nuisance rules'' from the Ohio SIP. It also stipulates that, upon the effective date of the legislation (which was October 1, 2025), the Ohio EPA Director ''shall not include an air nuisance rule in the state implementation plan or rely upon an air nuisance rule to implement or enforce ambient air quality standards adopted pursuant to the federal Clean Air Act.'' [3] On November 14, 2025, Ohio EPA submitted a request to the EPA to revise the Ohio SIP and remove the ANR.

II. Legal Requirements

Title I of the CAA imposes requirements on the EPA's evaluation of a State's SIP revision request, including analyzing the requirements a State may decide to include in its SIP, and submit to the EPA for approval, to achieve or maintain the NAAQS. In evaluating whether a SIP revision would interfere with attainment or maintenance of the NAAQS, the EPA considers whether the SIP revision will allow for an increase in emissions as compared to what is allowed under the existing SIP condition(s), also known as an anti-backsliding analysis. These requirements are found in two sections of the CAA. Section 110(l) of the CAA states that the EPA shall not approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of the NAAQS, or any other applicable requirement of the CAA. Section 193 of the CAA, also known as the General Savings Clause, provides, in relevant part, that ''no control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before November 15, 1990, in any area which is a nonattainment area for any air pollutant may be modified after November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.''

III. Summary of Ohio EPA's Submittal

To satisfy requirements under sections 110(l) and 193 of the CAA, Ohio submitted an anti-backsliding analysis to demonstrate that removal of the ANR from the Ohio SIP would not result in an increase of potential criteria pollutant emissions, contribute to exceedances or violations of the NAAQS, or interfere with other applicable requirements of the CAA.

A. Ohio EPA's Section 110(l) Demonstration

Ohio's anti-backsliding analysis states that the ANR is not ''an element of 'a program to provide for the enforcement of the measures' adopted pursuant to § 7410(a)(2)(a), as required by 42 U.S.C. 7410(a)(2)(c).'' In other words, Ohio's position is that the ANR is ''not an enforceable emission limitation or other control measure, means, or technique'' and that ''it does not 'enforce' the NAAQS.'' The State instead argues that it has developed additional requirements in its SIP since 1974 to achieve and maintain the NAAQS, as the purpose of these State plans is to implement, maintain, and enforce the Federal standards set for the criteria pollutants. The State, in essence, explains that it has targeted mechanisms in the SIP to maintain and achieve the NAAQS besides the ANR.

Ohio's anti-backsliding analysis goes on to provide that the Ohio SIP contains control measures relevant to each NAAQS in the SIP to demonstrate how the State controls emissions through federally-approved control strategies, included in Table 1 of this preamble. The State also explains that the SIP includes a program to provide for the enforcement of the referenced control measures, and satisfies compliance requirements set by the CAA, ''which makes any violation of Ohio's air statutes and regulations subject to enforcement in Ohio courts—regardless of whether they appear in Ohio's SIP'' through Ohio Revised Code (ORC) section 3704.06.

TABLE 1—OHIO'S SIP-APPROVED EMISSIONS CONTROL MEASURES AND STRATEGIES

Pollutant(s)	Regulations in Ohio administrative code
Ozone and Carbon Monoxide	Chapter 3745–26: I/M Program Rules and Regulations. Chapter 3745–14: NO_X Budget Program. Chapter 3745–110: Nitrogen Oxides-Reasonably. Available Control Technology. Chapter 3745–112: Volatile Organic Compound Limits in Consumer Products. Chapter 3745–21: Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards.
Particulate Matter (PM_{10} and $PM_{2.5}$)	Chapter 3745–17: Particulate Matter Standards.
Sulfur Dioxide	Chapter 3745–18: Sulfur Dioxide Regulations.
Nitrogen Dioxide	Chapter 3745–23: Nitrogen Oxide Standards. Chapter 3745–110: Nitrogen Oxides, Reasonably Available Control Technology.
Lead	Addressed through individual SIP-approved permit requirements or Director's Final Findings and Orders.

Similarly, Ohio's permitting programs under the New Source Review (NSR) and major source Prevention of Significant Deterioration (PSD) rules contain requirements that ensure that the construction and modification of stationary sources do not cause or contribute to a violation of the criteria pollutants NAAQS.[4] Ohio's program requires new or modified sources to apply Best Available Technology (applicable to minor sources), or Best Available Control Technology (applicable to major sources).

Ohio also provides that, as required by the CAA and SIP-approved measures, the Ohio EPA Director has the authority to enforce emission limits and control measures found in the SIP.[5] The State argues that ORC 3704.03 contains requirements for the Ohio EPA Director to implement and enforce Ohio's Federally approved permitting programs as well.

[3] *See* State Operating Appropriations for FY 2026–27, Ohio H.B. 96, 136th General Assembly (2025) at 1448, available at *https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/hb96/07_EN/pdf/*.

[4] Ohio's NSR provisions are contained in OAC Chapter 3745–31.

[5] *See* ORC 3704.03(R)

B. Ohio EPA's Section 193 Demonstration

As discussed in section II of this preamble, the General Savings Clause of section 193 of the CAA applies to ''[e]ach regulation, standard, rule, notice, order and guidance promulgated or issued by the Administrator under this chapter, as in effect before November 15, 1990.'' As the ANR has resided in the Ohio SIP since 1974, Ohio EPA provided an analysis to demonstrate that the removal of the ANR from the SIP satisfies requirements under section 193. Ohio EPA explains that since the ANR does not set emissions limitations, its removal will not lead to an increase in emissions. The State refers to the control requirements in the SIP that are relevant to each NAAQS pollutant again, as explained in its analysis pursuant to section 110(l), to further explain how the SIP contains requirements to control emissions in nonattainment areas in absence of the ANR. Ohio EPA also provided a list of 23 areas in the State that were designated as nonattainment for a criteria pollutant prior to November of 1990, when the General Savings Clause was codified into law.[6] Ohio explains that all of these areas have since been redesignated to maintenance areas, and that there are no longer any nonattainment areas currently subject to the Savings Clause. Table A in the Technical Support Document for this preamble lists the 23 areas that the State included in its analysis.[7]

III. The EPA's Evaluation of Ohio EPA's Submittal

For the reasons described in greater detail below, the EPA is proposing to find that the removal of the ANR from the Ohio SIP will not interfere with attainment or reasonable further progress of the NAAQS, or contribute to greater emissions of the criteria pollutants.

A. The EPA's Evaluation of Ohio EPA's 110(l) Demonstration

i. The EPA's Evaluation of State-Submitted Control Measures

CAA sections 110(a)(1)–(2) provide, in part, that each State shall adopt a SIP that ''provides for implementation, maintenance, and enforcement'' of the NAAQS and includes a program that enforces ''emission limitations and other control measures, means, or techniques'' that are necessary to meet the applicable requirements of the CAA. The United States Supreme Court affirmed that Congress ''left to the States considerable latitude in determining specifically how the [NAAQS] would be met. This discretion includes the continuing authority to revise choices about the mix of emission limitations.'' *Train* v. *Nat. Res. Def. Council, Inc.,* 421 U.S. 60, 87 (1975). A year later, the Court ruled that ''[e]ach State is given wide discretion in formulating its [SIP], and the Act provides that the [EPA] 'shall approve' the proposed plan'' if it meets specific requirements under CAA section 110(a)(2). *Union Elec. Co.* v. *EPA,* 427 U.S. 246, 250 (1976).

The EPA has considered the control measures and enforcement methods which the State argues will uphold and preserve air quality in absence of the ANR.[8] The adopted measures and regulations place limits on emissions for each criteria pollutant (including by source category), and require pollutant-specific monitoring methods and procedures for recordkeeping and reporting of emissions to the State. These current measures meet the requirements for SIPs to contain provisions to enforce and implement the NAAQS under section 110(a) of the CAA. Further, the EPA finds these presently SIP-approved control measures, when complied with by relevant sources and properly enforced by the State, are mechanisms the State can use to ensure that criteria pollutant emissions do not cause interference with attainment or maintenance of the NAAQS. The EPA also finds that the State has demonstrated that implementation of these SIP-approved requirements will control for emissions in the State without the ANR residing in the SIP.

ii. The EPA's Evaluation of Ohio's Permitting Programs

The EPA also finds that Ohio's permitting programs contain requirements necessary to control for potential emissions from sources of pollution. Under the CAA, SIPs should include statutes and regulations that provide for the enforcement of emissions limits and control measures relevant to each NAAQS as identified pursuant to section 110(a)(2)(A).[9] SIPs should also contain requirements that implement a PSD permit program that satisfies part C of title I of the CAA, which is applicable to new major stationary sources and major modifications of existing major stationary sources for pollutants for which an area is designated as attainment or unclassifiable for the NAAQS. Part D of title I of the CAA contains requirements for a State's major nonattainment NSR (NNSR) program, which applies to new major sources and major modifications of existing major sources for which an area is designated as nonattainment. 42 U.S.C. 7501–7515.[10]

The EPA has approved Ohio's PSD, NNSR, and minor NSR programs as part of its SIP. OAC 3745–31, 40 CFR 52.1870(c). As part of its approval, the EPA determined that Ohio's preconstruction permitting programs contain the necessary enforcement and control requirements sufficient, by Federal standards, to control for, and enforce, emissions of criteria pollutants.[11] The enforcement measures contained within the permitting requirements also stipulate that the Ohio EPA will not issue a construction permit to a source if it cannot demonstrate that the installation or modification will ''not prevent or interfere with the attainment or maintenance of applicable [NAAQS]'' and ''not result in a violation of any applicable laws'' which includes: ''[e]mission standards adopted by the Ohio [EPA],'' ''[f]ederal standards of performance for new stationary sources adopted by the [EPA] pursuant to Section 111 of the [CAA] and the regulations promulgated thereunder;'' ''[r]equirements pertaining to installation of major stationary sources or major modifications in attainment and nonattainment areas as contained in rules 3745–31–10 to 3745–31–27 of the [OAC];'' and ''[n]ational emission standards for hazardous air pollutants adopted by the [EPA] pursuant to Section 112 of the [CAA] and the regulations promulgated thereunder (including 40 CFR part 61 and 40 CFR part 63).'' OAC Chapter 3745–31–05(A).[12] The EPA understands this part

[6] Attachment C of Ohio EPA Submittal at 6–7.

[7] The Technical Support Document is found in the rulemaking docket for this action. Docket ID: EPA–R05–OAR–2025–1611.

[8] The EPA's descriptions of the SIP-approved control measures, submitted by the State, are included in Table B of the Technical Support Document for this action.

[9] Section 110(a)(2)(c) of the CAA contains requirements for enforcement methods, the statewide regulation of new or modified minor sources of air pollution and minor modifications of major sources, and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for a particular NAAQS (also known as the major source Prevention of Significant Deterioration program).

[10] 40 CFR 51.66 houses the requirements that State PSD programs must meet for SIP approval. 40 CFR 51.165 houses the requirements for State nonattainment NSR programs.

[11] The EPA fully approved Ohio's NNSR and PSD programs in 2003. *See* 68 FR 1366 (January 10, 2003) and 68 FR 2909 (January 22, 2003).

[12] The EPA finds that OAC 3745–31–10 contains Ohio's rules for ''NSR projects at existing emissions units at a major stationary source.'' OAC 3745–31–27 contains Ohio's rules for ''Nonattainment

of Ohio's pre-construction permitting program to require sources to comply with the EPA's pollution control standards under the New Source Performance Standards (section 111 of the CAA), National Emission Standards for Hazardous Pollutants (section 112 of the CAA), and Maximum Available Control Technology standards (40 CFR part 63). These are the EPA's stringent technological standards, with each standard controlling for, and enforcing limits of, emissions from particular sources of pollution.

Through this review of Ohio's pre-construction permitting programs, the EPA finds that the State's permitting programs contain requirements for the State and sources to comply with Federal emissions limits and to control for potential emissions from the construction or modification of sources. As with the federally enforceable control measures previously referenced, the EPA reiterates that these are practical and enforceable measures that can control for emissions without the ANR in the SIP if these requirements are properly enforced by the State (and complied with by relevant sources). Further, the EPA finds that Ohio's pre-construction permitting programs do not include or classify the ANR as a control mechanism or emissions limit, nor does it include enforcement of the ANR as a stipulation which the State can utilize as part of its ability to issue or deny permit under State and Federal rules.[13]

iii. The EPA's Evaluation of the State's Enforcement Authority

In Ohio's anti-backsliding demonstration, the State explained that ORC 3704.03 provides the Director of the Ohio EPA the authority to ''enforce those emission limits and control measures necessary to satisfy'' Ohio's NSR requirements. The EPA finds that ORC 3704.03(F) stipulates that Ohio EPA will not issue an installation permit unless a source complies with Ohio's requirements for construction permits, which includes a requirement that ''applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require.'' ORC 3704.03(F).

Section 3704.03(R) allows Ohio EPA to ''[i]ssue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of [Chapter 3704 Air Pollution Control] and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of [Chapter 3704 Air Pollution Control].'' Further, ''[a]ny such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the Federal Clean Air Act.'' Id. Such orders include ''Director's Final Findings and Orders'' (DFFOs), through which Ohio EPA can enforce violations of Ohio's air pollution control laws.

Ohio can request the EPA to incorporate DFFOs into the State SIP, thereby making these source-specific requirements Federally enforceable. The EPA finds that Ohio has used the DFFO process to establish control and enforcement requirements for various sources and CAA programs, and continues to maintain an effective enforcement program to ensure sources are in compliance with the NAAQS.[14] The EPA also finds that the State has not included the ANR as an enforcement mechanism or control measure in its federally-approved DFFO's.

The EPA also finds that Ohio's permitting programs contain certain enforcement requirements that provide crucial control of emissions increases. As presented in the State's demonstration to satisfy requirements under CAA section 110(l), ORC rule 3704.06, ''Prosecution by attorney general—injunction—civil penalties,'' stipulates that the Ohio EPA Director can request the Ohio Attorney General to prosecute any person who violates ORC sections 3704.05, (''Prohibited acts'') or 3704.16 (''Prohibiting tampering with motor vehicle emission control systems''). The EPA finds that ORC rule 3704.05—Prohibited acts—prohibits emissions of air contaminants in violation of any Ohio EPA rules or State-issued variance agreements, and requires timely and accurate monitoring, recordkeeping, and reporting practices (as also required in ORC rule 3704.03(I) and also pursuant to the CAA). Should a person violate any rule under ORC rule 3704.05, including violating an air permit issued under ORC rule 3704.03(F) as previously explained, ORC rule 3704.06 contains provisions for the attorney general (upon request of the Ohio EPA Director) to bring a civil penalty or ''any other appropriate proceedings in any court of competent jurisdiction against any person violating or threatening to violate section 3704.05 or 3704.16 of the Revised Code.'' [15]

Upon evaluation of the State's anti-backsliding analysis under section 110(l) of the CAA, including its explanation of control measures and enforcement mechanisms in place at the State and Federal level that control for criteria pollutant emissions, the EPA agrees that Ohio has demonstrated that removal of the ANR will not interfere with attainment or maintenance of the NAAQS or any other applicable requirement of the CAA. Removal will not interfere with reasonable further progress towards attainment of the NAAQS as well. The EPA finds that Ohio has demonstrated that the ANR need not reside in the State SIP for purposes of controlling NAAQS-related pollutants since other, more actionable measures are in place for that purpose.

B. The EPA's Evaluation of Ohio's Section 193 Demonstration

The EPA explained in its January 2025 Reinstatement that the ANR is a ''control requirement'' as the term is used in CAA Section 193. 90 FR 6820.[16] Thus, CAA section 193 prohibits the modification of the ANR ''in any manner'' unless there is a showing that the modification would result in equivalent or greater emissions reductions. The EPA also explained in its January 2025 Reinstatement that there is nothing to stop Ohio from undertaking the SIP revision process and exercising its ''continuing authority to revise choices about the mix of emissions limitations'' in its SIP, should Ohio determine that the ANR is no longer appropriate for inclusion in its SIP and such SIP revision removing the ANR meets applicable CAA requirements, including CAA section 193. 90 FR 6814 (January 21, 2025), also citing *Train,* 421 U.S. at 87.

The Ohio EPA has demonstrated that current SIP-approved control measures and emissions limits relevant to each NAAQS, as explained in the State's section 110(l) analysis and evaluated by

provisions—administrative procedures for emission offsets.''

[13] Ohio EPA's permit approval discretion is approved into the SIP at 40 CFR 52.1894(c)(156)(i)(F).

[14] *See* 40 CFR 52.1870(d) for Ohio's EPA-approved DFFOs.

[15] The EPA also finds that ORC rule 3704.06(E) stipulates that, ''[u]pon written complaint by any person, the director shall conduct such investigations and make such inquiries as are necessary to secure compliance with [Chapter 3704 Air Pollution Control]. The director, upon complaint or upon the director's own initiative, may investigate or make inquiries into any alleged violation or act of air pollution.''

[16] *See also* 90 FR 6815, citing *City of Ashtabula* v. *Norfolk Southern Co., et al.* 633 F. Supp. 2d 519 (N.D. Oh. 2009) (determining that the ANR is an emission limitation as defined in CAA section 302(k)).

the EPA, serve as practical and enforceable measures to control for criteria pollutant emissions. The EPA finds that, when implemented with Ohio's enforcement authority (under Federal and State rules), current SIP-approved measures will continue to limit criteria pollutant emissions in absence of the ANR to at least an equivalent extent, therefore satisfying requirements under section 193 of the CAA.

The EPA also considered the requirements added to the SIP since 1974, such as limits on emissions of criteria pollutants, methods for monitoring for and controlling for emissions, Reasonably Available Control Technology standards, and Best Available Control Technology standards. These requirements are stringent, technical standards approved by the EPA to control emissions of many pollutants including those related to the NAAQS. In light of the demonstrated and quantifiable sources of emission reductions that have been implemented in the fifty plus years since Ohio's ANR was approved into the SIP, the ANR today is an outmoded mechanism for controlling criteria pollutants.

The EPA also evaluated Ohio's analysis of 23 areas that were designated as nonattainment before November 15, 1990, but are now designated as maintenance areas. CAA section 107(d)(3), 42 U.S.C. 7407, prescribes the criteria and process for redesignating an area from nonattainment to maintenance.[17] The EPA revisited its approvals of Ohio's requests, made under CAA section 107(d)(3), and found that the Agency considered Ohio's explanations that implementation of pollutant-specific control strategies and modeled emissions limits would ensure emissions reductions relevant to the pollutant for which the areas was deemed nonattainment. These strategies included reducing mobile source emissions through Federal programs and implementation of site-specific SIPs, or Federal permits, to require certain sources to control for high emissions. The EPA found that the State's demonstrations met the redesignation requirements in CAA section 107(d)(3)(E), and based its approval on the implementation of these pollutant-specific control measures and emissions limits. None of these approvals relied on implementation of the ANR as a control strategy or emissions limit to ensure that an area would not exceed or violate the NAAQS. As to this current proposed action satisfying requirements under section 193 of the CAA, the EPA is proposing to determine that the removal of the ANR from Ohio's SIP will not cause a subsequent rise in criteria pollutant emissions or result in a NAAQS attainment area to revert to nonattainment. In other words, the EPA is proposing to determine that the Ohio SIP can still maintain status quo air quality without the ANR.

The EPA also considered Ohio's current nonattainment areas in context of section 193, and whether the removal of the ANR would have a negative effect on air quality in these areas. The Ohio areas currently designated nonattainment for a particular NAAQS are Cleveland (2015 8-Hour Ozone NAAQS) and Canton-Stark County (2008 Lead NAAQS). As of the date of this proposed rulemaking, the Ohio EPA has submitted requests to redesignate both of these areas to attainment: for the Cleveland area in December of 2025 and for Canton-Stark County in September of 2024. The EPA published its proposed approvals of the Canton-Stark County redesignation and Cleveland redesignation on April 10, 2026 (91 FR 18372 and 91 FR 18355, respectively). The Ohio EPA did not reference the ANR as a control strategy or emissions limit used to meet the NAAQS in either of these redesignation requests.

The EPA acknowledges, however, that Ohio cited the ANR in litigation regarding a source in the Canton-Stark County lead nonattainment area. In July 2021, the State of Ohio filed a complaint against Republic Steel, whose Canton Plant was the only source of lead emissions near an ambient air monitor located south of the Canton Plant.[18] The complaint alleged that lead emissions from the Canton Plant exceeded the lead NAAQS and thus endangered the health, safety or welfare of the public and/or caused unreasonable injury or damage to property, in violation of the ANR and the Canton Plant's air permits.[19] In March 2023, the State amended its original complaint to supplement it with additional counts alleging that Republic Steel was violating numerous other requirements in the Canton Facility's air permits, including violations of specific permit requirements and limits tied to emissions units that were contributing to the lead NAAQS exceedances.[20]

As discussed at length in this action, Ohio's SIP allows for the imposition of enforceable emission limits and other operating requirements in State air permits. Similarly, Ohio's SIP enforcement authorities allow the State to enforce noncompliance with these requirements. The State used evidence of lead emissions exceeding the NAAQS as an initial basis for asserting that the Canton Plant was causing a threat to human health and the environment and thus causing a public nuisance in violation of the ANR. However, the ANR itself was not a necessary tool in the State's enforcement efforts to address the lead NAAQS exceedances. As demonstrated in the State's amended complaint, the NAAQS exceedances were addressed through claims alleging specific regulatory and permit violations, and none of these claims were contingent on a violation of the ANR.[21] Furthermore, Ohio EPA and the Canton City Public Health Department terminated air permits associated with the Republic Steel facility, effective July 26, 2024, which was a requirement of a Final Consent Order agreed to by Republic Steel.[22]

While lead emissions exceeding the NAAQS and causing a public nuisance was one factor in *Republic Steel,* the State's enforcement case demonstrates that the Ohio SIP has sufficient

[17] CAA section 107(D)(3) states that ''The [EPA] may not promulgate a redesignation of a nonattainment area (or portion thereof) to attainment unless—(i) the [EPA] determines that the area has attained the national ambient air quality standard; (ii) the [EPA] has fully approved the applicable implementation plan for the area under section 7410(k) of [the CAA]; (iii) the [EPA] determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (iv) the [EPA] has fully approved a maintenance plan for the area as meeting the requirements of section 7505a of [the CAA]; and (v) the State containing such area has met all requirements applicable to the area under section 7410 of this title and part D of this subchapter.''

[18] *State of Ohio* v. *Republic Steel,* Case No.2021CV00949 (Stark County, Ohio) ''Complaint for Injunctive Relief and Civil Penalties'' at ¶ 16 (July 2, 2021).

[19] *Id.* at ¶ 35.

[20] *Republic Steel,* ''Amended and Supplemental Complaint for Injunctive Relief and Civil Penalties'' (March 14, 2023).

[21] *Id.* at ¶ 108–167. Specifically, Count Three: Permit Violation—Exceeding Lead Added Limits to Process Leaded Steel, ¶ 108–110; Count Four: Permit Violation—Exceeding Lead Emissions Limits, ¶ 111–113; Count Five: Permit Violation—Failure to Maintain Daily Record Keeping of Vacuum Tank Degasser, ¶ 115–118; Count Six: Permit Violation—Failure to Take Corrective Measures, ¶ 119–122; Count Seven: Permit Violation—Failure to Accurately Maintain Required Records, ¶ 123–132; Count Eight: Permit Violation—Failure to Report Monitoring Deviations, ¶ 133–142; Count Nine: Permit Violation—Violation of Permit Conditions at FlexCast Vacuum Tank Degasser, ¶ 143–150; Count Ten: Permit Violation and Violation of Director's Orders—Failure to Conduct Stack Testing on Emissions Unit P907, ¶ 151–161; Count Eleven: Violation of Director's Orders—Failure to Implement an Operations and Maintenance Plan, ¶ 162–167.

[22] *See State of Ohio* v. *Republic Steel,* No. 21–CV–949, Final Consent Order and Final Judgment Entry (Ohio Stark Cnty. C.P., Dec 12, 2023).

provisions to address NAAQS exceedances that are independent from and do not rely on the ANR. Indeed, Ohio's use of the ANR in the *Republic Steel* litigation occurred at a time when the ANR was not part of the State SIP, and the effectiveness of its use in the original 2021 complaint is unclear, given that the area was redesignated to nonattainment two years later.[23] On the whole, the record demonstrates that the ANR was not the primary mechanism for air quality improvements in the county. Instead, the State relied on the other mechanisms described throughout this proposed rulemaking including the DFFO process, enforcement of permit conditions, and the implications of the EPA's 2023 redesignation of the area to nonattainment.

Based on the EPA's review, the EPA maintains that since Ohio's 1974 inclusion of the ANR in the State SIP, Ohio has incorporated new requirements into the SIP and the State's permitting and enforcement programs that are targeted and practically enforceable, and that they are better suited, legally and practically, for maintaining and implementing the NAAQS. In essence, the EPA finds it reasonable for Ohio to implement its SIP-approved control measures and emissions limits without the ANR, as removal will not interfere with attainment or maintenance of the NAAQS and applicable requirements of the CAA, nor cause a direct increase of emissions. The EPA also finds that measures in the SIP are practically enforceable regardless of the ANR's presence in the SIP.

C. Additional EPA Considerations

When evaluating the State's request to remove the ANR from Ohio's SIP, the EPA also considered the history, and role of, nuisance rules in State air plans. The EPA has previously discussed that, in the years following the passage of the CAA in 1970, State and local air agencies submitted thousands of regulations for incorporation into their SIPs. 85 FR 16309 (March 23, 2020). In some cases, States submitted entire regulatory air pollution programs, which included various elements not required by the CAA, such as nuisance provisions. The EPA focused its review on the SIP requirements needed to address substantive requirements of the newly-passed CAA, and as a result, some SIPs have included requirements that the EPA would now deem as duplicative of more stringent emissions control requirements or limitations.

[23] 88 FR 14920 (March 10, 2023).

Since the mid 1990's, various States have requested to remove nuisance rules from their SIPs, and the EPA agreed with the requests on the basis that the requirements were not necessary for the SIP to rely on to reduce or control for emissions, given that updated Federal requirements also govern emissions from sources of air pollution.[24] The EPA's current action is consistent with previous Agency action's removing nuisance provisions from other State SIPs, and with applicable requirements under the CAA.

IV. What action is the EPA taking?

The EPA is proposing to remove Ohio's air nuisance rule from the Ohio SIP. Upon the submitted material for this SIP revision request, the EPA finds that Ohio has demonstrated that removal of the ANR from the SIP will not result in interference with attainment or maintenance of the NAAQS, nor will it cause an increase in emissions in nonattainment areas in the State. The EPA has evaluated the State's menu of emissions control requirements and enforcement mechanisms, and finds that, if enforced and implemented, these State and Federally-approved regulations will maintain air quality in the State without the ANR in the SIP. The EPA's current action will remove the ANR from the Federal plan, but Ohio will still maintain the ANR as a State rule.

V. Incorporation by Reference

In this rulemaking, the EPA is proposing to amend regulatory text that includes incorporation by reference. As discussed in section II of this preamble, the EPA is proposing to remove 3745–15–07 ''Air Pollution Nuisances Prohibited'' of the EPA-Approved Ohio Regulations from the Ohio SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. The EPA has made, and will continue to make, the SIP generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[24] *See* removal of nuisance provisions from SIPs for Minnesota, 60 FR 27411 (May 24, 1995); New Hampshire, 83 FR 6972 (February 16, 2018); and Kentucky, 87 FR 12904 (March 8, 2022). *See also* analogous examples in the States of: Montana, 59 FR 2537 (January 18, 1994); Washington, 59 FR 44324 (August 29, 1994; Wyoming, 61 FR 47058 (September 6, 1996); Michigan, 64 FR 7790 (February 17, 1999); Nevada, 69 FR 54006 (September 7, 2004); Georgia, 71 FR 13551 (March 16, 2006); Arizona and Nevada, 74 FR 51795 (October 8, 2009); California, 83 FR 43576 (August 27, 2018); and Oregon, 83 FR 60386 (November 26, 2018).

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: May 20, 2026.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2026–10643 Filed 5–27–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–3588; FRL–13122–01–R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Big Six Towers Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision, for Big Six Towers Inc. (the Big Six), located at 59–55 47th Ave. Woodside, NY 11377 (the Facility), is approvable. The EPA is proposing to find that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to oxides of nitrogen (NO_X) emissions from the relevant Facility sources, which are identified as three oil-fired engines. This SSSIP revision is intended to implement NO_X RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this rulemaking will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2025–3588, at *https://www.regulations.gov* (our preferred method), or the other submission methods identified in the link below. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number: (212) 637–3711, email address: *lin.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to the Facility's RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

Table of Contents

I. Background
II. The EPA's Evaluation of New York's Submission
III. The EPA's Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

Ground-Level Ozone Formation

Ground-level ozone is predominantly a secondary air pollutant created by chemical reactions that occur when ozone precursors, including nitrogen oxides (NO_X) and volatile organic compounds (VOC), react in the presence of sunlight. Emissions from industrial facilities are anthropogenic sources of ozone precursors. The potential for ground-level ozone formation tends to be highest during months with warmer temperatures and stagnant air masses that are conducive to ozone formation—often referred to as ''the ozone season.'' The ozone season means, for each state (or portion of a state), the ozone monitoring season specified for that jurisdiction defined in 40 CFR part 58, appendix D, section 4.1(i).[1] In New York, the ozone season begins in March and ends in October.[2]

Ozone Nonattainment

A geographic area of the United States that is not meeting the National Ambient Air Quality Standard (NAAQS) for ozone is designated as a nonattainment area. *See* CAA section 107(d)(1)(A)(i). Nonattainment areas are classified as either Marginal, Moderate, Serious, Severe, or Extreme. With respect to this proposed action, there are two relevant ozone NAAQS standards. First, effective May 27, 2008, the EPA promulgated a revision to the ozone NAAQS, setting the standard at 0.075 parts per million (ppm) averaged over an 8-hour time frame (2008 8-hour Ozone Standard) (73 FR 16436, March 27, 2008). Second, effective December 28, 2015, the EPA lowered this standard to 0.070 ppm averaged over an 8-hour time frame (2015 8-hour Ozone Standard) (80 FR 65292, October 26, 2015). The Facility is located in the New York-Northern New Jersey-Long Island ozone nonattainment area for both the 2008 and 2015 ozone NAAQS, and is a major source of NO_x (50 tons per year (tpy) for Serious ozone nonattainment areas and 25 tpy for Severe ozone nonattainment areas). Therefore, the Facility is required to implement RACT for nonattainment planning purposes under CAA section 182. The State of New York is also located within the Ozone Transport Region (OTR), which means that it is subject to statewide RACT requirements under CAA section 184.

Federal RACT Requirements

RACT is defined as the lowest emission limit that a source is capable of meeting through the application of control technology that is reasonably available considering technological and economic feasibility.[1] CAA section 182 sets forth the requirement to establish control measures to implement RACT for major sources of VOC and NO_X located in ozone nonattainment areas. As noted, the State of New York is also located within the OTR, and the State is required to implement RACT for all major sources of VOC and NO_X within the State under CAA sections 184(b)(1)(B) and 182(f)(1).

[1] *See* EPA, ''Guidance for determining acceptability of SIP regulations in non-attainment areas,'' memo 1976, Roger Strelow, *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19761209_strelow_ract.pdf.*

NYSDEC RACT Requirements

The New York State Department of Environmental Conservation's (NYSDEC) RACT regulations require applicable facilities to meet certain requirements, referred to as ''presumptive RACT requirements.'' These presumptive requirements generally require sources to implement emission limits, control efficiency requirements, specific control technologies, averaging plans, and/or fuel/raw material switching practices. In some instances, the presumptive RACT requirements may not be technologically or economically feasible for a certain source, and the State can make a source-specific RACT determination (or variance), which is submitted to the EPA as a SSSIP. The SSSIP should include the facility's RACT plan that demonstrates how the facility will implement RACT. The SSSIP will also include the applicable CAA Title V operating permit conditions that address RACT requirements. These RACT variance permit conditions for the Facility will become part of the Federally enforceable SIP upon the EPA's final approval of this SSSIP.

Under existing NYSDEC RACT regulations, facilities are required to assess all technologically feasible control options that meet the State's cost threshold. The cost threshold for NYSDEC RACT requirements is found under NYSDEC's 2013 policy, ''DAR–20 Economic and Technical Analysis for Reasonably Available Control Technology (RACT).'' Under this policy, facilities must consider in their RACT determinations control technologies that remove VOC or NO_X emissions up to a certain cost threshold, expressed in a dollar amount per ton of VOC or NO_X removed, which includes an inflation-adjusted economic threshold.[2]

II. The EPA's Evaluation of New York's Submission

This proposed action relates to a SSSIP revision that concerns a facility that generates electrical power and steam for an apartment complex and mixed retail space located at 59–55 47th Avenue in Woodside, Queens. Under the facility-wide Title V Operating Permit, the Big Six is permitted to operate six internal combustion engines (consisting of three natural gas-fired engines and three oil-fired engines) and three boilers. The Facility also operates three small dual-fuel boilers. All of the emission sources are grouped under Emission Unit 1–STACK (EU 1–STACK). The natural gas-fired engines meet the presumptive RACT limit of 1.5 grams per brake horsepower-hour (g/bhp-hr) and are not required to be addressed in this proposed action. The sources evaluated in this proposed action are the Facility's three oil-fired engines (emission unit 1–STACK, emission sources 0ENG2, 0ENG4, 0ENG6). The three oil-fired engines do not meet the presumptive limits of 2.3 grams per brake horsepower-hour. To minimize NO_X emissions, the Facility employs good combustion practices for the oil-fired engines without any add-on controls.

The NYSDEC RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227–2, ''Reasonable Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X),'' last approved into New York's SIP by the EPA on July 12, 2013, 78 FR 41846. The three oil-fired engines are subject to 6 NYCRR subpart 227–2.4(f)(3) because they are stationary internal combustion engines that run on oil. The subpart lists a presumptive RACT emission limit of 2.3 grams per brake horsepower-hour. However, as explained above, the NYSDEC RACT regulations allow source-specific RACT determinations if the presumptive RACT requirements are not technologically or economically feasible; such source-specific determinations must be submitted to the EPA as a SSSIP.

This SSSIP was submitted by NYSDEC on July 24, 2024. The EPA has reviewed the RACT determination for the three oil-fired engines in this SSSIP submittal for consistency with the CAA and the EPA regulations, as interpreted through the EPA actions and guidance. The intended effect of this SSSIP revision is to establish an emission limit for the process specific control measure for the three oil-fired engines.

The EPA is proposing to determine through this SSSIP rulemakingthat the NO_X RACT emission limit submitted by the State for the three oil-fired engines is the lowest emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations. The relevant NO_X RACT emission limit is contained in the Facility's air permit, Permit ID 2–6304–00404/00004, under conditions 19, 30, 31, 32, and 40, which was issued by the State on April 4, 2024 and expires on April 3, 2029. The EPA is proposing to approve the incorporation of permit conditions 19, 30, 31, 32, and 40 into the SIP. In addition to the emission limit, these conditions include monitoring, reporting, and recordkeeping requirements for the proposed three oil-fired engines further described in the EPA RACT Analysis below.

The Facility submitted a RACT demonstration, dated June 2022, to NYSDEC for the emission limit requirements, and NYSDEC reviewed and approved the variance emission limit as adequately implementing RACT for the source. NYSDEC then submitted the SSSIP revision package at issue in this proposed action for EPA approval, and the EPA is proposing to determine the variance emission limit as implementing RACT for this source. The RACT variance emission limit for the Facility will become part of the Federally enforceable SIP upon the EPA's final approval of this SSSIP.

The EPA's RACT Analysis

The following is a summary of the EPA's analysis of how the proposed NO_X emission limit implements RACT for the emission sources 0ENG2, 0ENG4, and 0ENG6 (the three oil-fired engines). Further detail on this analysis is provided in the TSD available in the docket for this rulemaking.

Under 6 NYCRR subpart 227–2, the RACT demonstration must show an alternate emission limit to comprise RACT, and a RACT variance can be requested. Such a RACT variance can be approved by the State if supported by a RACT demonstration; the State then submits its determination to the EPA for review as a SIP revision.

The Facility's RACT demonstration states that good combustion practice with no add-on controls is the only NO_X control technology that is technologically and economically feasible for the Facility's three oil-fired engines, and that good combustion practices ensure the NO_X emissions will not exceed 5 grams per brake horsepower-hour (g/bhp-hr). Good combustion practices for an engine mean operating them in accordance with manufacturer specifications and conducting prescribed maintenance based on the manufacturer's schedule.

NYSDEC reviewed the RACT demonstration and determined that the alternate emission limit implements RACT for the three oil-fired engines. Specifically, NYSDEC approved the following case-by-case emission limit: (1) Condition 32. Subpart 227–2.5(c). RACT. NO_X one-hour average emissions from Emission Unit 1–STACK, Process PEO, Emission Sources 0ENG2, 0ENG4, 0ENG6 shall not exceed 5.0 grams per brake horsepower-hour; monitored once

[2] The DAR–20 cost threshold is based on 1994 dollars. State of New York relies on the U.S. Department of Labor, Bureau of Labor Statistics inflationary calculator to adjust the RACT economic feasibility threshold over time for inflation. See *https://www.bls.gov/data/inflation_calculator.htm.*

every five years; report semi-annually with the initial report due July 30, 2024. ''Alternate NO_X RACT limit for the three engines is 5.0 grams/bhp-hr as demonstrated in the June 2022 NO_X RACT analysis. The facility shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing. The owner or operator will maintain records on-site for a minimum of five years''; and (2) Condition 40. Subpart 201–6. The permit authorizes the following regulated processes for the cited Emission Unit: 1–STACK, Process: PEO, Process Description: ''Combustion of No.2 distillate oil in three (3) caterpillar engine generator sets, two (2) model D399's and one (1) model D3516. Each generator set includes a 16-cylinder, 4 stroke water cooled engine running on no.2 fuel oil. Electrical power is generated by a revolving field, 3-phase cat generator coupled at each of the three engines. Exhaust heat is captured in three waste-heat exchangers before being exhausted through a common 24-inch diameter manifold. These engines are house[d] in the power plant and discharge underground to a common stack.'' Emission Source/Control: 0ENG2—Combustion, Design Capacity: 850 kilowatts, Emission Source/Control: 0ENG4—Combustion, Design Capacity: 850 kilowatts, Emission Source/Control: 0ENG6—Combustion, Design Capacity: 1,600 kilowatts.

We are proposing to determine that the following additional technically feasible control options do not need to be implemented because they are not cost effective: selective catalytic reduction (SCR).

To determine what NO_X control technologies could be economically and technologically feasible for the three oil-fired engines, the EPA reviewed the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse (RBLC) [3] and the vendor quotes provided by the State as part of the RACT evaluation. The EPA's RBLC search criteria were based on the process type 17.000—Internal Combustion Engines, 17.100—Large Internal Combustion Engines (500 HP), 17.110—Fuel Oil (ASTM #1,2, includes kerosene, aviation, diesel fuel).

The EPA's RBLC review reveals that there are 18 facilities in the United States that operate with similar situations (having oil-fired internal combustion engines in energy-generating facilities): (1) Sycamore Riverside Energy LLC, located in Indiana with emergency generators; (2) Blue Lake, located in Minnesota with emergency generators; (3) Lansing Board of Water and Light—Delta Energy Park, located in Michigan with an engine; (4) Nemadji Trail Energy Center, located in Wisconsin with an emergency generator; (5) Maple Creek Energy LLC, located in Indiana with an emergency fire pump and an emergency generator; (6) Lansing Board of Water and Light—Erickson Station, located in Michigan with an emergency engine; (7) Lincoln Land Energy Center, located in Illinois with emergency engines; (8) Marshall Energy Center North, LLC, located in Michigan with an emergency engine; (9) Marshall Energy Center South, LLC, located in Michigan with an emergency engine; (10) Magnolia Power Generating Station Unit 1, located in Louisiana with an emergency diesel generator engine; (11) Maidsville, located in West Virginia with an emergency generator and fire water pump; (12) Shady Hills Combined Cycle Facility, located in Florida with an emergency diesel generator; (13) Plant Barry, located in Alabama with diesel emergency engines; (14) Nemadji Trail Energy Center, located in Wisconsin with an emergency diesel generator; (15) Indeck Niles, LLC, located in Michigan with a diesel fuel emergency engine; (16) Thomas Township Energy, LLC, located in Michigan with an engine; (17) Chickahominy Power LLC, located in Virginia with an emergency diesel generator; and (18) Riverview Energy Corporation, located in Indiana with an emergency fire pump and emergency generator. The EPA also reviewed two vendor quotes for the three oil-fired engines as contained in the SSSIP submission, and they appear to be technically sound. Based on the EPA's review of the RBLC, the EPA did not identify any other cost-effective NO_X control technologies that have become available that could be implemented on the Facility's three oil-fired engines.

The EPA is proposing to determine that the proposed limit of 5.0 g/bhp-hr for the three oil-fired engines implements RACT because: (1) the 6 NYCRR part 227 presumptive NO_X limit for the three oil-fired engines of 2.3 g/bhp-hr is not economically and technologically feasible for this source; (2) no additional control technologies beyond what are currently used at the three oil-fired engines are both technically and economically feasible; and (3) the SIP revision contains monitoring and reporting requirements associated with the emission limit.

[3] The RBLC contains case-specific information on the best available air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources. See *https://cfpub.epa.gov/rblc/index.cfm?action=Search.BasicSearch&lang=en.*

III. The EPA's Proposed Action

The EPA is proposing to approve this SIP revision because the limits included in the SSSIP are demonstrated to implement RACT for emission unit 1–STACK, emission sources 0ENG2, 0ENG4, 0ENG6 (representing the Facility's three oil-fired engines). Based on information provided by NYSDEC, a thorough RBLC review of similar sources, and an analysis of this source-specific SIP revision, the EPA proposes to approve the Big Six's operation under the NYSDEC-approved NO_X emission limits for the Facility's three oil-fired engines.

Specifically, the EPA proposes to determine the following limit and associated requirements as implementing RACT: (1) the Facility must not exceed the alternate NO_X RACT limit for the three oil-fired engines of 5.0 grams/bhp-hr as demonstrated in the June 2022 NO_X RACT analysis, (2) the Facility shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing, and (3) the owner or operator will maintain records on-site for a minimum of five years.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to the Big Six's Title V operating permit conditions 19, 30, 31, 32, and 40 as described in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2026–10642 Filed 5–27–26; 8:45 am]

BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Parts 51–3.5 and 51–4.4

RIN 3037–AA24

Revising Central Nonprofit Agencies' Requirements To Charge Fees and Clarifying the Permissibility of Subcontracting Within the AbilityOne Program; Extension of Comment Period

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Supplemental notice of proposed rulemaking; extension of comment period.

SUMMARY: On April 30, 2026, the Committee for Purchase from People Who Are Blind or Severely Disabled (Committee), operating as the U.S. AbilityOne Commission (Commission), published a proposed rule ''Central Nonprofit Agencies' Requirements to Charge Fees and Clarifying the Permissibility of Subcontracting within the AbilityOne Program'' with a 30-day comment period ending on June 1, 2026. The Commission has determined that a 15-business day extension of the comment period, until June 22, 2026, is appropriate. The Commission is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: The comment period for the proposed rule Central Nonprofit Agencies' Requirements to Charge Fees and Clarifying the Permissibility of Subcontracting within the AbilityOne Program, published April 30, 2026, at 91 FR 23221, is extended. Electronic comments should be received no later than 11:59 p.m. Eastern Time on June 22, 2026.

ADDRESSES: Interested persons may submit comments by using the following method: internet—Federal eRulemaking Portal. Electronic comments may be submitted through *https://www.regulations.gov.* To locate the proposed rule, use docket CPPBSD–2026–0001. Follow the instructions for submitting comments. Please be advised that comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an alternative accessible format.

FOR FURTHER INFORMATION CONTACT: Cassandra Assefa, Assistant General Counsel, by telephone at 202–430–9886 or by email at *cassefa@abilityone.gov.*

SUPPLEMENTARY INFORMATION: On April 30, 2026, the Commission published a proposed rule Central Nonprofit Agencies' Requirements to Charge Fees and Clarifying the Permissibility of Subcontracting within the AbilityOne Program with June 1, 2026 established as the deadline for the submission of comments.

Interested parties have requested an extension of the public comment period to give them additional time to respond to the NPRM's request for comment. While the Commission believes that the current 30-day period is sufficient for meaningful comment and public participation, the Commission agrees to allow the public additional time to prepare and file comments. The Commission has therefore extended the comment period to June 22, 2026. This is a 15-business day extension of the 30-day publication in the **Federal Register** on comment period, to provide commenters a total of 52 days from the public release of the NPRM on April 30, 2026.

The Executive Director of the Commission, Kimberly M. Zeich., having reviewed and approved this document, is delegating the authority to electronically sign this document to Michael R. Jurkowski, for purposes of publication in the **Federal Register**.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–10585 Filed 5–27–26; 8:45 am]

BILLING CODE 6353–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[SB Docket No. 25–157; DA 26–467; FR ID 347964]

Space Bureau Seeks Comment on GSO Reference Links

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Space Bureau (Bureau or we) within the Federal Communications Commission (Commission) seeks comment on potential revisions to the set of geostationary (GSO) satellite network reference links adopted in the Modernizing Spectrum Sharing for Satellite Broadband Report and Order (Order). Ensuring the GSO reference

links appropriately reflect typical and widespread GSO satellite operations in the United States will promote efficient spectrum sharing among today's broadband satellite systems.

DATES: Comments are due 30 days after publication in the **Federal Register**. Reply Comments are due 45 days after publication in the **Federal Register**.

ADDRESSES: You may submit comments, identified by SB Docket No. 25–157, by any of by any of the following methods:

Federal Communications Commission's website: https://apps.fcc.gov/ecfs/. Follow the instructions for submitting comments.

People with Disabilities. Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *fcc504@fcc.gov* or phone: 202–418–0530 (voice).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Clay DeCell, Attorney Advisor, Satellite Programs and Policy Division, Space Bureau, at *clay.decell@fcc.gov* or at (202) 418–0803.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission document, DA 26–467, released May 12, 2026. The document is available for public inspection online at *https://docs.fcc.gov/public/attachments/DA-26-467A1.pdf.* The document is also available for inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554.

Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above.

☐ *Electronic Filers.* Comments may be filed electronically using the internet by accessing the Commission's Electronic Comment Filing System (ECFS): *http://apps.fcc.gov/*ecfs.

☐ *Paper Filers.* Parties who file by paper must include an original and one copy of each filing.

○ Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

○ Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

○ Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express, must be sent to 45 L Street NE Washington, DC 20554.

☐ *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Ex Parte Presentations

This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Analysis

The actions in this Public Notice have not changed, or proposed to change, our Final Regulatory Flexibility Analysis (FRFA), which was set forth in the Order in Appendix C. Thus, no supplemental FRFA is necessary.

Paperwork Reduction Act

The action contained herein does not change, or propose to change, the information collection requirements subject to the Paperwork Reduction Act of 1995 (''PRA''), Public Law 104–13, contained in the Order. As a result, no new submission to the Office of Management and Budget is necessary to comply with the PRA requirements.

Providing Accountability Through Transparency Act

Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

Background. On April 30, 2026, the Commission adopted an Order updating its spectrum-sharing rules for GSO and non-GSO (NGSO) satellite systems operating in the 10.7–12.7 GHz, 17.3–18.6 GHz, and 19.7–20.2 GHz (space-to-Earth) bands. Specifically, as an alternative to compliance with equivalent power-flux density limits in the United States, the Commission adopted a procedure whereby an NGSO applicant may either certify that it has completed a coordination agreement with any operational co-frequency GSO satellite network or submit a compatibility showing which demonstrates that it will not cause unacceptable interference to any such system with which coordination has not been completed.

Compatibility showings must contain the following elements:

(A) A demonstration that the NGSO system will cause no more than 3% time-weighted average degraded throughput of any GSO reference link that uses adaptive coding and modulation;

(B) A demonstration that the NGSO system will cause no more than 0.1% absolute change in link availability to any GSO reference link; and

(C) A demonstration that the NGSO system will cause no more than −10.5

dB I/N for 80% of time for any GSO reference link that does not use adaptive coding and modulation.

Reference links are used by an NGSO operator to demonstrate that it will comply with the criteria in (A) through (C) above. They also provide transparency and regulatory certainty for both GSO and NGSO operators as to the types of operations that will be protected to the threshold levels. The Commission adopted a set of GSO reference links to accompany these protection criteria. The initial set of 328 GSO reference links adopted by the Commission were drawn from both International Telecommunication Union data and the Commission's licensing databases.

In adopting this initial set of reference links, the Commission noted the potential for its further refinement and delegated authority to the Bureau to initiate a proceeding by Public Notice to remove, revise, or add appropriate GSO links. The Commission specifically directed the Bureau to initiate a focused proceeding to refine the initial set of reference links within 15 days after release of the Report and Order, and to adopt a decision within 60 days after close of that comment period.

Comment Sought. We invite comment on potential revisions to the set of GSO reference links, including the antenna patterns and other operating parameters, technical justifications, deployment information, and considerations of efficient spectrum use. Should any additional GSO reference links be added to the database? If so, do those links meet the selection criteria employed for the initial set of links, or should the selection criteria be modified? Should any reference links be removed from the database, for example to focus on the most sensitive links and reduce the burden of performing the compatibility showing analyses while maintaining equivalent levels of GSO protection? Should any columns of information be added or removed in the database? Should any changes be made to the information provided for the current links in the database? For any proposed changes to the GSO reference link database, commenters should provide analyses of the impacts on both GSO networks and NGSO systems.

Federal Communications Commission.

Jennifer Gilsenan,

Deputy Chief, Space Bureau.

[FR Doc. 2026–10617 Filed 5–27–26; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 91, No. 102

Thursday, May 28, 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 COMMERCE

Foreign-Trade Zones Board

[S–26–2026]

Approval of Subzone Status; PMI Services North America, Inc.; El Paso, Texas

On January 26, 2026, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of El Paso, grantee of FTZ 68, requesting subzone status subject to the existing activation limit of FTZ 68, on behalf of PMI Services North America, Inc., in El Paso, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 3707, January 28, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 68C was approved on May 26, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 68's 2,000-acre activation limit.

Dated: May 26, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–10626 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–121]

Difluoromethane (R-32) From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on Difluoromethane (R-32) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Mark Harrison Ross, Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4794.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 2021, Commerce published the *Order* in the **Federal Register**.[1] On February 2, 2026, Commerce published the notice of initiation of this first sunset review of the Order, pursuant to section 751(c) of the Tariff Act of 1930 (the Act).[2]

On February 17, 2026, Commerce received a timely and complete notice of intent to participate in the sunset review from a domestic interested party within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested party claimed interested party status within the meaning of section 771(9)(C) of the Act as a producer in the United States of the domestic like product.[4] On February 20, 2026, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested party.[5]

On March 4, 2026, pursuant to 19 CFR 351.218(d)(3)(i), the domestic interested party filed a timely and adequate substantive response.[6] Commerce did not receive a substantive response from any respondent interested party. On March 27, 2026, Commerce notified the ITC that it did not receive a substantive response from any respondent interested party.[7] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by this *Order* is Difluoromethane (R–32) from the China. For a full description of the scope of the *Order, see* the Issues and Decisions Memorandum.[8]

[1] *See Difluoromethane (R-32) from the People's Republic of China: Antidumping Duty Order,* 86 FR 13886 (March 11, 2021) *(Order).*

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 4499 (February 2, 2026).

[3] *See* Domestic Interested Party's Letter, ''Difluoromethane (R–32) from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated February 17, 2026.

[4] *Id.* at 2.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated February 20, 2026.

[6] *See* Domestic Interested Party's Letter, ''Difluoromethane (R–32) from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated March 4, 2026.

[7] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated March 27, 2026.

[8] *See* ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Antidumping Duty Order on Difluoromethane (R–32) from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[9] A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/frnotices.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 221.06 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

[9] *Id.*

Dated: May 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–10624 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–985]

Xanthan Gum From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 12, 2026, the U.S. Court of International Trade (CIT) issued its final judgment in *Neimenggu Fufeng Biotechnologies Co., Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd., and Meihua Group International (Hong Kong) Limited and Xinjiang Meihua Amino Acid Co., Ltd.,* v. *United States,* Court No. 23–00068, sustaining the U.S. Department of Commerce's (Commerce) second remand results pertaining to the administrative review of the antidumping duty (AD) order on xanthan gum from the People's Republic of China (China) covering the period July 1, 2020, through June 30, 2021. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd. (collectively, Fufeng), and Meihua Group International Trading (Hong Kong) Limited, Langfang Meihua Biotechnology Co., Ltd., and Xinjiang Meihua Amino Acid Co., Ltd. (collectively, Meihua).

DATES: Applicable May 21, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8043.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2023, Commerce published its *Final Results* in the 2020–2021 AD administrative review of xanthan gum from China.[1] Commerce calculated a weighted average dumping margin of 17.36 percent for its sole mandatory respondent, Fufeng.[2] Commerce also assigned Fufeng's weighted average dumping margin to eligible separate rate entities (*i.e.,* Meihua).[3]

Fufeng and Meihua appealed Commerce's *Final Results.* On December 16, 2024, the CIT remanded the *Final Results* to Commerce, ordering Commerce to: (1) explain its determination to directly value energy; and (2) failure to address arguments regarding the Harmonized System (HS) subheading for coal.[4]

In its first remand redetermination, issued on May 5, 2025, Commerce found that: (1) its direct valuation of Fufeng's energy factors of production was appropriate; and (2) Commerce's decision to value coal using HS 2701.12.9000 was proper.[5] The CIT sustained Commerce's direct valuation of energy and remanded Commerce's decision to value coal using HS 2701.12.9000 for a second time.[6]

In its final remand redetermination, issued on April 30, 2026, Commerce found HS 2701.19 rather than 2701.12.9000 was the proper HS subheading for valuing Fufeng's coal

[1] *See Xanthan Gum from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020–2021,* 88 FR 9861 (February 15,2023) (*Final Results*).

[2] *Id.*

[3] *Id.*

[4] *See Neimenggu Fufeng Biotechnologies Co.* v. *United States,* 741 F.Supp.3d 1354 (CIT 2024) (*First Remand Order*).

[5] *See Final Results of Redetermination Pursuant to Court Remand, Neimenggu Fufeng Biotechnologies Co.* v. *United States,* 741 F.Supp.3d 1354 (CIT 2024), dated May 5, 2025, available at *https://access.trade.gov/public/FinalRemandRedetermination.aspx.*

[6] *See Neimenggu Fufeng Biotechnologies Co.* v. *United States,* 816 F. Supp. 3d 1356 (January 30, 2026) (CIT 2026) (*Second Remand Order*).

factor of production (FOP).[7] Commerce's application of HS 2701.19 when valuing the coal factor of production (FOP) reduced Fufeng's weighed average dumping margin to 0.00 percent.[8] The CIT sustained Commerce's final redetermination.[9]

Timken Notice

In its decision in *Timken,*[10] as clarified by *Diamond Sawblades,*[11] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 12, 2026, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Fufeng, and Meihua as follows:

Exporter	Weighted-average dumping margin (percent)
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd	0.00
Non-Individually Examined Companies Receiving a Separate Rate	
Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd.,/Xinjiang Meihua Amino Acid Co., Ltd	0.00

We note that Jianlong Biotechnology Co., Ltd.'s (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd) (Jianlong), and Deosen Biochemical (Ordos) Ltd.'s, Deosen Biochemical Ltd.'s (collectively, Deosen) rates of 17.36 percent remain unchanged from the *Final Results* as their rates were not subject to litigation.

Cash Deposit Requirements

Because Fufeng and Meihua have a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were exported by Fufeng, and Meihua and were entered, or withdrawn from warehouse, for consumption during the period July 1, 2020, through June 30, 2021. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Fufeng and Meihua in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an import-specific *ad valorem* assessment rate is zero or *de minimis,*[12] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: May 22, 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. 2026–10627 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Final Results of Redetermination Pursuant to Court Remand, Neimenggu Fufeng Biotechnologies Co.* v. *United States,* 816 F.Supp.3d 1356, dated April 30, 2026, available at *https://access.trade.gov/public/FinalRemandRedetermination.aspx.*

[8] *Id.*

[9] *See Neimenggu Fufeng Biotechnologies Co.* v. *United States,* Consol. Court No. 23–00068, Slip Op. 26–49 (CIT May 12, 2026).

[10] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[11] *See Diamond Sawblades Manufacturers Coalition* v. United States, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[12] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–119]

Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain large vertical shaft engines between 225cc and 999cc, and parts thereof (vertical shaft engines) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable May 28, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2178.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 2021, Commerce published the *Order* in the **Federal Register**.[1] On February 2, 2026, Commerce published the notice of initiation of this first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930 (the Act).[2] On February 17, 2026, Commerce received a timely and complete notice of intent to participate in the sunset review for domestic interested parties within the deadline specified in the 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed the interested party status within the meaning of section 771(9)(C) of the Act as a domestic producer of vertical shaft engines.[4] On February 24. 2026, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.[5]

On March 4, 2026, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed a timely and adequate substantive response.[6] Commerce did not receive a substantive response from any respondent interested party. On March 27, 2026, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.[7] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by these *Order* is certain large vertical shaft engines between 225cc and 999cc, and parts thereof from China. For the full description of the scope of the *Order, see* the Issues and Decisions Memorandum.[8]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[9] A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/frnotices.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 468.33 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: May 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–10625 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Large Vertical Shaft Engines Between 225c and 999cc, and Parts Thereof, from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order,* 86 FR 12623 (March 4, 2021), as amended in *Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People's Republic of China: Notice of Correction to the Amended Final Antidumping Duty Determination and Antidumping Duty,* 86 FR 13694 (March 10, 2021) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 4499 (February 2, 2026).

[3] *See* Discovery's Letter, ''Certain Vertical Shaft Engines Between 225cc and 999c, and Parts from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated February 17, 2026, and Brigg & Stratton's Letter, ''Five-Year (''Sunset'') Review of the Antidumping and Countervailing Duty Orders On Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People's Republic of China: Domestic Industry's Notice of Intent to Participate,'' dated February 17, 2026.

[4] *Id.* at 2

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated February 20, 2026.

[6] *See* Domestic Interested Party's Letter, ''Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Substantive Response to Notice of Initiation,'' dated March 4, 2026 (*Substantive Response*).

[7] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated March 27, 2026.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Antidumping Duty Order on Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from The People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice.

[9] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF746]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; determination on a Tribal Resource Management Plan.

SUMMARY: Notice is hereby given that NMFS has made a final determination on the Yurok Tribe's Tribal Resource Management Plan (TRMP). The determination is pursuant to the limitation on take prohibitions for actions conducted under Tribal Resource Management Plans promulgated under the 4(d) Rule of the Endangered Species Act (ESA) (Tribal 4(d) Rule). The TRMP specifies harvest and monitoring activities for tribal fisheries affecting ESA-listed Southern Oregon/Northern California Coast Coho Salmon in the portion of the Klamath River within the Yurok Reservation. As required by the Tribal 4(d) Rule, NMFS sought public comment on its pending

determination prior to making a final determination.

FOR FURTHER INFORMATION CONTACT: Anthony Siniscal at 971–322–8407, or via email: *Anthony.siniscal@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA Listed Species Covered in This Notice

Southern Oregon/Northern California Coast Coho salmon (*Oncorhynchus kisutch*)

Evolutionarily Significant Unit: threatened, naturally produced, and artificially propagated.

Background

The Yurok Tribe submitted a TRMP for review under the ESA Tribal 4(d) Rule. Under Section 4 of the ESA, the Secretary of Commerce (Secretary) is required to adopt such regulations as deemed necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets criteria for such activities to qualify as limits on take prohibitions. The ESA Tribal 4(d) Rule (65 FR 42481, July 10, 2000) states that the take prohibitions of ESA Section 9 will not apply to a TRMP provided that the Secretary has determined that the TRMP will not appreciably reduce the likelihood of survival and recovery for the listed species (50 CFR 223.204(a)).

The Yurok Tribe's TRMP provides a framework through which tribal salmon fisheries can be implemented while meeting requirements specified under the ESA. The TRMP describes the proposed fisheries, establishes limits for harvest, and describes monitoring and reporting provisions associated with the fisheries. The TRMP management objective is for the Tribe to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of ESA-listed coho salmon.

NMFS has analyzed the effects of the TRMP on ESA-listed salmon and steelhead species and has concluded that the TRMP would not appreciably reduce the likelihood of survival and recovery of ESA-listed species, while providing for the proposed tribal harvest opportunities. Our determination depends upon implementation of all of the monitoring, evaluation, reporting tasks or assignments, and enforcement activities included in the TRMP, and that the fisheries stay within the impact limits described in the TRMP.

Summary of Comments Received on the Proposed Evaluation and Pending Determination

Prior to making a final determination on Tribal Plans, NMFS must take comments on its pending determination as to whether or not implementation of the plan will appreciably reduce the likelihood of survival and recovery of ESA-listed salmonids (50 CFR 223.204(b)(3)). NMFS assessed the TRMP and prepared a Proposed Evaluation and Pending Determination (PEPD). The PEPD was posted on the NMFS website and a notice of availability was posted in the **Federal Register** on July 28, 2025 (90 FR 35512). The public comment period expired on August 27, 2026. We received one comment letter on the information contained in the PEPD, which is addressed in the final Evaluation and Recommended Determination (ERD). The PEPD and the final ERD are available at: *https://www.fisheries.noaa.gov/action/tribal-resource-management-plan-trmp-yurok-tribe.*

Authority: 16 U.S.C. 1531 *et seq.;* 16 U.S.C. 742a *et seq.*

Dated: May 26, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–10619 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Native American Tribal Insignia Database

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter ''USPTO'' or ''Agency'') 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 USPTO invites comments on the information collection renewal of 0651–0048, which helps the USPTO assess the impact of its information collection requirements and minimize the reporting burden to the public. Public comments were previously requested via the **Federal Register** on January 23, 2026, during a 60-day comment period (91 FR 2916). This notice allows for an additional 30 days for public comments.

DATES: To ensure consideration, you must submit comments regarding this information collection on or before June 29, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website, *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number, 0651–0048. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

- This information collection request may be viewed at *https://www.reginfo.gov.* Follow the instructions to view the Department of Commerce, USPTO information collections currently under review by OMB.
- *Email: InformationCollection@uspto.gov.* Include ''0651–0048 information request'' in the subject line of the message.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Emily Carlsen, Legal Policy Office, 571–272–2235.

SUPPLEMENTARY INFORMATION:

Title: Native American Tribal Insignia Database.

OMB Control Number: 0651–0048.

Abstract: The Trademark Law Treaty Implementation Act of 1998 (Pub. L. 105–330, 302, 112 Stat. 3071) requires the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. The USPTO conducted the study and presented a report to the House and Senate Judiciary Committees on November 30, 1999.[1] One of the recommendations made in the report was that the USPTO create and maintain an accurate and comprehensive database containing the official insignia of all federally and state-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed

the USPTO to create this database. The USPTO published the final procedures for establishing and maintaining the tribal insignia database in the **Federal Register** on August 24, 2001 (66 FR 44603).[2]

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), bars the registration of marks that falsely suggest a connection with a non-sponsoring person or institution, including a Native American tribe. The database thereby assists trademark examining attorneys to evaluate applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The database, included within the trademark search system, is available to the public on the USPTO website, and includes an online help program for using the system. More information about the program is available on the website at *https://www.uspto.gov/trademarks/laws/native-american-tribal-insignia.*

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of federal trademark registration, and is not a determination as to whether a particular insignia would be refused registration as a trademark pursuant to 15 U.S.C. 1051 *et seq.*

Requests from federally recognized tribes to enter an official insignia into the database must be submitted in writing and include: (1) a depiction of the insignia, including the name of the tribe and the correspondence address; (2) a copy of the tribal resolution adopting the insignia in question as the official insignia of the tribe; and (3) a statement, signed by an official with authority to bind the tribe, confirming that the insignia included with the request is identical to the official insignia adopted by the tribal resolution.

Requests from state-recognized tribes must also be in writing and include each of the three items described above that are submitted by federally recognized tribes. Additionally, requests from state-recognized tribes must include either: (a) a document issued by a state official that demonstrates the state's determination that the entity is a Native American tribe; or (b) a citation to a state statute designating the entity as a Native American tribe.

The USPTO then enters insignia that have been properly submitted by federally or state-recognized Native American tribes into the database and does not investigate whether the insignia is actually the official insignia of the tribe making the request.

This information collection includes the information the USPTO requires to enter an official insignia for a federally or state-recognized Native American tribe into a database of such insignia. There are no forms associated with this information collection.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: State, local, and tribal governments.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 39 respondents.

Estimated Number of Annual Responses: 39 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 1 hour to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 39 hours.

Estimated Total Annual Respondent Non-hourly Cost Burden: $25.

Since the publication of the 60-day notice, the USPTO has updated the postage rate associated with this information collection from $12.10 to $12.25. This results in an increase of $1 in non-hourly cost burden, for a new estimated total annual respondent non-hourly cost burden of $25.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2026–10622 Filed 5–27–26; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* June 28, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletion

On April 23, 2026 (91 FR 21801), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7125–01–667–2783—Shelf, Open Storage, 4 Shelves, 54″, Charcoal
Authorized Source of Supply: MidWest Enterprises for the Blind, Inc., Kalamazoo, MI
Mandatory For: Total Government Requirement
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS FURNITURE SYSTEMS MGT DIV

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–10576 Filed 5–27–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

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

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletion

The following product(s) and service(s) are proposed for deletion to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8415–01–592–2218—Cover, Advanced Combat Helmet, No Comm Flap, OEFCP, S/M
8415–01–592–2220—Cover, Advanced Combat Helmet, No Comm Flap, OEFCP, L/XL
8415–01–515–4662—Cover, Advanced Combat Helmet, Reversible, Woodland/Desert Camouflage, S/M
8415–01–515–4663—Cover, Advanced Combat Helmet, Reversible, Woodland/Desert Camouflage, L/XL
8415–01–F–05–2290—Cover, Enhanced Combat Helmet, Operational Camouflage Pattern—6 Color, L/XL
8415–01–F–05–2291—Cover, Enhanced Combat Helmet, Operational Camouflage Pattern—6 Color, XXL
8415–01–F–05–2292—Cover, Enhanced Combat Helmet, Operational Camouflage Pattern—6 Color, S/M
Authorized Source of Supply: Lions Volunteer Blind Industries, Inc., Morristown, TN
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT
NSN(s)—Product Name(s): 7920–01–620–2689—Scrubber, Grout, Non-Scratch, Light Blue
Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FSS GREATER SOUTHWEST ACQUISITI

Services(s)

Service Type: Administrative Support Services
Mandatory For: US Army, Communications Security Logistics Activity, 2133 Cushing Street, Fort Huachuca, AZ
Authorized Source of Supply: DePaul Industries, Portland, OR
Contracting Activity: DEPT OF DEFENSE, W6QK ACC–APG CONT CT SW SECTOR

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–10574 Filed 5–27–26; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) for qualitative feedback on agency service delivery.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 29, 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: Copies of this ICR, with applicable supporting documentation, may be obtained by contacting Elizabeth K. Appel, Acting General Counsel, 202–606–3614, or by email at *eappel@americorps.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of AmeriCorps, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

A 60-day Notice requesting public comment on this information collection was published in the **Federal Register** on March 24, 2026 at 91 FR 14001. The comment period ended May 26, 2026. No public comments were received.

Title of Collection: Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 3045–0137.

Type of Review: Renewal.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 10,000.

Total Estimated Number of Annual Burden Hours: 1,667.

Abstract: The proposed information collection activity provides a means to obtain qualitative feedback from customers and stakeholders in an efficient, timely manner to improve service delivery. By qualitative feedback, we mean information that provides useful perceptions and opinions (but not statistical surveys

yielding quantitative results that could be generalized to the population of study). This feedback provides insights into customer or stakeholder perceptions, experiences, and expectations; provides an early warning of issues with service; or focuses attention on areas where communication, training, or changes in operations might improve delivery of products or services. The collection allows for ongoing, collaborative, and actionable communication between AmeriCorps and its customers and stakeholders and contributes directly to the improvement of program management. AmeriCorps will solicit feedback on target areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. We use the responses to inform our efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders about the Agency's services will be unavailable. AmeriCorps will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on consideration of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is noncontroversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- The information gathered will be used only internally, for general service improvement and program management purposes, and is not intended for release outside of AmeriCorps;
- The information gathered will not be used to substantially inform policy decisions;
- The information gathered will be qualitative, not quantitative; and
- The collection will not be designed to yield statistically reliable results, nor will the results be used as though they are generalizable to the population.

Generic clearances for qualitative collections will not be used to gather data that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Using data for those purposes requires more rigorous designs that address a range of complete factors.

As a general matter, information collections will not result in any new system of records containing privacy information. They will not ask questions of a sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. Generic qualitative information collections will be used in the same manner as current generic qualitative information collections. AmeriCorps also seeks to continue using the currently approved generic information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on May 31, 2026.

Elizabeth Appel,

Acting General Counsel.

[FR Doc. 2026–10579 Filed 5–27–26; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; AmeriCorps External Reviewer Application Instructions

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) for external reviewers of AmeriCorps grant applications.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 29, 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: Copies of this ICR, with applicable supporting documentation, may be obtained by contacting Katie Kane, Office of Regional Operations, 202–606–6826, *kkane@americorps.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of AmeriCorps, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

A 60-day Notice requesting public comment on this information collection was published in the **Federal Register** on March 25, 2026 at 91 FR 14557. The comment period ended May 26, 2026. No public comments were received.

Title of Collection: AmeriCorps External Reviewer Application Instructions.

OMB Control Number: 3045–0090.

Type of Review: Renewal.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 500.

Total Estimated Number of Annual Burden Hours: 375.

Abstract: The External Reviewer Application is used by individuals who wish to serve as external reviewers for AmeriCorps when external reviewers are needed to review grant applications. The information collected will be used by AmeriCorps to select review participants for each grant competition. The information is collected electronically using AmeriCorps' web-based system. AmeriCorps seeks to renew the current information collection and continue using the currently approved information collection until the renewed information collection is approved by OMB. The currently approved information collection is due to expire on May 31, 2026.

Erin McGrath,

Director, Office of Regional Operations.

[FR Doc. 2026–10578 Filed 5–27–26; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intended Disinterment From Carlisle Barracks Post Cemetery

AGENCY: Department of the Army, DoD.

ACTION: Notice of Intended Disinterment.

SUMMARY: The Office of Army Cemeteries (OAC) is honoring the requests of the family members and Native American Tribes to disinter the human remains of twelve Native American students from the Carlisle Barracks Post Cemetery, Carlisle, Pennsylvania. The decedent names are: Alaska Natives Mabel Stock, Edward Angalook, Lucy Spaulding, and Tummassak (Tomicock); Peter Howe, Richard Morgan, and Christine Redstone from the Fort Peck Tribes; Frances Bones from the Comanche Nation, Fannie Gibson from the Absentee Shawnee Tribe; Della Atkins from the Shoshone Paiute Tribes; Susie Davis from the Grand Traverse Band of Ottawa and Chippewa Indians; Margaret Davis from the Keewenaw Bay Indian Community. These students died between 1879 and 1918 while attending the Carlisle Indian Industrial School. See the **SUPPLEMENTARY INFORMATION** section for more details.

DATES: The Army intends to begin disinterment activities on September 1, 2026. Transportation to and Reinterment in private cemeteries will take place as soon as practical after the disinterment. If other living relatives object to the disinterment of these remains, please provide written objection to MAJ Oluwaseun Adedeji at the email addresses listed below prior to July 1st, 2026. Such objections may delay the disinterment for the decedent in question.

ADDRESSES: Public comments or objections may be mailed to MAJ Oluwaseun Adedeji, OAC Project Manager, 1 Memorial Avenue, Arlington, VA 22211 or emailed to *usarmy.pentagon.hqda-anc-osa.mbx.carlisle-barracks-operations@army.mil* (preferred).

FOR FURTHER INFORMATION CONTACT: MAJ Oluwaseun Adedeji, OAC Project Manager at (703) 517–6545 or the email address listed above.

SUPPLEMENTARY INFORMATION: OAC has received written requests for disinterment from the closest living descendent of each of the twelve individuals. OAC will disinter and facilitate the transport and reinterment of the remains to private cemeteries chosen by the families and Tribes at government expense. This disinterment will be conducted under the authority of Army Regulation 290–5, in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) savings clauses at 25 U.S. Code § 3009. Additional information related to Native Americans buried at the Carlisle Barracks Post Cemetery can be found at *https://armycemeteries.army.mil/Cemeteries/Carlisle-Barracks-Main-Post-Cemetery.*

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2026–10609 Filed 5–27–26; 8:45 am]

BILLING CODE 3711–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0694]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant to the Secretary of Defense for Public Affairs, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to 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 June 29, 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: Joint Civilian Orientation Conference Program (JCOC) Eligibility of Nominators and Candidates; JCOC Nomination Form, JCOC Registration Form; OMB Control Number 0704–0562.

Type of Request: Extension.

Number of Respondents: 180.

Responses per Respondent: 1.

Annual Responses: 180.

Average Burden per Response: 11 minutes.

Annual Burden Hours: 33.

Needs and Uses: Respondents are individuals authorized to nominate candidates for participation in JCOC, and candidates nominated for and selected to participate in JCOC. The JCOC Nomination Form and Registration Form each record the nominator's credentials and contact information and the candidate's credentials and contact information. The completed forms are used to administer the JCOC program, verify the eligibility of nominators and candidates, and to select those nominated individuals for participation in JCOC, which is impossible to do without this information. Ensuring the credentials of nominators and candidates is vital to the integrity and accountability of the JCOC program.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: May 26, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2026–10590 Filed 5–27–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Transitioning Gang-Involved Youth to Higher Education Grant Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—Transitioning Gang-involved Youth to Higher Education Grant Program (TGIY), Assistance Listing Number (ALN) 84.116Y, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Jymece Seward, Telephone: (202) 453–6138. Email: *TGIY-HEP@ed.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Transitioning Gang-

Involved Youth to Higher Education Program (TGIY) (84.116Y) is to provide a funding opportunity for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities that will lead to certification or credentials.

The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Projects for Organizations to Work Directly with Gang-Involved Youth to Help Such Youth Pursue Higher Education Opportunities, Career Pathways and Workforce Readiness, and Returning Education to the States.

Maximum Award: $1,700,000 for a project period of 48 months.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/transitioning-gang-involved-youth-higher-education-program,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362505.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10628 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Strenthening Institutions Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL), is soliciting applications in support of the administration of the Strengthening Institutions Program, Assistance Listing Number (ALN) 84.031A, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Nalini Lamba-Nieves, Telephone: (202) 453–7953. Email: *Nalini.Lamba-Nieves@ed.gov.*

SUPPLEMENTARY INFORMATION: The Strengthening Institutions Program (SIP) (84.031A) provides grants to eligible institutions of higher education (IHEs) to help them become self-sufficient and expand their capacity to serve low-income students by providing funds to improve and strengthen the institution's academic quality, institutional management, and fiscal stability. The FY 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Strengthening Institutional Capacity, Career Pathways and Workforce Readiness, Developing High-Quality, Short-Term Programs That Meet Workforce Pell Grant Requirements, Advancing Artificial Intelligence in Education, and Applications From Rural IHEs. The maximum award for a 60-month budget period is $3,000,000 for individual development grants and $5,000,000 for cooperative arrangement development grants.

Program Authority: 20 U.S.C. 1057–1059g.

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/title-iii-part-programs-strengthening-institutions,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362513.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10623 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–1882]

Agency Information Collection Activities; Comment Request; RSA–509, Annual Protection and Advocacy of Individual Rights Program Performance Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 27, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–1882. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4B104, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Samuel Pierre, *Samuel.Pierre@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: RSA–509, Annual Protection and Advocacy of Individual Rights Program Performance Report.

OMB Control Number: 1820–0627.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 912.

Abstract: The Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report (Form RSA–509) will be used to analyze and evaluate the PAIR Program administered by eligible systems in states. These systems provide services to eligible individuals with disabilities to protect their legal and human rights. RSA uses the form to meet specific data collection requirements of Section 509 of the Rehabilitation Act of 1973, as amended (the Act), and its implementing federal regulations at 34 CFR part 381. PAIR programs must report annually using the RSA–509, which is due no later than 120 days after the end of each fiscal year.

The collection of information through Form RSA–509 has enabled RSA to furnish the President and Congress with data on the provision of protection and advocacy services and has helped to establish a sound basis for future funding requests. Data from the form have been used to evaluate the effectiveness of eligible systems within individual states in meeting annual priorities and objectives. These data also have been used to indicate trends in the provision of services from year-to-year.

Respondents are not-for-profit organizations.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–10634 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing TRIO Training Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL), is soliciting applications in support of the administration of the Training Program for Federal TRIO Programs on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern Time on July 6, 2026.

FOR FURTHER INFORMATION CONTACT: Rebecca Ell at *Rebecca.Ell@ed.gov* or 202–453–6348. ReShone Moore, Ph.D., at *reshone.moore@ed.gov* or 202–453–7624

SUPPLEMENTARY INFORMATION: The purpose of the Training Program for Federal TRIO Programs (Training Program), Assistance Listing Number 84.103A, is to provide grants to train the staff and leadership personnel employed in, participating in, or preparing for employment in, projects funded under the Federal TRIO Programs, to improve project operation. The FY 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Student Access and Enrollment Pathways; Student Persistence, Progress, and Outcomes; Program Operations, Compliance & Leadership, and Enhancing Support for Career Planning.

Maximum Annual Award

- For an applicant under the Student Access and Enrollment Pathways priority, $1,100,000 for each 12 month budget period.
- For an applicant under the Student Persistence, Progress, and Outcomes; or Program Operations, Compliance & Leadership priorities, $550,000 for each 12 month budget period.

Program Authority: 20 U.S.C. 1070a–11 and 20 U.S.C. 1070a–17.

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/federal-trio-programs/training-program-federal-trio-programs-84103a,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362512.* The application notice and instructions on *Grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence,

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10630 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Basic Needs Program Competition

AGENCY: U.S. Department of Education (ED), U.S. Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—Basic Needs for Postsecondary Students Program, Assistance Listing Number (ALN)

84.116N, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT:

Robin Dabney, Telephone: (202) 453–7908.

Email: BasicNeedsforPostsecondary StudentsProgram@ed.gov.

SUPPLEMENTARY INFORMATION: The FIPSE—Basic Needs for Postsecondary Students Program (84.116N) is designed to advance systemic and sustainable solutions to student basic needs insecurity through support programs that address the basic needs of students and to report on practices that improve outcomes for students.

The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Returning Education to the States, Basic Needs Security, and Connecting Students to Work-based learning.

Maximum Award: $5,000,000 for a project period of 48 months.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/basic-needs-postsecondary-students-program,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362508.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence,

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10631 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Centers of Excellence for Veteran Student Success Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—Centers of Excellence for Veteran Student Success (CEVSS) Program, Assistance Listing Number (ALN) 84.116G, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Ashley Hillary, Telephone: (202) 205–4551. Email: *Ashley.Hillary@ed.gov.*

SUPPLEMENTARY INFORMATION: The CEVSS Program (84.116G) is designed to encourage institutions of higher education (IHEs) to develop model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students. The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Establishing a Center of Excellence for Veteran Student Success; and Career Pathways and Workforce Readiness. The maximum award is $3,000,000 for a project period of 36 months.

Program Authority: 20 U.S.C. 1161t; 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/centers-of-excellence-veteran-student-success,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362514.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence,

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10635 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Open Textbook Pilot Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—Open Textbook Pilot Program (OTP), Assistance Listing Number (ALN) 84.116T, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Robin Dabney, Telephone: (202) 453–7908. Email: *OTP@ed.gov.*

SUPPLEMENTARY INFORMATION: The FIPSE—OTP program (84.116T)

supports projects at eligible institutions of higher education (IHEs) or State higher education agencies that create new open textbooks and expand the use of open textbooks and course materials in courses that are part of a degree-granting program, particularly those with high enrollments. Applicants are encouraged to develop projects that demonstrate the greatest potential to achieve the highest level of savings for students through sustainable, expanded use of open educational resources in high-enrollment courses or in programs that prepare individuals for in-demand fields.

The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Improving Collaboration and Dissemination, Addressing Gaps in the Open Textbook Marketplace and Bringing Solutions to Scale, Promoting Student Success, Advancing Artificial Intelligence in Education, and Returning Education to the States.

Maximum Award: $2,000,000 for a project period of 48 months.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/open-textbooks-pilot-program,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362511.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence,

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10632 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–1883]

Agency Information Collection Activities; Comment Request; RSA–227, Annual Client Assistance Program Performance Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before JULY 27, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–1883. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4B104, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact April Trice, *April.Trice@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: RSA–227, Annual Client Assistance Program Performance Report.

OMB Control Number: 1820–0528.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 912.

Abstract: The Annual Client Assistance Program Performance Report (RSA–227) is used to analyze and evaluate the CAP Program administered by eligible grantees throughout the States. The Rehabilitation Act of 1973 (Rehabilitation Act), as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), requires each State to have a CAP in effect to receive payments under the Rehabilitation Act. Section 112 of the Rehabilitation Act authorizes CAP grantees to provide information to individuals with disabilities regarding the services and benefits available under the Rehabilitation Act and the rights afforded them under Title I of the Americans with Disabilities Act. In addition, CAP grantees are authorized to provide advocacy and legal representation to individuals seeking or receiving services under the Rehabilitation Act to resolve disputes with programs providing such services, including vocational rehabilitation services. RSA uses the form to meet specific data collection requirements of Section 112 of the Rehabilitation Act and its implementing Federal regulations at 35 CFR part 370. CAP grantees must report annually using the RSA–227, which is due on or before January 29 of each year.

The collection of information through Form RSA–227 has enabled RSA to

furnish the President and Congress with data on the provision of client assistance. Data is used to indicate trends in provision of services from year-to-year, as well as evaluate the effectiveness of eligible grantees in meeting annual priorities.

The respondents to the RSA–227 are the client assistance programs in each state/territory. RSA received recommendations on the initial development of the RSA–227, including frequency of reporting from CAP grantees to ensure that the information requested could be provided with minimal burden to the respondents.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–10633 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Historically Black Colleges and Universities (HBCU) and Tribally Controlled Colleges and Universities (TCCU) Research and Development Infrastructure Grants Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—HBCU and TCCU Research and Development Infrastructure (RDI) Grants Program, Assistance Listing Number (ALN) 84.116H, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Shakir Davy, Telephone: (202) 453–7792. Email: *Shakir.Davy@ed.gov.*

SUPPLEMENTARY INFORMATION: The RDI Grants Program (84.116H) is designed to provide four-year Historically Black Colleges and Universities (HBCUs) and Tribally Controlled Colleges and Universities (TCCUs) with funds to implement transformational investments in research infrastructure, including research productivity, faculty expertise, graduate programs, physical infrastructure, human capital development, and partnerships leading to increases in external funding. The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Funding for HBCUs' Research and Development Infrastructure; Funding for TCCUs' Research and Development Infrastructure; and Aligning R&D activities with workforce development. The maximum award is $5,000,000 for a project period of up to 48 months.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/research-and-development-infrastructure-grant-program,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362516.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence,

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10636 Filed 5–27–26; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13393–01–OA]

Public Meetings of the Science Advisory Board Contaminant Candidate List (CCL) 6 Augmented Drinking Water Committee (DWC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Branch is announcing public meetings of the SAB Contaminant Candidate List (CCL) 6 Augmented Drinking Water Committee (DWC), (CCL 6 DWC). The purpose of the meetings is to receive a briefing from EPA, review the draft contaminant candidate list, review, discuss, and prepare responses to charge questions and discuss the draft responses on the EPA's draft CCL 6.

DATES: *Public meetings:* The SAB CCL 6 DWC will meet on the following dates. All times listed are in Eastern Time.

1. June 15, 2026, from 12:00 noon to 5:00 p.m.
2. June 29, 2026, from 12:00 noon to 5:00 p.m.
3. June 30, 2026, from 12:00 noon to 5:00 p.m.
4. July 1, 2026, from 12:00 noon to 5:00 p.m.
5. August 26, 2026, from 12:00 noon to 5:00 p.m.

Comments: See the section titled ''Procedures for providing public input'' under **SUPPLEMENTARY INFORMATION** for instructions and deadlines.

ADDRESSES: All meetings will be conducted virtually. Please refer to the Science Advisory Board website at *https://sab.epa.gov* for additional information including how to attend the meetings.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this Notice may contact Carolyn Kilgore, Designated Federal Officer (DFO), via telephone at (202) 564–0230, or email at kilgore.carolyn@*epa.gov.* General information about the SAB, as well as any updates concerning the meetings announced in this document, can be found on the SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the scientific and technical basis for agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S. Code 10. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB CCL 6 DWC will hold five public meetings to receive a briefing

from EPA, review the draft contaminant candidate list, review, discuss, and prepare responses to charge questions, and discuss the draft responses on the EPA's draft CCL 6.

Availability of meeting materials: All meeting materials, including the agenda, will be available on the SAB web page at *https://sab.epa.gov.*

Procedures for providing public input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comments should follow the instructions below to submit comments.

Oral statements: In general, individuals or groups requesting an oral presentation virtually will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral statements should contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; preferably via email, by June 8, 2026, for the June 15, 2026 meeting, by June 22, 2026, for the June 29–July 1, 2026, meetings, and by August 19, 2026, for the August 26, 2026, meeting, to be placed on the list of registered speakers.

Written statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by SAB members, statements should be submitted to the DFO by June 8, 2026, for consideration at the June 15, 2026, meeting, by June 22, 2026, for consideration at the June 29–July 1, 2026 meetings, and by August 19, 2026, for consideration at the August 26, 2026, meeting. Written statements should be supplied by email to the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section. Submitters are requested to provide an unsigned version of each document because the SAB Branch does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; at least ten business days before the meetings, to give the EPA as much time as possible to process your request.

Meeting cancellation: The July 1, 2026, meeting may be canceled if the CCL 6 DWC concludes its business on June 30, 2026. If the July 1, 2026, meeting is canceled, notice will be posted on the SAB website at *https://sab.epa.gov.*

V. Khanna Johnston,

Acting Director, Federal and Science Advisory Committee Division.

[FR Doc. 2026–10637 Filed 5–27–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0236, OMB 3060–0865; FR ID 348253]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before June 29, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the

Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0236.

Title: § 74.703 Interference.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit entities, State, local or Tribal Governments and Not for-profit institutions.

Number of Respondents and Responses: 50 respondents; 50 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in § 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 100 hours.

Total Annual Cost: 100,000.

Needs and Uses: The Commission adopted on April 17, 2023, the Report and Order (R&O), In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Update of Parts 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations, MB Docket Nos. 03–185 and 22–261, FCC 23–25. The Report and Order adopted the following revision to 47 CFR 74.703(h): 47 CFR 74.703(h) requires in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC via a Resumption of Operations notice in the Commission's Licensing and Management System (LMS) after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

The Commission is revising OMB control number 3060–0236. The Commission adopted on October 25, 2021, the Order (Order), In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auction, GN Docket No. 12–268. The Order adopted a number of changes, including removing 47 CFR 74.703(f) and 74.703(g).

This means that collection 3060–0236 now only covers the information collection requirements covered under 47 CFR 74.703(h).

OMB Control No.: 3060–0865.

Title: Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third Party Disclosure Requirements.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, Not-for-profit institutions, and State, Local or Tribal Government.

Number of Respondents and Responses: 57,070 respondents; 57,070 responses.

Estimated Time per Response: .166 hours (10 minutes)–4 hours.

Frequency of Response: Recordkeeping and third-party disclosure requirements; on occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(i) and 309(j).

Total Annual Burden: 77,811 hours.

Annual Cost Burden: No cost.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) as an extension after this 60-day comment period to obtain the full three-year clearance from them.

The purpose of this information collection is to continually streamline and simplify processes for wireless applicants and licensees, who previously used a myriad of forms for various wireless services and types of requests, in order to provide the Commission information that has been collected in separate databases, each for a different group of services. Such processes have resulted in unreliable reporting, duplicate filings for the same licensees/applicants, and higher cost burdens to licensees/applicants. By streamlining the Universal Licensing System (ULS), the Commission eliminates the filing of duplicative applications for wireless carriers; increases the accuracy and reliability of licensing information; and enables all wireless applicants and licensees to file all licensing-related applications and other filings electronically, thus increasing the speed and efficiency of the application process. The ULS also benefits wireless applicants/licensees by reducing the cost of preparing applications, and speeds up the licensing process in that the Commission can introduce new entrants more quickly into this already competitive industry. Finally, ULS enhances the availability of licensing information to the public, which has access to all publicly available wireless licensing information on-line, including maps depicting a licensee's geographic service area.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–10587 Filed 5–27–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0888; FR ID 347999]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), 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 techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before July 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 contacts 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: The FCC 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, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC 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 techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0888.

Title: Section 1.221, Notice of hearing; appearances; § 1.229 Motions to enlarge, change, or delete issues; § 1.248 Prehearing conferences; hearing conferences; § 76.7, Petition Procedures; § 76.9, Confidentiality of Proprietary Information; § 76.61, Dispute Concerning Carriage; § 76.914, Revocation of Certification; § 76.1001, Unfair Practices; § 76.1003, Program Access Proceedings; § 76.1302, Carriage Agreement Proceedings; § 76.1513, Open Video Dispute Resolution.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents and Responses: 684 respondents; 684 responses.

Estimated Time per Response: 6.4 to 95.4 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 4(i), 4(j) 303(r), 338, 340, 614, 615, 616, 623, 628, and 653 of the Communications Act of 1934, as amended.

Total Annual Burden: 34,816 hours.

Total Annual Cost: $3,775,680.

Needs and Uses: Commission rules specify pleading and other procedural requirements for parties filing petitions or complaints under Part 76 of the Commission's rules, including petitions for special relief, cable carriage complaints, program access complaints, and program carriage complaints.

This information collection is being submitted to the Office of Management and Budget as a revision based on the following: In *Time Warner Cable Inc.* v. *FCC,* 729 F.3d 137 (2013) (*Time Warner Cable*), the Second Circuit Court of Appeals vacated the temporary standstill rule for program carriage complaint proceedings set forth in 47 CFR 76.1302(k). Subsequently, the Commission issued an order deleting § 76.1302(k) from its rules to effectuate the Second Circuit's action in *Time Warner Cable.* Section 76.1302(k) was removed from the CFR effective August 26, 2025 (90 FR 41518).

The other information collections covered under this collection are as follows:

47 CFR 1.221(f) requires that, in a program carriage complaint proceeding filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, each party, in person or by attorney, shall file a written appearance within five calendar days after the party informs the Chief Administrative Law Judge that it elects not to pursue alternative dispute resolution pursuant to § 76.7(g)(2) or, if the parties have mutually elected to pursue alternative dispute resolution pursuant to § 76.7(g)(2), within five calendar days after the parties inform the Chief Administrative Law Judge that they have failed to resolve their dispute through alternative dispute resolution. The written appearance shall state that the party will appear on the date fixed for hearing and present evidence on the issues specified in the hearing designation order.

47 CFR 1.229(b)(1) requires that, in a program carriage complaint proceeding filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, a motion to enlarge, change, or delete issues shall be filed within 15 calendar days after the deadline for submitting written appearances pursuant to § 1.221(h), except that persons not named as parties to the proceeding in the designation order may file such motions with their petitions to intervene up to 30 days after publication of the full text or a summary of the designation order in the **Federal Register**.

47 CFR 1.229(b)(2) provides that any person desiring to file a motion to modify the issues after the expiration of periods specified in paragraphs (a) and (b)(1) of § 1.229, shall set forth the reason why it was not possible to file the motion within the prescribed period.

47 CFR 1.248(a) provides that presiding officer may direct the parties or their attorneys to appear at a specified time and place for a status conference during the course of a hearing proceeding, or to submit suggestions in writing, for the purpose of considering, among other things, the matters specified in § 1.248(c). Any party may request a status conference at any time after release of the order designating a matter for hearing. During a status conference, the presiding officer may issue rulings regarding matters relevant to the conduct of the hearing proceeding including procedural matters, discovery, and the submission of briefs or evidentiary materials.

47 CFR 1.248(b) provides that the presiding officer shall schedule an initial status conference promptly after written appearances have been submitted under § 1.91 or § 1.221. At or promptly after the initial status conference, the presiding officer shall adopt a schedule to govern the hearing proceeding. If the Commission designated a matter for hearing on a written record under §§ 1.370 through 1.376, the scheduling order shall include a deadline for filing a motion to request an oral hearing in accordance with § 1.376. If the Commission did not designate the matter for hearing on a written record, the scheduling order shall include a deadline for filing a motion to conduct the hearing on a written record.

47 CFR 76.7. Pleadings seeking to initiate FCC action must adhere to the requirements of § 76.6 (general pleading requirements) and § 76.7 (initiating pleading requirements). Section 76.7 is used for numerous types of petitions and special relief petitions, including general petitions seeking special relief, waivers, enforcement, show cause, forfeiture and declaratory ruling procedures.

47 CFR 76.7(g)(2) provides that, in a proceeding initiated pursuant to § 76.7 that is referred to an administrative law judge, the parties may elect to resolve the dispute through alternative dispute resolution procedures, or may proceed with an adjudicatory hearing, provided that the election shall be submitted in writing to the Commission and the Chief Administrative Law Judge.

47 CFR 76.9. A party that wishes to have confidentiality for proprietary

information with respect to a submission it is making to the FCC must file a petition pursuant to the pleading requirements in § 76.7 and use the method described in §§ 0.459 and 76.9 to demonstrate that confidentiality is warranted. The petitions filed pursuant to this provision are contained in the existing information collection requirement and are not changed by the rule changes.

47 CFR 76.61(a) permits a local commercial television station or qualified low power television station that is denied carriage or channel positioning or repositioning in accordance with the must-carry rules by a cable operator to file a complaint with the FCC in accordance with the procedures set forth in § 76.7. Section 76.61(b) permits a qualified local noncommercial educational television station that believes a cable operator has failed to comply with the FCC's signal carriage or channel positioning requirements (§§ 76.56 through 76.57) to file a complaint with the FCC in accordance with the procedures set forth in § 76.7.

47 CFR 76.61(a)(1) states that whenever a local commercial television station or a qualified low power television station believes that a cable operator has failed to meet its carriage or channel positioning obligations, pursuant to §§ 76.56 and 76.57, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or position such signal on a particular channel.

47 CFR 76.61(a)(2) states that the cable operator shall, within 30 days of receipt of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of the must-carry rules. If a refusal for carriage is based on the station's distance from the cable system's principal headend, the operator's response shall include the location of such headend. If a cable operator denies carriage on the basis of the failure of the station to deliver a good quality signal at the cable system's principal headend, the cable operator must provide a list of equipment used to make the measurements, the point of measurement and a list and detailed description of the reception and over-the-air signal processing equipment used, including sketches such as block diagrams and a description of the methodology used for processing the signal at issue, in its response.

47 CFR 76.914(c) permits a cable operator seeking revocation of a franchising authority's certification to file a petition with the FCC in accordance with the procedures set forth in § 76.7.

47 CFR 76.1003(a) permits any multichannel video programming distributor (MVPD) aggrieved by conduct that it believes constitute a violation of the FCC's program access rules to commence an adjudicatory proceeding at the FCC to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in § 76.7, except to the extent such procedures are modified by § 76.1003.

47 CFR 76.1001(b)(2) permits any multichannel video programming distributor to commence an adjudicatory proceeding by filing a complaint with the Commission alleging that a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor, has engaged in an unfair act involving terrestrially delivered, cable-affiliated programming, which must be filed and responded to in accordance with the procedures specified in § 76.7, except to the extent such procedures are modified by §§ 76.1001(b)(2) and 76.1003. In program access cases involving terrestrially delivered, cable-affiliated programming, the defendant has 45 days from the date of service of the complaint to file an answer, unless otherwise directed by the Commission. A complainant shall have the burden of proof that the defendant's alleged conduct has the purpose or effect of hindering significantly or preventing the complainant from providing satellite cable programming or satellite broadcast programming to subscribers or consumers; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden. In addition, a complainant alleging that a terrestrial cable programming vendor has engaged in discrimination shall have the burden of proof that the terrestrial cable programming vendor is wholly owned by, controlled by, or under common control with a cable operator or cable operators, satellite cable programming vendor or vendors in which a cable operator has an attributable interest, or satellite broadcast programming vendor or vendors; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden.

47 CFR 76.1003(b) requires any aggrieved MVPD intending to file a complaint under this section to first notify the potential defendant cable operator, and/or the potential defendant satellite cable programming vendor or satellite broadcast programming vendor, that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in §§ 76.1001 or 76.1002 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1003(c) describes the required contents of a program access complaint, in addition to the requirements of § 76.7 of this part.

47 CFR 76.1003(c)(3) requires a program access complaint to contain evidence that the complainant competes with the defendant cable operator, or with a multichannel video programming distributor that is a customer of the defendant satellite cable programming or satellite broadcast programming vendor or a terrestrial cable programming vendor alleged to have engaged in conduct described in § 76.1001(b)(1).

47 CFR 76.1003(d) states that, in a case where recovery of damages is sought, the complaint shall contain a clear and unequivocal request for damages and appropriate allegations in support of such claim.

47 CFR 76.1003(e)(1) requires cable operators, satellite cable programming vendors, or satellite broadcast programming vendors which expressly reference and rely upon a document in asserting a defense to a program access complaint or in responding to a material allegation in a program access complaint filed pursuant to § 76.1003, to include such document or documents, such as contracts for carriage of programming referenced and relied on, as part of the answer. Except as otherwise provided or directed by the Commission, any cable operator, satellite cable programming vendor or satellite broadcast programming vendor upon which a program access complaint is served under this section shall answer within twenty (20) days of service of the complaint, provided that the answer shall be filed within forty-five (45) days of service of the complaint if the complaint alleges a violation of section 628(b) of the Communications Act of 1934, as amended, or § 76.1001(a).

47 CFR 76.1003(e)(2) requires an answer to an exclusivity complaint to provide the defendant's reasons for refusing to sell the subject programming to the complainant. In addition, the defendant may submit its programming contracts covering the area specified in the complaint with its answer to refute allegations concerning the existence of an impermissible exclusive contract. If there are no contracts governing the specified area, the defendant shall so certify in its answer. Any contracts submitted pursuant to this provision may be protected as proprietary pursuant to § 76.9 of this part.

47 CFR 76.1003(e)(3) requires an answer to a discrimination complaint to state the reasons for any differential in prices, terms, or conditions between the complainant and its competitor, and to specify the particular justification set forth in § 76.1002(b) of this part relied upon in support of the differential.

47 CFR 76.1003(e)(4) requires an answer to a complaint alleging an unreasonable refusal to sell programming to state the defendant's reasons for refusing to sell to the complainant, or for refusing to sell to the complainant on the same terms and conditions as complainant's competitor, and to specify why the defendant's actions are not discriminatory.

47 CFR 76.1003(f) provides that, within fifteen (15) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1003(g) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three specified events occurs.

47 CFR 76.1003(h) sets forth the remedies that are available for violations of the program access rules, which include the imposition of damages, and/or the establishment of prices, terms, and conditions for the sale of programming to the aggrieved multichannel video programming distributor, as well as sanctions available under title V or any other provision of the Communications Act.

47 CFR 76.1003(j) states in addition to the general pleading and discovery rules contained in § 76.7 of this part, parties to a program access complaint may serve requests for discovery directly on opposing parties, and file a copy of the request with the Commission. The respondent shall have the opportunity to object to any request for documents that are not in its control or relevant to the dispute. Such request shall be heard, and determination made, by the Commission. Until the objection is ruled upon, the obligation to produce the disputed material is suspended. Any party who fails to timely provide discovery requested by the opposing party to which it has not raised an objection as described above, or who fails to respond to a Commission order for discovery material, may be deemed in default and an order may be entered in accordance with the allegations contained in the complaint, or the complaint may be dismissed with prejudice.

47 CFR 76.1003(l) permits a program access complainant seeking renewal of an existing programming contract to file a petition along with its complaint requesting a temporary standstill of the price, terms, and other conditions of the existing programming contract pending resolution of the complaint, to which the defendant will have the opportunity to respond within 10 days of service of the petition, unless otherwise directed by the Commission.

47 CFR 76.1302(a) states that any video programming vendor or multichannel video programming distributor aggrieved by conduct that it believes constitute a violation of the program carriage rules may commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint. The complaint shall be filed and responded to in accordance with the procedures specified in § 76.7, except to the extent such procedures are modified by § 76.1302.

47 CFR 76.1302(b) states that any aggrieved video programming vendor or multichannel video programming distributor intending to file a program carriage complaint must first notify the potential defendant multichannel video programming distributor that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in § 76.1301 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1302(c) specifies the content of carriage agreement complaints, in addition to the requirements of § 76.7 of this part.

47 CFR 76.1302(c)(1) provides that a program carriage complaint filed pursuant to § 76.1302 must contain the following: whether the complainant is a multichannel video programming distributor or video programming vendor, and, in the case of a multichannel video programming distributor, identify the type of multichannel video programming distributor, the address and telephone number of the complainant, what type of multichannel video programming distributor the defendant is, and the address and telephone number of each defendant.

47 CFR 76.1302(d) sets forth the evidence that a program carriage complaint filed pursuant to § 76.1302 must contain in order to establish a prima facie case of a violation of § 76.1301.

47 CFR 76.1302(e)(1) provides that a multichannel video programming distributor upon whom a program carriage complaint filed pursuant to § 76.1302 is served shall answer within sixty (60) days of service of the complaint, unless otherwise directed by the Commission.

47 CFR 76.1302(e)(2) states that an answer to a program carriage complaint shall address the relief requested in the complaint, including legal and documentary support, for such response, and may include an alternative relief proposal without any prejudice to any denials or defenses raised.

47 CFR 76.1302(f) states that within twenty (20) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1302(h) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR 76.1302(j)(1) states that upon completion of such adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, mandatory carriage of a video programming vendor's programming on defendant's video distribution system, or the establishment of prices, terms, and conditions for the carriage of a video programming vendor's programming.

47 CFR 76.1513(a) permits any party aggrieved by conduct that it believes constitute a violation of the FCC's regulations governing open video systems or in section 653 of the Communications Act (47 U.S.C. 573) to commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in § 76.7,

except to the extent such procedures are modified by § 76.1513.

47 CFR 76.1513(b) provides that an open video system operator may not provide in its carriage contracts with programming providers that any dispute must be submitted to arbitration, mediation, or any other alternative method for dispute resolution prior to submission of a complaint to the Commission.

47 CFR 76.1513(c) requires that any aggrieved party intending to file a complaint under this section must first notify the potential defendant open video system operator that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in this part or in section 653 of the Communications Act. The notice must be in writing and must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1513(d) describes the contents of an open video system complaint.

47 CFR 76.1513(e) states that an open video system operator upon which a complaint is served under this section shall answer within thirty (30) days of service of the complaint and specifies the requirements for such answers.

47 CFR 76.1513(f) states within twenty (20) days after service of an answer, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1513(g) requires that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR 76.1513(h) states that upon completion of the adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, requiring carriage, awarding damages to any person denied carriage, or any combination of such sanctions. Such order shall set forth a timetable for compliance, and shall become effective upon release.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2026–10586 Filed 5–27–26; 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, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than June 12, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *The Wooldridge 1996 Irrevocable Trust, Westwood Trust, as trustee, William Davis Felder, as independent trustee and trust committee member; and Raymond E. Wooldridge and Paul Wooldridge, as trust committee members, all of Dallas, Texas; Bradley Edward Wooldridge, Augusta, Kentucky; Rebecca Ann Wooldridge, Kalispell, Montana; Peter Lasch Wooldridge, Paul Zachary Wooldridge, and Zaphney Wooldridge, all of Dallas, Texas;* to join the Wooldridge Family Group, a group acting in concert, to retain voting shares of Reeves Bancshares, Inc. (''Reeves''), Gould, Oklahoma, and thereby indirectly retain voting shares of Cattlemens Bank, Altus, Oklahoma. Raymond Wooldridge is a member of the Wooldridge Family Group and was previously permitted by the Federal Reserve System to acquire shares of Reeves in his individual capacity.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–10629 Filed 5–27–26; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 242 3030]

MindSift LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''MindSift; File No. 242 3030'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Mail Stop H–144 (Annex M), Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period

of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 29, 2026. Write ''MindSift; File No. 242 3030'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write ''MindSift; File No. 242 3030'' on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex M), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include 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 competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before June 29, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from MindSift LLC (''MindSift'' or ''Respondent''). The proposed consent order (''Proposed Order'') has been placed on the public record for 30 days for receipt of public comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with the comments received, and will decide whether it should make final the Proposed Order or withdraw from the agreement and take appropriate action.

Respondent is a New Hampshire limited liability company with its principal place of business in Nashua, New Hampshire. It provides marketing and data brokering services.

MindSift, in conjunction with CMG Media Corporation d/b/a Cox Media Group (''CMG'') and 1010 Digital Works LLC (''1010 Digital''), developed and operated a marketing service that purported to allow CMG's customers to target ads to consumers within particular geographic service areas based on conversations consumers had near their smart devices.

The Commission's proposed two-count complaint alleges that Respondent (I) misrepresented that its marketing service collected and used voice data, obtained consent from consumers for such collection and use, and offered precise geotargeting, and (II) provided the means and instrumentalities for CMG to deceive its customers into purchasing the marketing service.

Regarding Count I, the proposed complaint alleges MindSift represented that its marketing service collected and used voice data from smart devices for marketing purposes, obtained consent for the collection and use of voice data from consumers, and created lists of consumers in particular geographic areas. The proposed complaint alleges that these claims are false or misleading, in violation of section 5 of the FTC Act, because the marketing service did not collect or use voice data, did not obtain consent from consumers for the collection and use of their voice data, and did not create lists of consumers in particular geographic areas.

Regarding Count II, the proposed complaint alleges that by furnishing deceptive representations in marketing materials, sales pitches, and responses to questions from CMG's customers, MindSift provided the means and instrumentalities for CMG to deceive customers. Based on the foregoing, the complaint alleges that Respondent engaged in deceptive acts or practices in violation of section 5(a) of the FTC Act.

The Proposed Order contains injunctive relief designed to prevent Respondent MindSift from engaging in the same or similar acts or practices in the future. Provision I prohibits MindSift from making any misrepresentation about: (1) the qualities or features of its advertising or marketing services; (2) the collection and use of Voice Data; (3) consumers' consent to the collection, use, or disclosure of Voice Data; or (4) the geographic targeting capabilities of its advertising or marketing services. (Voice Data is defined in the Proposed Order.)

Provision II requires MindSift to pay to the Commission $25,000 in monetary relief. Provision III describes the procedures and legal rights related to that payment. Provision IV requires MindSift to provide customer information to enable the Commission to efficiently administer redress to those affected by the deception. Provision V requires MindSift to obtain and submit acknowledgments of receipt of the Order.

Provisions VI–VIII are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondent to provide information or documents necessary for the Commission to monitor compliance. Provision IX states that the Proposed Order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify the Proposed Order's terms in any way.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2026–10546 Filed 5–27–26; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 242 3033]

1010 Digital Works LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''1010 Digital; File No. 242 3033'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Mail Stop H–144 (Annex N), Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 29, 2026. Write ''1010 Digital; File No. 242 3033'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write ''1010 Digital; File No. 242 3033'' on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex N), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include 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 competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before June 29, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from 1010 Digital Works LLC (''1010 Digital'' or ''Respondent''). The proposed consent order (''Proposed Order'') has been placed on the public record for 30 days for receipt of public comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with the comments received, and will decide whether it should make final the Proposed Order or withdraw from the agreement and take appropriate action.

Respondent is a Wisconsin limited liability company with its principal place of business in Mequon, Wisconsin. 1010 Digital provides marketing and data brokering services. 1010 Digital, in conjunction with CMG

Media Corporation d/b/a Cox Media Group (''CMG'') and MindSift LLC (''MindSift''), developed and operated a marketing service that purported to allow CMG's customers to target ads to consumers within particular geographic service areas based on conversations consumers had near their smart devices.

The Commission's proposed two-count complaint alleges that Respondent (I) misrepresented that its marketing service collected and used voice data, obtained consent from consumers for such collection and use, and offered precise geotargeting, and (II) provided the means and instrumentalities for CMG to deceive its customers into purchasing the marketing service.

Regarding Count I, the proposed complaint alleges 1010 Digital represented that its marketing service collected and used voice data from smart devices for marketing purposes, obtained consent for the collection and use of voice data from consumers, and created lists of consumers in particular geographic areas. The proposed complaint alleges that these claims are false or misleading, in violation of section 5 of the FTC Act, because the marketing service did not collect or use voice data, did not obtain consent from consumers for the collection and use of their voice data, and did not create lists of consumers in particular geographic areas.

Regarding Count II, the proposed complaint alleges that by furnishing deceptive representations in marketing materials, sales pitches, and responses to questions from CMG's customers, 1010 Digital provided the means and instrumentalities for CMG to deceive customers. Based on the foregoing, the complaint alleges that Respondent engaged in deceptive acts or practices in violation of section 5(a) of the FTC Act.

The Proposed Order contains injunctive relief designed to prevent Respondent 1010 Digital from engaging in the same or similar acts or practices in the future. Provision I prohibits 1010 Digital from making any misrepresentation about: (1) the qualities or features of its advertising or marketing services; (2) the collection and use of Voice Data; consumers' consent to the collection, use, or disclosure of Voice Data; or the geographic targeting capabilities of its advertising or marketing services. (Voice Data is defined in the Proposed Order.)

Provision II requires Respondent to pay to the Commission $25,000 in monetary relief. Provision III describes the procedures and legal rights related to that payment. Provision IV requires 1010 Digital to provide customer information to enable the Commission to efficiently administer redress to those affected by the deception. Provision V requires Respondent to obtain and submit acknowledgments of receipt of the Order.

Provisions VI–VIII are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondent to provide information or documents necessary for the Commission to monitor compliance. Provision IX states that the Proposed Order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify the Proposed Order's terms in any way.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2026–10547 Filed 5–27–26; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 242 3029]

CMG Media Corporation; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''CMG Media; File No. 242 3029'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Mail Stop H–144 (Annex L), Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 29, 2026. Write ''CMG Media; File No. 242 3029'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write ''CMG Media; File No. 242 3029'' on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex L), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include 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 competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before June 29, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from CMG Media Corporation d/b/a Cox Media Group (''CMG'' or ''Respondent'').

The proposed consent order (''Proposed Order'') has been placed on the public record for 30 days for receipt of public comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with the comments received, and will decide whether it should make final the Proposed Order or withdraw from the agreement and take appropriate action.

Respondent CMG is a Delaware corporation with its principal place of business in Atlanta, Georgia. CMG owns local television and radio stations across the country and sells marketing and advertising services to small- and medium-sized businesses in its television and radio markets.

CMG, in conjunction with MindSift LLC, offered a marketing service that purported to allow CMG's customers to target ads to consumers within particular geographic service areas based on conversations consumers had near their smart devices.

The Commission's proposed one-count complaint alleges Respondent represented that its marketing service collected and used voice data from smart devices for marketing purposes, obtained consent for the collection and use of voice data from consumers, and created lists of consumers in particular geographic areas. The proposed complaint alleges that these claims are false or misleading, in violation of section 5 of the FTC Act, because the marketing service did not collect or use voice data, did not obtain consent from consumers for the collection and use of their voice data, and did not create lists of consumers in particular geographic areas.

The Proposed Order contains injunctive relief designed to prevent CMG from engaging in the same or similar acts or practices in the future. Provision I prohibits CMG from making any misrepresentation about: (1) the qualities or features of its advertising or marketing services; (2) the collection and use of Voice Data; consumers' consent to the collection, use, or disclosure of Voice Data; or the geographic targeting capabilities of its advertising or marketing services. (Voice Data is defined in the Proposed Order.)

Provision II requires Respondent to pay to the Commission $880,000 in monetary relief. Provision III describes the procedures and legal rights related to that payment. Provision IV requires CMG to provide customer information to enable the Commission to efficiently administer redress to those affected by the deception. Provision V requires Respondent to obtain and submit acknowledgments of receipt of the Order.

Provisions VI–VIII are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring CMG to provide information or documents necessary for the Commission to monitor compliance. Provision IX states that the Proposed Order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify the Proposed Order's terms in any way.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2026–10548 Filed 5–27–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0053]

Challenges and Solutions in Lot-Level Food Traceability; Public Meeting and Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public meeting titled ''Challenges and Solutions in Lot-Level Food Traceability.'' The purpose of the meeting is to provide a forum for the public to share information on continued implementation of the Food Traceability Rule and areas of concern, especially as they relate to lot-level tracking, and identify potential flexibilities to support compliance. In addition, FDA has developed a discussion paper titled ''Identifying Additional Flexibilities for Satisfying the Food Traceability Rule's Lot-Level Tracking Requirement'' that includes potential flexibilities for lot-level food traceability and questions we have regarding those flexibilities. This discussion paper may be helpful to speakers as they develop remarks for the public meeting. We are also providing an opportunity for all stakeholders to submit feedback on the discussion paper.

DATES: The public meeting will be held on June 15, 2026, from 12:00–3:30 p.m. Eastern Time. Either electronic or written comments on this public meeting or discussion paper must be submitted by July 15, 2026. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held virtually, and login instructions will be provided at registration.

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 July 15, 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–2014–N–0053 for ''Challenges and Solutions in Lot-Level Food Traceability: Public Meeting.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' will be 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: Katherine Vierk, Office of Surveillance Strategy and Risk Prioritization, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2122, *Katherine.Vierk@fda.hhs.gov;* or Alissa Van Wie, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–654–7524, *Alissa.Vanwie@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FDA final rule, ''Requirements for Additional Traceability Records for Certain Foods'' (87 FR 70910, November 21, 2022) (Food Traceability Rule), establishes enhanced recordkeeping requirements for those who manufacture, process, pack, or hold foods on FDA's Food Traceability List. The Food Traceability Rule requires lot-level tracking for foods on the Food Traceability List. Businesses that perform specific activities are required to assign unique codes, known as Traceability Lot Codes, that must be passed along unchanged (unless the food is transformed) as the food moves through the supply chain. Entities that handle foods on the Food Traceability List are required to record Key Data Elements (KDEs), such as the Traceability Lot Code, when they perform specific Critical Tracking Events (CTEs) like initial packing, transformation, and shipping. Lot-level tracking enables rapid tracing of contaminated foods during recall events, allowing FDA to find the source of the food faster, narrowing the scope of recalls, and removing affected product from the supply chain quickly, resulting in fewer foodborne illnesses and deaths.

The original compliance date for all persons subject to the recordkeeping requirements of the Food Traceability Rule was January 20, 2026. FDA proposed to extend the compliance date for the rule by 30 months to July 20, 2028 (90 FR 38084, August 7, 2025). Subsequently, the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act of 2026 (Pub. L. 119–37) (Continuing Appropriations Act) directed FDA not to enforce the Food Traceability Rule prior to that same date of July 20, 2028. FDA intends to comply with this Congressional directive.

Section 780 of the Continuing Appropriations Act also directed FDA to engage quarterly with regulated entities to identify and implement, as appropriate, additional flexibilities for satisfying the Food Traceability Rule's lot-level tracking requirement. This public meeting is part of a series of engagements being held to fulfill that directive. Congress further stated that within 180 days of the Continuing Appropriations Act's enactment, FDA should provide industry stakeholders with recommendations for these additional flexibilities. At present, with most of the quarterly engagements still ahead of us, we have not made a decision about the scope of flexibilities

that would best address the challenges being faced by regulated entities while still protecting public health and maintaining the benefits of the Food Traceability Rule. However, we recognize Congress's desire for FDA to be transparent with stakeholders about this process, and specifically about where things stand approximately 180 days after enactment of the Continuing Appropriations Act. One goal of the discussion paper, ''Identifying Additional Flexibilities for Satisfying the Food Traceability Rule's Lot-Level Tracking Requirement,'' is to provide that transparency.

II. Topics for Discussion at the Public Meeting

The goal of this public meeting is for FDA to hear stakeholder feedback on lot-level food traceability efforts and implementation challenges facing industry. FDA is interested in hearing about the challenges and potential solutions for satisfying the Food Traceability Rule's lot-level tracking requirements.

We are also making available a discussion paper, ''Identifying Additional Flexibilities for Satisfying the Food Traceability Rule's Lot-Level Tracking Requirement,'' that includes potential flexibilities and questions we have around those flexibilities (Ref. 1). We intend for this discussion paper to further dialogue with regulated entities and other stakeholders, including at this public meeting, and help advance progress toward successful implementation of the Food Traceability Rule. We encourage those participating in this public meeting to consider the questions in this discussion paper as you develop your remarks for this meeting.

We want to provide all stakeholders with an opportunity to actively engage with FDA on this topic. We therefore invite and encourage all interested parties to submit feedback on the discussion paper to *https://www.regulations.gov,* Docket No. FDA–2014–N–0053. Comments do not need to cover every question that is asked in the document; you are encouraged to focus on whichever aspects of the discussion paper are of the most interest to you. To ensure that we can fully consider your feedback as we work to expeditiously identify flexibilities to implement, please submit your comments no later than July 15, 2026.

Please note that the discussion paper does not reflect an exhaustive list of options that FDA plans to consider. New ideas may emerge as a result of this public meeting and our other upcoming engagements with stakeholders. The document is meant to capture the areas where we currently have the most questions, or where we think further dialogue would be especially helpful. Please also note that the order in which the topics are listed is not meant to represent a prioritization or a preference for any topic.

III. Participating in the Public Meeting

Registration: Please visit the following website for additional information and to register for the public meeting: *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/fda-public-meeting-challenges-and-solutions-lot-level-food-traceability-06152026?utm_medium=email&utm_source=govdelivery.*

The virtual public meeting is free and open to the public, but registration is necessary to attend. General registration will remain open until June 14, 2026. Individuals who want to speak during the public comment period must register by June 5, 2026. Same-day registration is not allowed. Individuals that have already registered through the Partnership for Food Traceability website do not need to register again. Instructions for joining the virtual meeting will be provided upon registration.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during the public comment session. We will do our best to accommodate all requests to make public comments. Following the close of registration, we will determine the amount of time allotted to each presenter and will notify participants in advance. All requests to make oral presentations must be received by the close of registration on June 5, 2026. All presentations must be given orally; slides or visuals will not be able to be accommodated on the virtual platform. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

IV. References

1. Food and Drug Administration, ''Discussion Paper: Identifying Additional Flexibilities for Satisfying the Food Traceability Rule's Lot-Level Tracking Requirement''. 2026.

Notice of this meeting is given pursuant to 21 CFR 10.65.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10603 Filed 5–27–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–4390]

AI-Enabled Optimization of Early-Phase Clinical Trials Pilot Program; Request for Information; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for information; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the notice entitled ''AI-Enabled Optimization of Early-Phase Clinical Trials Pilot Program; Request for Information'' that appeared in the **Federal Register** of April 29, 2026. In the notice, FDA requested comments to solicit input on a proposed pilot program to assess how artificial intelligence (AI)-enabled technologies can improve efficiency, speed, and quality of decision-making in early phase clinical trials. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the request for information published April 29, 2026 (91 FR 23100). Either electronic or written comments must be submitted by June 29, 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 June 29, 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–4390 for ''AI-Enabled Optimization of Early- Phase Clinical Trials Pilot Program; Request for Information.'' 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: Mallika Mundkur, Deputy Chief Medical Officer, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–8800. Please send relevant correspondence to Juliane Carvalho, Senior Advisor, Office of the Commissioner, *juliane.carvalho@fda.hhs.gov* with ''RTCT–Response to RFI'' in the subject line.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 29, 2026, FDA published a notice with a 30-day comment period to request comments on the document entitled ''AI-Enabled Optimization of Early-Phase Clinical Trials Pilot Program; Request for Information.'' FDA issued this request for information to solicit input on a proposed pilot program to assess how AI-enabled technologies can improve efficiency, speed, and quality of decision-making in early phase clinical trials.

The Agency has received a request for a 30-day extension of the comment period for the request for information.

FDA has considered the request and is extending the comment period for the request for information for 30 days, until June 29, 2026. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10602 Filed 5–27–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development (K Awards).

Date: June 25, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Steven G. Britt, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0000, *steve.britt@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neural Basis of Motivated Behavior.

Date: June 25–26, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3553, *jennifer.sanders@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement Awards: Molecular Biology Technologies.

Date: June 25, 2026.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community and Place-Based Determinants of Health.

Date: June 25, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maria De Jesus Diaz Perez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000G, Bethesda, MD 20892, (301) 496–4227, *diazperezm2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Gastroenterology and Hepatology.

Date: June 26, 2026.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis/Chronic Fatigue.

Date: June 26, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aleksey Gregory Kazantsev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20817, (301) 435–1042, *aleksey.kazantsev@nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Molecular Cancer Diagnosis and Classification Study Section.

Date: June 26, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Victor A. Panchenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 802B2, Bethesda, MD 20892, (301) 480–6827, *victor.panchenko@nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: June 26, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3385, *zheng.li3@nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Immunobiology of Transplantation and Alloimmunity Study Section.

Date: June 26, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anthony D. Foster, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3297, *anthony.foster@nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Immunity and Host Defense Study Section.

Date: June 26, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Institutional Research Training and Research Education Programs in the Behavioral, Health, and Population Sciences (T32/R25).

Date: June 26, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David Erik Pollio, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006F, Bethesda, MD 20892, (301) 594–4002, *polliode@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Brain Development, Aging, and Cognition.

Date: June 26, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5702, *sindhu.kizhakkemadathil@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Kidney, Urology, and Related Disciplines.

Date: June 26, 2026.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 721–B, Bethesda, MD 20892, (301) 451–1322, *ryan.morris@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 22, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–10544 Filed 5–27–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #02509–014–014–004–125222; LLOR957000]

Filing of Plats of Survey; Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Oregon State Office, Portland, Oregon, 30 calendar days from the date of this publication. The surveys announced in this notice, which were executed at the request of the BLM, U.S. Forest Service, Fish and Wildlife Service, and the National Park Service, are necessary for the management of these lands.

DATES: Protests must be received by the BLM Oregon State Office prior to the

scheduled date of official filing, June 29, 2026.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW 3rd Avenue, Portland, Oregon 97204, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Robert Femling, Branch Chief of Geographic Sciences; telephone: (503) 808–6633, email: *rfemling@blm.gov,* address: Branch of Geographic Sciences, Bureau of Land Management, 1220 SW 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact Mr. Femling during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon:

Willamette Meridian, Oregon

T. 7 N., R. 10 W., sections 3 and 4, accepted February 18, 2026
T. 28 S., R. 7 W., sections 8 and 9, accepted February 20, 2026
T. 29 S., R. 8 W., sections 3 and 9, accepted February 20, 2026
T. 28 S., R. 8 W., sections 22 and 35, accepted February 20, 2026
T. 11 S., R. 4 E., sections 15 and 22, accepted February 20, 2026
T. 28 S., R. 8 W., section 26, accepted February 20, 2026
T. 30 S., R. 10 E., sections 16, 17, 20, and 21, accepted February 20, 2026
T. 30 S., R. 8 W., sections 5, 7, and 15, accepted February 23, 2026

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for Oregon/Washington, Bureau of Land Management, at the address listed in the **ADDRESSES** section of this notice.

The notice of protest must identify the specific plat(s) of survey that the person or party wishes to protest. The notice of protest must be received in the BLM Oregon State Office no later than the scheduled date of the proposed official filing of plat(s) of survey being protested, see the **DATES** section earlier; if received after regular business hours, a notice of protest will be considered filed the next business day. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered.

A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM State Director for Oregon/Washington within 30 days after the notice of protest is received.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C., Chapter 3)

Robert Femling,

Chief Cadastral Surveyor for Oregon/Washington.

[FR Doc. 2026–10610 Filed 5–27–26; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7182; NPS–WASO–NAGPRA–NPS0042860; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York University, College of Dentistry, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), New York University, College of Dentistry (NYUCD) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Gabriel Friedman, Senior Project Lead, Office of the Provost, New York University, 70 Washington Square South, New York, NY 10012, email *nagpra@nyu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of NYUCD, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals (Ancestors) have been identified. No associated funerary objects have been identified. These Ancestors were transferred from the Department of Physical Anthropology, Museum of the American Indian (MAI) to Dr. Theodore Kazimiroff at NYUCD in 1956.

On an unknown date, one Ancestor was removed by an unknown individual from an unknown site near Bogota, Bergen County, New Jersey. In 1925, the Ancestor was accessioned into the collection the MAI. No donor is listed in the records.

In 1906, one individual was removed by an unknown individual from an unknown site near Greenville, Jersey City, New Jersey. No donor is listed in the records. The remains were not catalogued in the ledger of the DPA, MAI, but were transferred to NYUCD from the DPA, MAI with the other Ancestors in 1956.

On an unknown date, one Ancestor was removed from an unknown site near Branchville, Sussex County, New Jersey. In 1904, the individual was donated to the MAI by collector A.A. Getman. The Ancestor was catalogued into the collection of the MAI in 1917. NYUCD has no knowledge or record of the presence of any potentially hazardous substances used to treat any of the human remains.

On an unknown date, one Ancestor was removed by Edwin C. Waters from an unknown site near Cornwall, Orange County, New York. In 1917 the Ancestor was catalogued in the DPA, collection as ''Manhasset.'' NYUCD has no knowledge or record of the presence of any potentially hazardous substances used to treat any of the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

NYUCD has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, NYUCD must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. NYUCD is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10566 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7179; NPS–WASO–NAGPRA–NPS0042857; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Missouri, Museum of Anthropology, Columbia, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Missouri, Museum of Anthropology has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Candace Sall, University of Missouri, Museum of Anthropology, 1020 Lowry Street, Columbia, MO 65211, email *nagpra@missouri.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Missouri, Museum of Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The nine associated funerary objects include ceramic fragments, fired clay fragments, debitage, and flake tools. The individual and associated funerary objects were removed from an unknown location near Eureka Springs in Carroll County, AR by an unknown collector at an unknown date, and donated to the Museum at an unknown date. No known hazardous substances were used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The University of Missouri, Museum of Anthropology has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The nine objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the University of Missouri, Museum of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Missouri, Museum of Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10561 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7183; NPS–WASO–NAGPRA–NPS0042861; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California Polytechnic State University San Luis Obispo, San Luis Obispo, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California Polytechnic State University San Luis Obispo (Cal Poly) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kent Spiers, Cal Poly, 1 Grand Avenue, San Luis Obispo, CA 93407, email *spiers@calpoly.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Cal Poly, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three objects of cultural patrimony are stone and obsidian projectile points. There are two stone projectile points and one obsidian projectile point that are considered Native American and are items of cultural patrimony. Provenience and provenance information is limited. Two points were reportedly transferred from a retired faculty member without documentation, and one point was reportedly found on a trail in San Luis Obispo County, California. There are no known potentially hazardous substances used to treat any of the cultural items.

Determinations

Cal Poly has determined that:

- The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, Cal Poly must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Cal Poly is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10567 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7188; NPS–WASO–NAGPRA–NPS0042866; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Eastern Washington University, Cheney, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Eastern Washington University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Kate Valdez, NAGPRA Coordinator, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, email *vvaldez6@ewu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Eastern Washington University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. Human remains representing, at minimum, one individual were removed from Mason County, WA. In 1961, human remains representing one individual were removed from near Lilliwaup in Mason County, WA. The remains were removed by Jane Durken near the old Eldon Hotel and donated to the Burke Museum in 1963 (Burke Accn. #1963–36). No known individuals were identified. In 1974, the Burke Museum legally transferred portions of the human remains to Seattle University. Sometime in the early 1990s, these human remains were transferred to the Confederated Tribes of the Colville Reservation, then subsequently transferred in 1992 to Eastern Washington University for identification. No known individuals were identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Eastern Washington University has determined that:

• The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• There is a connection between the human remains described in this notice and the Skokomish Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the Eastern Washington University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Eastern Washington University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10570 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7176; NPS–WASO–NAGPRA–NPS0042854; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Davis (UC Davis) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Megon Noble, NAGPRA Project Manager, University of California, Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

There is a total of 2,463 lots of associated funerary objects (134 of which are currently missing or discarded) from the Bodega Marine Lab (UC Davis Accession 490). The 2,329 lots of present associated funerary objects are 1,201 lots of unmodified shell, 299 lots of faunal bone, 260 lots of chipped stone, 233 lots of organic material, 165 lots of fire affected rock, 70 lots of charcoal, 51 lots of historic material, 19 lots of worked shell and shell beads, 12 lots of unmodified stone, 11 lots of petrified wood, six lots of groundstone, one lot of obsidian hydration slides, and one lot of worked bone. The 134 lots of missing or discarded associated funerary objects are 108 lots of organic material, 19 lots of unmodified shell, three lots of charcoal, two lots of soil samples, one lot of fire affected rock, and one lot of unidentified missing material. Accession 490 resulted from UC Davis archaeology field schools led by graduated student Michael Kennedy between 1997 and 1999. The collection is comprised of three sites, all located within UC Davis's Bodega Marine Reserve in Sonoma County, California. The three sites are CA–SON–322 (Bodega Lagoon Site), CA–SON–327 (Mussel Point) and CA–SON–2378 (Bodega Marine Lab (BML) Site/Ocean Springs).

There is a total of eight lots of associated funerary objects from the Bodega Bay area in the UC Davis Department of Anthropology Teaching Collection (four of which are currently missing). The associated funerary objects are obsidian projectile points. They were surface collected by Michael Kennedy from the Bodega Bay area between 1998 and 2000 and donated to the Teaching Collection in 2002.

There is a total of 12 associated funerary objects from the Bodega Marine Lab and Reserve (BML/BMR) property. The associated funerary objects are six lots of projectile points, one lot of chipped stone and shell, one small grinding bowl, one large grinding bowl, one grinding bowl fragment, one stone, and one lot of unidentified missing material. The projectile points, stone, chipped stone, and shell were found on BMR property and deposited at the BML at various dates. The small grinding bowl may have been found in the 1960s during construction. The large grinding bowl was found in the late 1980s while excavating for building construction. The grinding bowl fragment was found on the property at an unknown date.

There is a total of one associated funerary object from Novato, Marin County, California in the UC Davis Anthropology Teaching Collection. The associated funerary object is a groundstone pestle that was acquired at an unknown time.

The affiliation of the above collections is with the Federated Indians of Graton Rancheria, California. UC Davis is unaware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances. However, UC Davis has not conducted any pesticide testing.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

UC Davis has determined that:

• The 2,484 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• There is a connection between the associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026.. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10557 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7172; NPS–WASO–NAGPRA–NPS0042842; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Oakland Museum of California, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Oakland Museum of California (OMCA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Anna Bunting, Oakland Museum of California, 1000 Oak Street, Oakland, CA 94607, email *nagpra@museumca.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the OMCA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of seven cultural items have been requested for repatriation. The seven unassociated funerary items are lithics, cataloged as five charm stones, one arrow point, and one fishing weight. A total of four of the charm stones were removed from Sonoma County prior to 1909 by Charles P. Wilcomb, and acquired by the Oakland Public Museum (OPM) in 1909. OPM and its collection were incorporated into the Oakland Museum of California (OMCA) in 1969. A total of one charm stone was removed from Sonoma County prior to 1912 and was donated to OPM by Edward Paxton in 1912. A total of one arrow point was found by Grant Monroe near Kenwood in Sonoma County at an unknown date and was donated to OPM in 1950 by the collector. A total of one fishing weight was found by Cameron Lyon near the crest of Bear Valley Trail in Point Reyes, Marin County at an unknown date and was donated to OMCA by the collector in 1992. The presence of potentially hazardous substances on these particular items is unknown.

Determinations

The OMCA has determined that:

- The seven unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the OMCA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The OMCA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10554 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7175; NPS–WASO–NAGPRA–NPS0042848; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Department of Natural Resources, Jefferson City, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Department of Natural

Resources (MoDNR) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Caroline Crecelius, Repatriation Coordinator at Missouri Department of Natural Resources, 1659 E Elm Street, Jefferson City, MO 65101, email *caroline.crecelius@dnr.mo.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Missouri Department of Natural Resources, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least 16 individuals have been identified. The 12 associated funerary objects include eight shell beads, two ceramic sherds, one lot debitage, and one lot faunal bone fragments. The human remains and associated funerary objects originated from archaeological site 3PU200, also known as the Nevins Cairn site, in Pulaski County, Missouri. They were excavated by archaeologists on private land in 1981 and were transferred to the MoDNR in 2015.

Human remains representing at least two individuals have been identified. The one associated funerary object is one lot of faunal bone fragments. The human remains and associated funerary object originated from archaeological site 23PU44, also known as Goat Bluff Cave or Bruce Cave, on private property near Jerome, Pulaski County, Missouri. They were unearthed by a private landowner there in the 1950's.

Human remains representing at least four individuals have been identified. No associated funerary objects are present. The human remains originated from an unspecified archaeological site near where the Gasconade River crosses Interstate-44 in Pulaski County, MO. The remains were donated to the Department of Oral Biology at the University of Illinois in Chicago by a former faculty member several decades ago, and were transferred to the MoDNR in 2012.

Human remains representing at least two individuals have been identified. The 198 associated funerary objects include 166 ceramic sherds, one scallorn point, one serrated point, two reworked scrapers, 10 lithic fragments, one miscellaneous rock, one lot debitage, 13 large faunal fragments, two mussel shells, and one bone awl. The human remains and associated funerary objects originated from archaeological site 23PU40, a southwest facing cave commonly known as Doyle Cave, through private archaeological excavation in 1961. All ancestors and belongings were transferred to the Center for Archaeological Research in Springfield, Missouri in 1998, with transfer of all materials to MoDNR completed in 2026.

Human remains representing at least five individuals have been identified. No associated funerary objects are present. The human remains originated from an unspecified cave site on private property in Pulaski County, Missouri, and were donated to the MoDNR in 2002 by the wife of a deceased collector.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Missouri Department of Natural Resources has determined that:

- The human remains described in this notice represent the physical remains of at least 29 individuals of Native American ancestry.
- The 211 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the Missouri Department of Natural Resources must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Missouri Department of Natural Resources is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10556 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7187; NPS–WASO–NAGPRA–NPS0042865; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History intends to repatriate a certain cultural item that meets the definition of a sacred object/object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object/object of cultural patrimony is a Tsimshian amhalaayt (chiefly headdress). This item was purchased by Major Max Fleischmann, from W.C. Waters' Bear Totem Store in Wrangell, Alaska in 1939, and donated to the Santa Barbara Museum of Natural History later that same year. Traditional knowledge of Indian Tribes shared through consultation revealed that this amhalaayt was created and worn by Sm'oogyit Niishluut (Chief Sidney Campbell), a founding leader and Chief of the Metlakatla Indian Community.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The one sacred object/object of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Metlakatla Indian Community, Annette Island Reserve.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10569 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7185; NPS–WASO–NAGPRA–NPS0042863; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office (BLM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Robin O. Mills, Bureau of Land Management, 222 W 7th Avenue #13, Anchorage, AK 99513, email *rmills@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

These data supplement NICs published previously for other repatriations of ancestral remains and funerary objects for sites in Kachemak Bay, AK (71 FR 19688, April 15, 1993; 65 FR 24503, April 26, 2000; 88 FR 48912, July 28, 2023). Based on the information available, additional human remains representing at least 10 individuals have been reasonably identified at the University of Pennsylvania Museum (UPM), Philadelphia, PA, including five (n=5) from the Yukon Island site (49–SEL–00001) in southern Kachemak Bay (UPM 31–20–11.3, 31–20–108.1, 31–20–443), and five (n=5) from the Cottonwood Creek site (49–SEL–00030) on the north shore of Kachemak Bay (UPM 32–7–144A & –144B, 32–7–715, 32–7–1522.1, 32–7–1705).

There are 21 associated funerary objects (AFOs). A total of six AFOs from SEL–00030 include: an antler artificial burial eye (UPM 31–20–104, associated with (@) previously repatriated remains 31–20–102), a slate blade (31–20–109, @ 31–20–108), bear faunal remains (31–20–115.1, @previously repatriated 31–20–115), a bone point (31–20–445) and cut faunal remains (31–20–453) and a bone awl (31–20–469), all @previously repatriated 31–20–443.

A total of 14 AFOs from SEL–00001 include: a barbed bone point (31–20–2351, @with previously repatriated 31–20–2346), two bone artificial burial eyes (32–7–1747) and a marble labret (32–7–1748) and a pointed bone splinter (32–7–1753) @previously repatriated 32–7–1744, a bone artificial burial eye (32–7–1749, @previously repatriated 32–7–1743), two bone artificial burial eyes (32–7–1750a–b, @previously repatriated 32–7–1745), a marble labret (32–7–1752, @previously repatriated 32–7–1746), and five AFOs @previously repatriated 32–9–1 (ivory labret, 32–9–2; ear plug 32–9–3; basalt lance blade, 32–9–4;

organic dart head, 32–9–5; bird bone bead, 32–9–53).

A total of one AFO is from the Yukon Island Fox Farm site (49–SEL–00041): a greenstone adze blade (31–20–2148), associated with previously repatriated ancestral remains 31–20–2320.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The BLM has determined that:

- The human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- The 21 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Native Village of Nanwalek (aka English Bay); Native Village of Port Graham; and the Seldovia Village Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10564 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–42832; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before May 9, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by June 12, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 9, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

ALABAMA

Lowndes County

Ramah Baptist Church, 512 Calhoun Cut-off Road, Letohatchee vicinity, SG100013132

DISTRICT OF COLUMBIA

District of Columbia

Fleeson, Doris House, 3344 P Street NW, Washington, SG100013137

KANSAS

Ellis County

Lincoln Grade School (Public Schools of Kansas MPS), 1906 Ash Street, Hays, MP100013141

Holy Cross Church and School, 1606 Sarratov Street, Pfeifer, SG100013143

Marion County

Arnold School (Public Schools of Kansas MPS), 111 W 6th St., Florence, MP100013131

Rush County

St. Joseph's Catholic Church, Rectory, and School (Post Rock Limestone Properties in Kansas, 1870–1948 MPS), 202 Main Street, Liebenthal, MP100013144

Sedgwick County

Webster Elementary, 640 N Emporia Ave., Wichita, SG100013134

Shawnee County

Warring House, 1215 Southwest 11th Avenue, Topeka, SG100013135

Central YMCA—Topeka, 421 SW Van Buren Street, Topeka, SG100013136

MISSISSIPPI

Jackson County

W.C. & Elaine Gryder House, 1212 Iola Road, Ocean Springs, SG100013127

Warren County

Buena Vista Plantation House, 17123 Highway 465, Eagle Lake, SG100013142

OREGON

Multnomah County

Le Guin, Ursula K., House, 3321 NW Thurman Street, Portland, SG100013139

Union County

La Grande Carnegie Library, 1006 Penn Avenue, La Grande, SG100013138

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2026–10589 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7186; NPS–WASO–NAGPRA–NPS0042864; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), U.S. Department of the Interior, Bureau of Land Management, Alaska State Office (BLM) intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Robin O. Mills, Bureau of Land Management Alaska State Office, 222 W 7th Avenue #13, Anchorage, AK 99513, email *rmills@blm.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is University of Pennsylvania Museum Object #32–7–1052, which is an artificial bone eye. Such eyes were used during prehistoric burial practices in Kachemak Bay, Alaska. This particular UFO was excavated by archaeologist Frederica de Laguna in 1932 during excavations at the Yukon Island site (49–SEL–00001). The UFO was found in the midden of this site and not directly associated with any ancestral human remains or burials.

Determinations

The BLM has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Native Village of Nanwalek (aka English Bay); Native Village of Port Graham; and the Seldovia Village Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10565 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7181; NPS–WASO–NAGPRA–NPS0042859; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office (BLM) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Robin O. Mills, Bureau of Land Management, 222 W 7th Avenue #13, Anchorage, AK 99513, email *rmills@blm.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. No associated funerary objects are present. The remains consist of one fragment of the iliac crest of an innominate that was retrieved from the East Cape site (49–KOD–00032) on eastern Spruce Island, Kodiak archipelago, Alaska, in 1964 during a University of Wisconsin-Madison affiliated archaeological survey.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The BLM has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Native Village of Ouzinkie.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10563 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–42885; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before May 16, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by June 12, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 16, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name(if applicable), Address/Boundary, City, Vicinity, Reference Number.

COLORADO

Denver County

Zion Baptist Church, 933 E 24th Avenue, Denver, SG100013146

IOWA

Jasper County

Maytag Plant No. 1 Historic District, Roughly bounded by W 4th St. N, N 3rd Ave. W, IIRR, Newton, SG100013157

LOUISIANA

East Baton Rouge Parish

Wilson-Jones House, 16735 Liberty Rd., Greenwell Springs vicinity, SG100013167

Livingston Parish

Maurice Cannon and Alice Redmond Kemp, Jr. House, 28315 Hwy. 444, Killian vicinity, SG100013166

Orleans Parish

Wembley Industries. Inc, 3949 Euphrosine Street, New Orleans, SG100013159

MARYLAND

Baltimore INDEPENDENT CITY

Laurel Cemetery, 2401 Belair Rd., Baltimore, SG100013158

MISSISSIPPI

Hinds County

''Forest Home'', 5230 Raymond-Bolton Road, Bolton vicinity, SG100013145

OHIO

Cuyahoga County

Advent Evangelical Lutheran Church, 15309 Harvard Avenue, Cleveland, SG100013149

OREGON

Multnomah County

Oregon Casket Company Building, 403 NW 5th Avenue, Portland, SG100013164

PENNSYLVANIA

Dauphin County

Lincoln Cemetery (African American Churches and Cemeteries in Pennsylvania, c. 1644–c. 1970 MPS), 201 South 30th Street & Penbrook Avenue, Penbrook Borough vicinity, MP100013150

RHODE ISLAND

Providence County

Eagle Steam Mill-Harrison Steam Mill-Providence Combing Company Plant, 50 Agnes Street, 62–68 Dike Street, Providence, SG100013165

TEXAS

Dallas County

White Rock Bluffs, The collection of municipal parkland around 2324 N Jim Miller Road. roughly bounded on the north by State Highway 352 and Seco Blvd. to the south. Dallas, SG100013163

Harris County

Commerce Street Warehouse Historic District, Roughly bounded by Crawford Street on the northwest, Ruiz Street on the

northeast, the rear property lines along Chenevert Street on the southeast, and Franklin Street on the southwest, Houston, SG100013148

Additional documentation has been received for the following resource(s):

COLORADO

Denver County

Equitable Building (Additional Documentation), 730 17th St., Denver, AD78000845

Authority: 36 CFR 60.13

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2026–10592 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7171; NPS–WASO–NAGPRA–NPS0042840; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Cleveland State University. Cleveland, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Cleveland State University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Paul Edward Montgomery Ramírez, Cleveland State University, 2121 Euclid Avenue, Cleveland, OH 44115, email *p.e.montgomery24@csuohio.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Cleveland State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The four associated funerary objects are: three stone personal adornment items and partial remains of one dog. The Knapp Site, located near Gill, Massachusetts (in Franklin County) was surveyed and excavated by John Blank (d. 2019) starting in the Summer of 1969, as part of a field school conducted by Cleveland State University. Blank periodically worked with colleagues at Kent State University and Case Western Reserve University. Through these connections, material culture and biofacts from numerous excavations carried out by Blank were ultimately divided between CSU and KSU, with some material being in the possession at CWRU for a time. There is no information available to Cleveland State regarding the potential past division of material culture between these institutions regarding the Knapp Site. The site is associated with the Late Woodlands Period (900–1650CE) and has been culturally associated with the Mohican Peoples and their descendants, namely the Stockbridge-Munsee. Cleveland State University has no records of any potentially hazardous substances used in the treatment and preservation practice of any of these human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

Cleveland State University has determined that:

- The human remains described in this notice represent the physical remains of no fewer than three individuals of Native American ancestry.
- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, Cleveland State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Cleveland State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10553 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7177; NPS–WASO–NAGPRA–NPS0042855; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the San Bernardino County Museum intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *tserrao-leiva@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a basket. This basket (A5–1092, other number A5–452) is twined tule bowl, and was donated to the museum in 1964. Gerald Smith collected this basket from ''Eyak Ind., Alaska'' as written on the paper tag at the bottom of the basket. The basket's pattern is consistent with known Eyak designs, and materials such as natural and dyed spruce root were analyzed. There is no known presences of potentially hazardous substances used to treat this item.

Determinations

The San Bernardino County Museum has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Native Village of Eyak (Cordova).

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10559 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7174; NPS–WASO–NAGPRA–NPS0042846; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from two mounds in Pottawatomie County, KS (UBS 1991–64). The 448 associated funerary objects are beads, an animal bone pendant, shark teeth, bone awls, bone hairpin fragments, projectile points, brass tweezers, a pebble, and animal bone fragments. W.J Griffing removed these remains and objects and gave them to KSHS in 1881. To our knowledge, no known hazardous substances were used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 448 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Kaw Nation, Oklahoma and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10558 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7173; NPS–WASO–NAGPRA–NPS0042844; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Eiteljorg Museum of American Indian and Western Art, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Eiteljorg Museum intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 29, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Katie Haigh, President/CEO, Eiteljorg Museum of American Indians and Western Art, 500 W Washington Street, Indianapolis, IN 46204, email *khaigh@eiteljorg.com.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Eiteljorg Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four objects of cultural patrimony are one Bear Mask, one Raven Rattle, one Chilkat Blanket, and one Brown Bear Shirt. In the mid-to late nineteenth century, four cultural items were removed from undisclosed sites in unknown counties in southeastern Alaska. Documentation regarding their removal and/or subsequent transfers prior to their accession into the Eiteljorg Museum's collection is scarce. Preceding the foundation of the Eiteljorg Museum in June 1989 by Harrison Eiteljorg, these four cultural items were part of the personal collection of Harrison Eiteljorg.

According to museum records, three of these four cultural items are identified as Tlingit, and the other, Haida. The Bear Mask was previously owned by John A. Buxton of Shango Galleries, and was purchased by Harrison Eiteljorg on November 15, 1979. The Mask, dated circa 1880, is carved from a single piece of wood, highlighting prominent ears indicative of a bear, as well as eyebrows, and a mouth. The irises and teeth have abalone shell inlay; the ears' edges are inlayed, accentuating a contoured red pigmented pattern within the bear's ears. Hair is attached to the back of each ear and affixed to the back of the mask is a leather strap for the wearer. The Raven Rattle, dated circa 1830, was purchased by Harrison Eiteljorg from Parke-Bernet Galleries, in April 25, 1981; it was originally owned by Leon and Polly Gordon Miller of Ohio. It is made of carved cedar that has been halved and the center was carved out to hold metal balls (possibly lead shot). The two pieces of wood are nailed together with four metal nails, and the rattle is elaborately carved, featuring two birds (Raven and Kingfisher) and a horizontal human figure, painted all over with red and black pigment. The Chilkat Blanket, dated 1900–1910, was purchased by Harrison Eiteljorg from John A. Buxton of Shango Galleries probably in 1979, and it became a part of the Museum's permanent collection on November 21, 1991. It is not known how the Blanket was acquired by Buxton. It is of a double Killer Whale design, facing away from one another, dyed with natural dyes in yellow, light blue, and black. It is woven from Mountain Goat (*Oreamnos americanus*) and yellow cedar, twisted wool and cedar fringe edge the sides and bottom of the blanket. The Brown Bear Shirt, dated circa 1880, was purchased by Harrison Eiteljorg from Howard Roloff on April 8, 1981. It is constructed of dark brown wool trimmed with red fabric sewn around the edges of the neckline, armholes, and hem; a Grizzly bear design forms the shirt's central pattern. Shark teeth have been sewn within the mouth of the top central figure's mouth to represent bear's teeth. Mother of Pearl discs were sewn on to create the irises of the two figures and stitched on Dentalium tube-like shells function as the outline of the two figures. Abalone shell pieces configure the lower lip of the bottom figure and abalone buttons adorn the Grizzly bear's inner ears.

During consultation with representatives of the Central Council of the Tlingit and Haida Tribes (hereafter Central Council), they identified the Bear Mask (Xhoots L'axh'keit), Raven Rattle (Yéil Sheixhooxh), Brown Bear Shirt (Xhoots Kudás), and Chilkat Blanket (Naaxhein) as objects of cultural patrimony. Northwest Coast art historian Bill Holm referred to the Bear Mask as a headdress or helmet crest; per the Central Council, the Bear Mask is clan-owned, belonging to the entire clan and not just the person who is charged with being its caretaker; moreover, a clan needs the hat to be able to speak to their ancestors. The Brown Bear Shirt or sleeveless tunic (kanna.át) contains clan crests and since Dentalium (Tax'xee) were an expensive trade item, only wealthy clan members worn them during special events. The Raven Rattle is typically a part of a clan chief's ceremonial regalia but it is also considered imbued with life—a voice—integral to the imparting of oral traditions from generation to generation. During consultation of the Chilkat, it was disclosed that this Blanket was most likely woven by a master weaver whose work reflects a year's worth of time. Additionally, the Blanket is an all in one design, not divided into three sections. Chilkat Blankets are the communal property of a clan, not an individual as they represent the clan's crest or animals with distinct facial features in Northwest Coast formline design. They are still worn by the wealthiest clan leaders during important events such as a Potlatch and are

literally deemed as ''titles of ownership.''

As indicated through museum records and consultation with the Central Council, the cultural affiliation of the three cultural items is Tlingit, the Brown Bear Shirt as Haida. According to Tlingit oral tradition, the Tlingit people have owned and occupied southeastern Alaska since time immemorial. And according to Haida oral tradition, the Haida people have occupied Haida Gwaii since time immemorial. In the early eighteenth century, the Kaigani Haida (with which the Brown Bear Shirt is culturally affiliated) migrated north, settling next to the Tlingit. As Potlatches were outlawed in 1884, many cultural belongings of both the Tlingit and Haida were destroyed or became part of museum collections in North America and around the world.

Determinations

The Eiteljorg Museum has determined that:

- The four objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Central Council of the Tlingit & Haida Indian Tribes.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the Eiteljorg Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Eiteljorg Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10555 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7184; NPS–WASO–NAGPRA–NPS0042862; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Dominican University of California, San Rafael, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Dominican University of California has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Dominican University of California Archives, Dominican University of California, 50 Acacia Avenue, San Rafael, CA 94901, email *archives@dominican.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Dominican University of California, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The one associated funerary object is one box of botanical and soil materials. There are no individuals that have been identified.

The items derive from a collection of archaebotanist Eric Wohlgemuth who was part of a archeological impact assessment team commissioned by Dominican University of California, formerly Dominican College, between 1996–1997. The units were excavated from the archeological site CA–MRN–254, where Dominican University of California is situated in San Rafael, CA. Eric Wohlgemuth's flotation study involved the removal of the botanical and soil materials, at total of five samples, and were later deposited at UC Davis. Traditional knowledge was relied on for the determination of these as associated funerary objects.

The affiliation of the above collections is with the Federated Indians of Graton Rancheria, California. Dominican University is unaware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances. However, Dominican University has not conducted any pesticide testing.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Dominican University of California has determined that:

- The one box of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the Dominican

University of California must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Dominican University of California is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10568 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7178; NPS–WASO–NAGPRA–NPS0042856; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Oregon Health & Sciences University, Portland, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Oregon Health & Sciences University (OHSU) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Alice Cuprill Comas, Oregon Health & Science University, 3181 SW Sam Jackson Park Road, Portland, OR 97239, email *legal@ohsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of OHSU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The individuals were removed from an unknown location on an unknown date and eventually acquired by the School of Dentistry at Oregon Health & Sciences University (OHSU) for teaching purposes. In August 2022, the ancestors were evaluated by an osteologist and determined to be Native American. Addition assessments requested by consulting Tribes were completed in 2024 and 2025. Information from those assessments suggest that based on evidence of Chinook-style cranial modifications, the individuals are possibly from an area along the mid-lower Columbia River region in Oregon or Washington, or the northern part of the Willamette Valley region, OR. No associated funerary objects are present.

Human remains representing, at least, one individual have been identified. On an unknown date, the human remains were removed from an unknown geographic location and acquired by Dr. Sard Wiest, a physician who lived and worked in Portland at the University of Oregon School of Medicine, now Oregon Health & Sciences University (OHSU). On April 29, 1949, Dr. Sard Wiest's wife donated the ancestor to OHSU after Dr. Wiest's passing in July 1948. It's unknown how Dr. Wiest acquired the ancestor, and they were then housed within the Medical Museum Collection. In August 2022, the ancestor was evaluated by an osteologist to determine if they were Native American. Additional osteological assessments were completed in May 2024 and January 2025 after receiving requests from consulting Tribes. The information from those assessments show that the ancestor is Native American with a lambda-occipital cranial modification (cradleboard). Based on the collection history of OHSU, Dr. Sard Wiest's location in Portland, OR, and biological evidence provided in the osteology assessments, it's likely that the ancestor was removed from the greater mid-lower Columbia River region in Oregon or Washington, or the northern Willamette Valley region, Oregon.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

OHSU has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of Siletz Indians of Oregon; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; Cowlitz Indian Tribe; Nez Perce Tribe; and the Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, OHSU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. OHSU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10560 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7180; NPS–WASO–NAGPRA–NPS0042858; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Missouri, Museum of Anthropology, Columbia, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Missouri, Museum of Anthropology has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 29, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Candace Sall, University of Missouri, Museum of Anthropology, 1020 Lowry Street, Columbia, MO 65211, email *nagpra@missouri.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Missouri, Museum of Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least seven individuals have been identified. No associated funerary objects are present. The individuals described in this notice represent four inventories from unknown locations in Pemiscot County, Missouri, designated as 23PMUNPROV1, 23PMUNPROV3, 23PMUNPROV4, and 23PMUNPROV5. Site 23PMUNPROV1 was donated to the University of Missouri as part of the Barkshire Collection, although the dates of collection and acquisition for all four collections are unknown. The University of Missouri, Museum of Anthropology is not aware of any potentially hazardous substances used to treat human remains from this collection.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about human remains described in this notice.

Determinations

The University of Missouri, Museum of Anthropology has determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Quapaw Nation and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 29, 2026. If competing requests for repatriation are received, the University of Missouri, Museum of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of human remains are considered a single request and not competing requests. The University of Missouri, Museum of Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 19, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–10562 Filed 5–27–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1733 (Final)]

Methylene Diphenyl Diisocyanate (MDI) From China; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of methylene diphenyl diisocyanate (MDI) from China, provided for in subheadings 2929.10.80 and 3909.31.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3]

Background

The Commission instituted this investigation effective February 12, 2025, following receipt of a petition filed with the Commission and Commerce by the MDI Fair Trade Coalition consisting of BASF Corporation, Florham Park, New Jersey; and The Dow Chemical Company, Midland, Michigan.

The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of MDI from China were being sold at LTFV within the meaning of § 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 25, 2025 (90 FR 46253).[4] The Commission conducted its hearing on April 2, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 18820 (April 13, 2026).

[3] Commissioner David S. Johanson voted affirmative based on threat of material injury.

[4] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in subsequent notices published in the **Federal Register** on Nov. 26, 2025 (90 FR 54367) and on Dec. 15, 2025 (90 FR 58054).

completed and filed its determination in this investigation on May 22, 2026. The views of the Commission are contained in USITC Publication 5737 (May 2026), entitled *Methylene Diphenyl Diisocyanate (MDI) from China: Investigation No. 731–TA–1733 (Final).*

By order of the Commission.

Issued: May 22, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10550 Filed 5–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–78 (Monitoring)]

Fine Denier Polyester Staple Fiber: Monitoring Developments in the Domestic Industry; Institution and Scheduling Notice for the Subject Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission has instituted investigation No. TA–201–78 (Monitoring), Fine Denier Polyester Staple Fiber: Report on Monitoring of Developments in the Domestic Industry, for the purpose of preparing the report to the President and the Congress required by section 204(a)(2) of the Trade Act of 1974 on its monitoring of developments in the domestic industry following the President's decision to impose a safeguard measure on imports of fine denier polyester staple fiber (''fine denier PSF''), as described in Proclamation 10857 of November 8, 2024.

DATES: May 22, 2026.

FOR FURTHER INFORMATION CONTACT: Kristina Lara (202–205–3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On November 8, 2024, the President, pursuant to section 203 of the Trade Act of 1974 (19 U.S.C. 2253) (Trade Act), issued Proclamation 10857, imposing a safeguard measure on imports of fine denier PSF, in the form of a quantitative restriction on imports of fine denier PSF admitted temporarily free of duty under bond and entered under subheading 5503.20.00. The proclamation was published in the **Federal Register** on November 20, 2024 (89 FR 92015). The measure took effect on November 23, 2024, for a period of four years, or through November 22, 2028. The President imposed the measure following receipt of a report from the Commission in August 2024 under section 202 of the Trade Act (19 U.S.C. 2252) that contained an affirmative determination, remedy recommendations, and certain additional findings (see Fine Denier Polyester Staple Fiber, investigation No. TA–201–78, USITC Publication 5536, August 2024).

Section 204(a)(1) of the Trade Act (19 U.S.C. 2254(a)(1)) requires the Commission to monitor developments with respect to the domestic industry, including the progress and specific efforts made by workers and firms in the domestic industry to make a positive adjustment to import competition, as long as any action under section 203 of the Trade Act remains in effect. Whenever the initial period of such an action exceeds 3 years, section 204(a)(2) requires the Commission to submit a report on the results of the monitoring to the President and the Congress no later than the mid-point of the initial period of the relief—in this case by November 23, 2026. Section 204(a)(3) requires the Commission to hold a hearing in the course of preparing such report.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 206, subparts A and F (19 CFR part 206).

Participation in the investigation and public service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 21 days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of confidential business information (CBI).—Pursuant to section 206.17 of the Commission's rules, the Secretary will make CBI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 CFR 206.17(a)(3)(iii)) under an administrative protective order (APO) issued in the investigation, provided that the application is made not later than 21 days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

The Commission may include CBI in the report it sends to the President and to the U.S. Trade Representative. Additionally, all information, including CBI, submitted in this investigation may be disclosed to and used by (i) the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes.

The Commission will not release information which the Commission considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

Public hearing.—As required by statute, the Commission has scheduled a hearing in connection with this investigation. The hearing will be held beginning at 9:30 a.m. on October 1, 2026, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission by no later than 5:15 p.m. on September 25, 2026. All persons desiring to appear at the hearing and make an oral presentation should participate in a prehearing conference to be held on September 28, 2026, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the hearing are governed

by sections 201.6(b)(2), and 201.13(f) of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is 5:15 p.m. on September 24, 2026. Parties may also file posthearing briefs. The deadline for filing posthearing briefs is 5:15 p.m. on October 8, 2026. No posthearing brief shall exceed fifteen (15) pages of textual material, double-spaced and single sided, when printed out on pages measuring 8.5 x 11 inches. Persons are permitted to file answers to questions or requests made by the Commission at the hearing, which are separate from the 15-page limit for posthearing briefs. In addition, any person who has not entered an appearance as a party to the investigation may submit, by no later than 5:15 p.m. on October 8, 2026, a written statement concerning the matters to be addressed in the Commission's report to the President. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of section 201.6 of the Commission's rules. Any CBI that is provided will be subject to limited disclosure under the APO (see above) and may be included in the report that the Commission sends to the President and the U.S. Trade Representative. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, will not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under the authority of section 204(a) of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

By order of the Commission.

Issued: May 22, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10545 Filed 5–27–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1483]

Certain Medical Imaging Devices; Notice of Commission Determination Not To Review an Initial Determination Granting Complainants' Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 12) of the presiding administrative law judge (''ALJ'') granting an unopposed motion to amend the complaint and notice of investigation to add University Health Network (''UHN'') as a co-complainant.

FOR FURTHER INFORMATION CONTACT: B. Rashmi Borah, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2518. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 2, 2026, based on a complaint filed by MolecuLight Inc. of Toronto, Ontario, Canada and MolecuLight Corp. of Pittsburgh, Pennsylvania (collectively, ''Complainants''). 91 FR 4629–30 (Feb. 2, 2026). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain medical imaging devices by reason of the infringement of certain claims of U.S. Patent No. 10,438,356 (''the '356 patent''). *Id.* at 4629. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names two respondents: (1) Kent Imaging Inc. of Calgary, Alberta, Canada; and (2) Adiuvo Diagnostics Pvt. Ltd. of Chennai, India (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') is also named as a party to this investigation. *Id.*

On May 8, 2026, Complainants filed a motion seeking leave to amend the complaint and notice of investigation to add the owner of the '356 patent, UHN, as a co-complainant in this investigation. Complainants' motion certified that neither Respondents nor OUII oppose the motion.

On May 11, 2026, the ALJ issued the subject ID (Order No. 12) granting Complainants' unopposed motion. The ID finds that Complainants' motion complies with Commission Rule 210.14(b), 19 CFR 210.14(b), and also finds that Complainants showed good cause to amend the complaint to add UHN as a co-complainant because ''joinder would moot Respondents' pending motion for summary determination asserting that UHN is an indispensable party . . . and streamline discovery by avoiding international judicial process.'' ID at 2. Complainants filed an amended complaint naming UHN as a co-complainant on May 12, 2026. No party filed a petition for review of the ID.

The Commission has determined not to review the subject ID. Accordingly, the complaint and notice of investigation are amended to include UHN as a co-complainant.

The Commission vote for this determination took place on May 22, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 22, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10549 Filed 5–27–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title—Student Volunteer Service Agreement

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 27, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kannessia Jordan, Section Chief, Office of Compliance, Policy Administration Section, 700 Army Navy Drive, Arlington, VA 22202, telephone: 571–776–2262, email: *Kannessia.S.Jordan@DEA.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: Summarize the purpose of the form. The purpose of this form is to document the established terms and conditions of the volunteer service agreement between the student, the student's educational institution and our agency.

Overview of This Information Collection

1. *Type of Information Collection:* New.

2. *The Title of the Form/Collection:* Student Volunteer Service Agreement.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: DEA–375. The sponsoring component is the Drug Enforcement Administration.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Who will be asked/required to respond? Advise if the response necessary to provide service to the respondent? The host DEA office, the student, and the student's educational institution will be required to respond/approve. The host agency prepares the form, including duties and work assignment details to which the student will review and sign off. The educational institution should also review and sign off to confirm the students good standing.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The total or estimated number of respondents for the DEA–375 is 500. The time per response is 10 minutes.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 83 hours and 20 minutes.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
DEA Form 375	500	1	500	10	83.20
Unduplicated Totals	500	1	500	10	83.20

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: May 26, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–10605 Filed 5–27–26; 8:45 am]

BILLING CODE 4410–09–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105548; File No. SR–NYSEARCA–2026–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.40P–O

May 22, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 19, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 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 Rule 6.40P–O to provide its Options Trade Permit (''OTP'') Holders and OTP Firms with additional flexibility in establishing how their trading activity counts toward certain risk parameters. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.40P–O (Pre-Trade and Activity-Based Risk Controls). Specifically, the Exchange proposes to adopt Commentary .03 to provide an Entering Firm [4] with additional flexibility in establishing how their trading activity counts toward certain risk parameters.

Background and Proposed Rule Change

The Exchange offers a suite of configurable risk controls on its Pillar trading platform to its OTP Holders and OTP Firms.[5] As part of these controls, the Exchange offers Activity-based Controls for the Options Market that are mandatory for Market Makers and optional for all other Entering Firms.

The risk control features are intended to be supplemental to its OTP Holder's and OTP Firm's internal monitoring and procedures related to risk management and are not designed to be an OTP Holder's or OTP Firm's sole means of risk control. The controls are configurable and under the direct control and supervision of the firm. The use of risk controls will not automatically constitute compliance with any exchange or federal rules for which it is the OTP Holder's or OTP Firm's sole responsibility to comply.

Activity-Based Risk Controls provides Entering Firms with the ability to manage their order and execution risk. The controls refer to activity-based risk limits that may be applied to orders and quotes in an options class (excluding those represented in open outcry, except ''clear-the-book'' (CTB) orders) based on the following specified thresholds measured over the course of an interval: [6] (i) number of orders and quotes that can be executed (''transaction''); (ii) number of contracts that can be executed (''volume''); and (iii) the percentage of contracts executed as measured against the full size of orders and quotes executed (''percentage'').[7]

To determine when an Activity-Based Risk Control has been breached, the Exchange will maintain a trade counter that will be incremented every time an order or quote trades and will aggregate the number of contracts traded during each such execution.[8] When designating one of the three Activity-Based Risk Controls, the Entering Firm must indicate which of the following actions it wishes the Exchange to take if a risk limit is breached: (i) notification only (the Exchange will continue to accept new order and quote messages and related instructions and will not cancel any unexecuted orders or quotes); (ii) block only (the Exchange will reject new orders and related instructions, except instructions to cancel one or more orders or quotes; or (iii) cancel and block (in addition to block, above, the Exchange will cancel all unexecuted orders and quotes in the Consolidated Book other than Auction Order Orders and orders designated GTC).[9]

The Exchange proposes to amend Rule 6.40P–O to enhance the Activity-Based Risk Controls to provide Entering Firms flexibility in establishing how their trading activity counts toward the risk limits. Specifically, the Exchange would add Commentary .03 to allow an Entering Firm the option to count its limit on a contra-party (*i.e.,* Customer,[10] Broker,[11] Market Maker,[12] Away Market Maker,[13] or Firm [14]) basis. Under the proposed change, for the activity-based risk limits established under Rule 6.40P–O(a)(3), an Entering Firm may specify a weight (up to 200%) based on contra-party capacity to count towards the Entering Firm's Transaction, Volume and Percentage limits. For instance, an Entering Firm could specify that only 50% of the quantity on each trade with a Customer contra-party would be used towards the Entering Firm's activity-based risk limit.[15]

The proposed rule change is based on recently amended CBOE Rule 5.34(c),[16] which permits its Users to specify a percentage of up to 100% and MIAX Pearl Rule 517A and 517B which permits the use of a multiplier with a minimum value of 0 and maximum value of 10 in its members calculating their Allowable Engagement Percentage.[17]

[4] ''Entering Firm'' means an OTP Holder or OTP Firm (including those acting as Market Makers). *See* Rule 6.40P–O(a)(1).

[5] Pillar is the NYSE's integrated trading technology platform which enables member firms to connect to all NYSE equities and options markets using a standard protocol.

[6] The Exchange will specify by Trader Update the interval for Activity-Based Risk Controls, which will not be less than 100 milliseconds and will not be greater than 300,000 milliseconds. *See* Rule 6.40P–O(c)(2)(F).

[7] *See* Rule 6.40P–O(a)(3). Per Rule 6.40P–O(c)(2)(A), an Entering Firm acting as a Market Maker is required to apply one of the Activity-Based Risk Controls to all of its orders and quotes. An Entering Firm that is not acting as a Market Maker may, but is not required to, apply one of the Activity-Based Risk Controls to its orders.

[8] *See* Rule 6.40P–O(c)(2)(B).

[9] *See* Rule 6.40P–O(c)(2)(C).

[10] For options traded on the Exchange, the term ''Customer'' does not include a broker or dealer and, unless otherwise specified, includes a Professional Customer (*i.e.,* an individual or organization that (i) is not a broker or dealer and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)). *See* Rule 1 Definitions.

[11] The terms ''broker'' means the same as set out in Section 3(a)(4) of the Securities Exchange Act of 1934. See Rule 6.1–O(31). Per Section 3(a)(4) of the Exchange Act, ''[t]he term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

[12] With respect to options traded on the Exchange, the term ''Market Maker'' refers to an OTP Holder or OTP Firm that acts as a Market Maker pursuant to Rule 6.32–O. *See* Rule 1 Definitions.

[13] With respect to options traded on the Exchange, the term ''Away Market'' means any Trading Center (1) with which the Exchange maintains an electronic linkage, and (2) that provides instantaneous responses to orders routed from the Exchange. *See* Rule 1 Definitions.

[14] For options traded on the Exchange, the term ''Firm'' means a broker-dealer that is not registered as a dealer-specialist or market maker on a registered national securities exchange or association.

[15] Similarly, an Entering Firm could specify a weight of up to 200% for each counterparty class.

[16] *See* Securities Exchange Act Release No. 104674 (January 23, 2026), 91 FR 3763 (January 28, 2026) (SR–CBOE–2026–006) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34(c) With Respect to Its Risk Monitor Mechanism, To Provide Users With Additional Flexibility in Establishing How Their Trading Activity Counts Towards Certain Risk Parameters).

[17] *See* Securities Exchange Act Release 104299 (December 3, 2025) 90 FR 56809 (December 8, 2025) (SR–PEARL–2025–47) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 517A, Aggregate Risk Manager for EEMs (''ARM–E''), and Rule 517B, Aggregate Risk Manager for Market Makers (''ARM–M'').

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[18] in general, and furthers the objectives of Section 6(b)(5) of the Act,[19] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5)[20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that allowing Entering Firms to tailor their risk parameters promotes risk management processes that better reflect the risks of different types of trading activity. The Exchange believes that the proposed rule change will protect investors and the public interest because the proposed enhancement will assist Entering Firms in minimizing their risk exposure, thereby reducing the potential for disruptive, market-wide events.

The Exchange further believes its proposal to allow Entering Firms to establish risk parameters on a contra-party capacity basis is reasonable, as different contra-party types present different risk profiles. For example, this enhancement may be beneficial for Market-Makers or other liquidity providers who may wish to establish lower limits for when providing liquidity to Customer orders while establishing stricter parameters for trades against other institutional contra-parties which may involve different risk considerations. The Exchange believes allowing Entering Firms the option to adjust their risk tolerance based on contra-party capacity provides the opportunity for a more precise risk management approach.

Finally, the Exchange believes the proposed change is not unfairly discriminatory, as the proposed enhancement is available to all Entering Firms and apply uniformly to all Entering Firms who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancement is optional and Entering Firms are free to utilize them or not, at their discretion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed enhancement is available to all Entering Firms and applies uniformly to all Entering Firms who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancement is optional and Entering Firms are free to utilize them or not, at their discretion.

Similarly, the Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed enhancement applies only to trading on the Exchange. Again, the Exchange notes that it is voluntary for the Entering Firms to determine whether to make use of the new enhancement of the Activity-Based Risk Controls. To the extent that the proposed changes may make the Exchange a more attractive trading venue for market participants on other exchanges, such market participants may elect to become an Exchange market participant.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and Rule 19b–4(f)(6) thereunder.[22] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[23]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSEARCA–2026–54 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–54. 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

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[24] 15 U.S.C. 78s(b)(2)(B).

protection. All submissions should refer to file number SR–NYSEARCA–2026–54 and should be submitted on or before June 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10536 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105547; File No. SR–NYSEAMER–2026–42]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Rule 928NYP

May 22, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 19, 2026, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 928NYP to provide its American Trading Permit (''ATP'') Holders with additional flexibility in establishing how their trading activity counts toward certain risk parameters. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 928NYP (Pre-Trade and Activity-Based Risk Controls). Specifically, the Exchange proposes to adopt Commentary .03 to provide an Entering Firm[4] with additional flexibility in establishing how their trading activity counts toward certain risk parameters.

Background and Proposed Rule Change

The Exchange offers a suite of configurable risk controls on its Pillar trading platform to its members.[5] As part of these controls, the Exchange offers Activity-based Controls for the Options Market that are mandatory for Market Makers and optional for all other Entering Firms.

The risk control features are intended to be supplemental to the Exchange member's internal monitoring and procedures related to risk management and are not designed to be a member's sole means of risk control. The controls are configurable and under the direct control and supervision of the firm. The use of risk controls will not automatically constitute compliance with any Exchange or federal rules for which it is the member's sole responsibility to comply.

Activity-Based Risk Controls provides Entering Firms with the ability to manage their order and execution risk. The controls refer to activity-based risk limits that may be applied to orders and quotes in an options class (excluding those represented in open outcry, except ''clear-the-book'' (CTB) orders) based on the following specified thresholds measured over the course of an interval:[6] (i) number of orders and quotes that can be executed (''transaction''); (ii) number of contracts that can be executed (''volume''); and (iii) the percentage of contracts executed as measured against the full size of orders and quotes executed (''percentage'').[7]

To determine when an Activity-Based Risk Control has been breached, the Exchange will maintain a trade counter that will be incremented every time an order or quote trades and will aggregate the number of contracts traded during each such execution.[8] When designating one of the three Activity-Based Risk Controls, the Entering Firm must indicate which of the following actions it wishes the Exchange to take if a risk limit is breached: (i) notification only (the Exchange will continue to accept new order and quote messages and related instructions and will not cancel any unexecuted orders or quotes); (ii) block only (the Exchange will reject new orders and related instructions, except instructions to cancel one or more orders or quotes; or (iii) cancel and block (in addition to block, above, the Exchange will cancel all unexecuted orders and quotes in the Consolidated Book other than Auction-Only Orders, and orders designated GTC).[9]

The Exchange proposes to amend Rule 928NYP to enhance the Activity-Based Risk Controls to provide Entering Firms flexibility in establishing how their trading activity counts toward the risk limits. Specifically, the Exchange would add Commentary .03 to allow an Entering Firm the option to count its limit on a contra-party (*i.e.,* Customer,[10] Professional Customer,[11] Broker,[12] Market Maker,[13] Away Market Maker[14]

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] ''Entering Firm'' means an ATP Holder (including those acting as Market Makers). *See* Rule 928NYP(a)(1).

[5] Pillar is the NYSE's integrated trading technology platform which enables member firms to connect to all NYSE equities and options markets using a standard protocol.

[6] The Exchange will specify by Trader Update the interval for Activity-Based Risk Controls, which will not be less than 100 milliseconds and will not be greater than 300,000 milliseconds. *See* Rule 928NYP(c)(2)(F).

[7] *See* Rule 928NYP(a)(3). Per Rule 928NYP(c)(2)(A), an Entering Firm acting as a Market Maker is required to apply one of the Activity-Based Risk Controls to all of its orders and quotes. An Entering Firm that is not acting as a Market Maker may, but is not required to, apply one of the Activity-Based Risk Controls to its orders.

[8] *See* Rule 928NYP(c)(2)(B).

[9] *See* Rule 928NYP(c)(2)(C).

[10] ''Customer'' means an individual or organization that is not a Broker/Dealer. *See* Rule 900.2NY (Definitions).

[11] The term ''Professional Customer'' means an individual or organization that (i) is not a Broker/Dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 900.2NY (Definitions).

[12] The term ''broker'' means the same as set out in Section 3(a)(4) of the Securities Exchange Act of 1934. *See* Rule 900.2NY (Definitions). Per Section 3(a)(4) of the Exchange Act, ''[t]he term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

[13] The term ''Market Maker'' refers to an ATP Holder that acts as a Market Maker pursuant to Rule 920NY. *See* Rule 900.2NY (Definitions).

[14] The term ''Away Market'' means any Trading Center (1) with which the Exchange maintains an electronic linkage, and (2) that provides instantaneous responses to orders routed from the Exchange. *See* Rule 900.2NY (Definitions).

or Firm [15]) basis. Under the proposed change, for the activity-based risk limits established under Rule 928NYP(a)(3), an Entering Firm may specify a weight (up to 200%) based on contra-party capacity to count towards the Entering Firm's Transaction, Volume and Percentage limits. For instance, an Entering Firm could specify that only 50% of the quantity on each trade with a Customer contra-party would be used towards the Entering Firm's activity-based risk limit.[16]

The proposed rule change is based on recently amended CBOE Rule 5.34(c),[17] which permits its Users to specify a percentage of up to 100% and MIAX Pearl Rule 517A and 517B which permits the use of a multiplier with a minimum value of 0 and maximum value of 10 in its members calculating their Allowable Engagement Percentage.[18]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that allowing Entering Firms to tailor their risk parameters promotes risk management processes that better reflect the risks of different types of trading activity. The Exchange believes that the proposed rule change will protect investors and the public interest because the proposed enhancement will assist Entering Firms in minimizing their risk exposure, thereby reducing the potential for disruptive, market-wide events.

The Exchange further believes its proposal to allow Entering Firms to establish risk parameters on a contra-party capacity basis is reasonable, as different contra-party types present different risk profiles. For example, this enhancement may be beneficial for Market-Makers or other liquidity providers who may wish to establish lower limits for when providing liquidity to Customer orders while establishing stricter parameters for trades against other institutional contra-parties which may involve different risk considerations. The Exchange believes allowing Entering Firms the option to adjust their risk tolerance based on contra-party capacity provides the opportunity for a more precise risk management approach.

Finally, the Exchange believes the proposed change is not unfairly discriminatory, as the proposed enhancement is available to all Entering Firms and apply uniformly to all Entering Firms who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancement is optional and Entering Firms are free to utilize them or not, at their discretion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed enhancement is available to all Entering Firms and applies uniformly to all Entering Firms who may choose to utilize the enhanced risk parameter settings. As noted above, use of the proposed enhancement is optional and Entering Firms are free to utilize them or not, at their discretion.

Similarly, the Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed enhancement applies only to trading on the Exchange. Again, the Exchange notes that it is voluntary for the Entering Firms to determine whether to make use of the new enhancement of the Activity-Based Risk Controls. To the extent that the proposed changes may make the Exchange a more attractive trading venue for market participants on other exchanges, such market participants may elect to become an Exchange market participant.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [22] and Rule 19b–4(f)(6) thereunder.[23] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[24]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [25] of the Act to determine whether the proposed rule change should be approved or disapproved.

[15] The term ''Firm'' means a broker-dealer that is not registered as a dealer-specialist or market maker on a registered national securities exchange or association. *See* Rule 900.2NY (Definitions).

[16] Similarly, an Entering Firm could specify a weight of up to 200% for each counterparty class.

[17] *See* Securities Exchange Act Release No. 104674 (January 23, 2026), 91 FR 3763 (January 28, 2026) (SR–CBOE–2026–006) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34(c) With Respect to Its Risk Monitor Mechanism, To Provide Users With Additional Flexibility in Establishing How Their Trading Activity Counts Towards Certain Risk Parameters).

[18] *See* Securities Exchange Act Release 104299 (December 3, 2025) 90 FR 56809 (December 8, 2025) (SR–PEARL–2025–47) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 517A, Aggregate Risk Manager for EEMs (''ARM–E''), and Rule 517B, Aggregate Risk Manager for Market Makers (''ARM–M'').

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] 15 U.S.C. 78s(b)(2)(B).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–42 and should be submitted on or before June 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10538 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105544; File No. SR–CboeEDGA–2026–017]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter 8 of the Exchange's Rulebook Relating To Investigative and Disciplinary Matters

May 22, 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 May 13, 2026, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') proposed rule changes to amend Chapter 8 of the Exchange's Rulebook relating to investigative and disciplinary matters. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 rules concerning investigative and disciplinary matters involving Exchange Members[5] and persons associated with Members (''associated persons''). Specifically, the Exchange proposes to update its Rules relating to (1) disciplinary jurisdiction; (2) complaints and investigations; (3) expedited proceedings; (4) charges; (5) answers; (6) hearings; (7) offers of settlement; (8) decisions; (9) reviews; (10) judgments and sanctions; (11) service of notice; (12) agency review and reporting; (13) imposition of fines for minor rule violations; (14) ex parte communications; and (15) release of disciplinary complaints, decisions, and other information. The Exchange proposes these updates in an effort to increase efficiency and fairness by harmonizing the Exchange's Rules concerning investigative and disciplinary matters with those of the Exchange's affiliate exchanges: Cboe Exchange, Inc. (''C1'' or ''Cboe Options'')[6] and Cboe C2 Exchange, Inc. (''C2'')[7] (collectively, and hereinafter, referred to as the ''Affiliated Exchanges'').[8] In doing so, the Exchange proposes rules changes to adopt new roles for the Exchange's Business Conduct Committee (''BCC'').[9] As part

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Exchange Rule 1.5(n). ''The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.''

[6] *See* Rules of Cboe Exchange, Inc., specifically Rules 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.8, 13.9, 13.10, 13.11, 13.12, 13.13, 13.14, 13.15, and 13.16.

[7] *See* Rules of Cboe C2 Exchange, Inc., specifically Chapter 13, which incorporates by reference the rules contained in Cboe Exchange, Inc. Chapter 13.

[8] The rules under Chapter 13 of the Affiliated Exchanges are the same in number, form and substance. Therefore, the Exchange refers singularly to the corresponding rule of the ''Affiliated Exchanges'' throughout this proposed rule filing.

[9] *See* proposed Rule 8.2(m). The BCC has decision-making authority concerning possible violations within the disciplinary jurisdiction of the Exchange. The BCC is comprised of one or more

Continued

of the harmonization process between the Exchange and Affiliated Exchanges, the Exchange proposes to align the Exchange's hearing process and timeliness requirements with those of the Affiliated Exchanges. Additionally, the Exchange proposes to remove Rule 8.14, Agency Review, in its entirety because the Act provides for a statutory right to review [10] and the Affiliated Exchanges do not contain a similar provision. In place of the removed Rule 8.14, the Exchange proposes to add a rule regarding reporting to the Central Registration Depository (''CRD''). The Exchange also proposes to remove Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, because the Rules of the Affiliated Exchanges do not contain a similar provision. Finally, the Exchange proposes to update certain Rules contained in Chapter 8 of the Exchange's Rulebook to correct minor errors and update obsolete and outdated language.

By way of background, the Exchange Rules currently divide responsibility for the adjudication of its Rules into two categories: (1) rules for which the Chief Regulatory Officer (''CRO'') and Hearing Panels are responsible for adjudicating through formal disciplinary proceedings; and (2) rules under which fines may be assessed in lieu of formal disciplinary action. With respect to violations that are adjudicated by the CRO and Hearing Panels, Rule 8.4(b) requires the CRO to prepare a statement of charges whenever it appears that there is probable cause for finding a violation within the disciplinary jurisdiction of the Exchange has occurred and formal disciplinary action is warranted. Alternatively, in lieu of conducting a formal disciplinary proceeding, Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, provides for disposition of specific violations through assessment of fines. In sum, the current application of the Rules provides for the CRO to determine whether to initiate charges in a regulatory matter and to determine appropriate sanctions for rule violations.

The Exchange believes that harmonizing the composition of the disciplinary Rules between the Exchange and the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder [11] (''TPH'') on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business. The Exchange notes that the CRO will continue to supervise the regulatory functions of the Exchange, separate from that of the Exchange's business interest, reporting directly to the Regulatory Oversight Committee of the Board of Directors (''ROC''). Below is a summary of the Exchange's Rules and their proposed changes concerning investigations and disciplinary matters.

Summary of Proposed Rule Changes

The Exchange proposes the following rule changes, including proposed changes to:

(1) Amend Rule 8.1, Disciplinary Jurisdiction, to reflect the Affiliated Exchanges' Rule 13.1, including adding a provision that Members or associated persons continue to be subject to the disciplinary jurisdiction of the Exchange with respect to the failure to honor arbitration awards and removing the provision specifying that the Exchange may contract with another self-regulatory organization to perform some or all of the Exchange's disciplinary functions;

(2) Amend Rule 8.2, Complaint and Investigation, to reflect the layout and content of Affiliated Exchanges' Rule 13.2 by:

a. Updating Rule 8.2(a) to place the responsibility of initiating an investigation with the Exchange's regulatory staff whenever the regulatory staff determines a reasonable basis exists to do so or upon receipt of a complaint by any person or entity including the Board,[12] Exchange employees, and Members;

b. Updating Rule 8.2(b) to specify the appropriate action when the regulatory staff finds reasonable grounds to believe a violation occurred, but no formal regulatory action is warranted in lieu of a statement of charges;

c. Updating Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information as requested by the Exchange in connection with an inquiry resulting from agreement pursuant to Exchange Rules 8.2(f), 8.2(g), or 13.7;

d. Updating Rule 8.2(d) to extend the time in which a Subject [13] has to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and make other non-substantive conforming changes;

e. Updating Rule 8.2(h) to extend the time in which a Subject has to submit a videotaped response to a notification from 15 to 25 days and to specify the length and format of videotaped responses submitted pursuant to the Rule;

f. Adding Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 as Exchange Rules 8.2(i)–(k) to specify the format of complaints and form of materials to be submitted upon request, and define the term ''Regulatory staff'' as it is used in Chapter 8 of the Exchange Rules; and

g. Adding Proposed Rule 8.2(m) defining the BCC and outlining the composition of the BCC;

(3) Amend Rule 8.3, Expedited Proceeding, to extend the time a Subject has to submit written responses to notices from the Regulatory staff from 15 to 25 days and to make other non-substantive conforming changes to the Rule text;

(4) Amend Rule 8.4, Charges, to remove the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a), add that a Complainant [14] shall be notified if further proceedings are warranted to Rule 8.4(b), and add Rule 8.4(c) specifying the terms of a Respondent's [15] access to requested documents;

(5) Amend Rule 8.5, Answer, to extend the time that a Subject has to submit an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending;

(6) Update Rule 8.6, Hearing, by:

a. Specifying that hearings on charges shall be held before a Hearing Panel comprised of three or five members of the BCC, rather than appointed by the

Members or associated persons, one or more public representatives, and may also include other individuals affiliated with the securities, futures or derivatives industry, all as appointed by the Exchange's Nominating and Governance Committee with the approval of the Exchange's Board of Directors.

[10] 15 U.S.C. 78s(d).

[11] *See* Bylaws of Cboe Exchange, Inc. Section 1.1 Definitions. ''The term ''Trading Permit Holder'' means any individual, corporation, partnership, limited liability company or other entity authorized by the Rules that holds a Trading Permit. . . . A Trading Permit Holder is a ''member'' solely for purposes of the Act; however, one's status as a Trading Permit Holder does not confer on that Person any ownership interest in the Exchange.''

[12] *See* Rule 1.5(e). The terms ''Board'' and ''Board of Directors'' shall mean the Board of Directors of the Exchange.

[13] *See* Rule 8.2(d). The term ''Subject'' means the ''person(s) who is the subject of the report'' issued pursuance to Rule 8.2.

[14] *See* Proposed Rule 8.2(a). The term ''Complainant'' means ''any person or entity, including the Board, Exchange employees, and Members'' that submits a complaint pursuant to Rule 8.2.

[15] *See* Proposed Rule 8.2(b). The term ''Respondent'' means ''the person or organization alleged to have committed a violation.''

Chief Executive Officer; and that BCC Counsel may assist the Hearing Panel in preparing its written recommendations or judgments;

b. Replacing the current text of Rule 8.6(a)(1) by adopting the Affiliated Exchanges' Rule 13.6(a)(1) regarding the impartiality of Hearing Panel members and deleting Rules 8.6(a)(1)(A)–(B);

c. Adopting the Affiliated Exchanges' Rule 13.6(a)(2) regarding motions for disqualification of Hearing Panel members as Rule 8.6(a)(2) and the Affiliated Exchanges' Rule 13.6(a)(3) regarding rulings on motions for disqualification of Hearing Panel members as Rule 8.6(a)(3);

d. Replacing the current text of Rule 8.6(b) by adopting the Affiliated Exchanges' Rule 13.6(b) regarding prehearing procedures;

e. Removing current Rule 8.6(c) and renumbering current Rule 8.6(d) as Rule 8.6(c);

f. Adopting the Affiliated Exchanges' Rule 13.6(d) regarding documents and witnesses as Rule 8.6(d); and

g. Adopting the Affiliated Exchanges' Rule 13.6(d), Interpretations and Policies .01–.03 regarding interventions as Rule 8.6(e);

(7) Amend Rule 8.8, Offers of Settlement, to clarify that the staff may also appear before the CRO to make an oral statement if the Respondent elects to make an oral statement before the CRO, and that a Respondent may submit an offer during the course of any proceeding under Chapter 8 of the Exchange Rules;

(8) Amend Rule 8.9, Decision, to add that a decision shall also include a statement of the sanctions imposed and reasons for the sanctions, that the regulatory division of the Exchange shall also receive a copy of statements, and that the Exchange shall post the complete decision on the appropriate EDGA website once the decision is considered final;

(9) Update Rule 8.10, Review, by:

a. Extending the time for a Respondent to petition for review of a decision from 10 days to 15 days, specify the process of petitioning for review of a decision, and clarify that other parties to a hearing may also submit petitions for review and responses to petitions for review;

b. Allowing the Board or a committee of the Board to ratify a review, clarify that new issues may be raised by the parties involved in the review, and clarify that the Board may affirm, reverse or modify the decision, and that the decision must be served upon the Respondent and the regulatory division of the Exchange;

c. Extending the time the Board has to review a decision from 20 days to 30 days; and

d. Eliminating Rule 8.10(d);

(10) Amend Rule 8.11, Judgment and Sanctions, to remove a committee of the Board as an applicable body that may determine penalties and impose discipline upon Members and associated persons and remove Interpretations and Policies .01 to Rule 8.11;

(11) Amend Rule 8.12, Miscellaneous Provisions, to clarify that the address a Respondent may be served at is the last known place of business as it appears on the books and records of the Exchange, and to provide an additional three days to the prescribed period a Respondent has to respond in the case of service by certified mail;

(12) Remove Rule 8.14, Agency Review, in its entirety and replace it with the text of Rule 13.14 of the Affiliated Exchanges regarding reporting to the CRD;

(13) Revise Rule 8.15, Imposition of Fines for Minor Rule Violations, to include additional details about the Minor Rule Violation program and align the Exchange's rule with corresponding Rule 13.15 of the Affiliated Exchanges;

(14) Update Rule 8.16. *Ex Parte* Communications, to clarify that the provisions of the Rule apply to all Members and associated persons, amend the definition of Adjudicator [16] under the Rule, add subparagraphs (e), (f), and (g) to define ex parte communication, and add clarifying provisions regarding what may not be considered a violation of Rule 8.16; and

(15) Remove Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, in its entirety.

Detailed descriptions of the proposed changes to specific rules within Chapter 8 are outlined below.

Exchange Rule 8.1, Disciplinary Jurisdiction

(1) Current Rule 8.1

In its current form, Exchange Rule 8.1 sets forth the Exchange's jurisdiction regarding disciplinary matters involving its Members and associated persons. Members and associated persons are subject to the disciplinary jurisdiction of the Exchange pursuant to Chapter 8 of the Exchange's Rulebook and, after notice and opportunity for a hearing may be appropriately disciplined by: expulsion; suspension; limitation of activities, functions and operation; fine; censure; suspension or bar from association with a Member or any other fitting sanction.[17] An individual Member or associated person may be charged with a violation committed by an employee under the Member's supervision or by the Member or associated person, as though such violation was their own.[18] Similarly, a Member organization may be charged with any violation committed by its employees or by any other person who is associated with such Member organization, as though such violation was their own.[19] Members and associated persons continue to be subject to the Exchange's disciplinary jurisdiction following termination of such person's association with a Member with respect to matters that occurred prior to such termination provided that the Exchange gave written notice to the former Member or former associated person within one year of the Exchange's receipt of written notice of termination of such former Member or such former associated person.[20] Chapter 8 does not apply to summary suspensions or other action taken pursuant to Chapter 7 of the Rules of the Exchange and action taken pursuant to Chapter 7 shall not be deemed disciplinary action under Chapter 8.[21] Rule 8.1(d) provides that Exchange is permitted to contract with another self-regulatory organization (''SRO'') to perform some or all of the Exchange's disciplinary functions and allows the Exchange to retain ultimate legal responsibility for and control of such functions.[22]

(2) Proposed Changes to Rule 8.1

The Exchange first proposes to amend Rule 8.1(b) to clarify that former Members or associated people continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award pursuant to Chapter 9 of the Exchange Rules. Chapter 9 of the Exchange's Rules governs the EDGA arbitration process. Rule 9.5 states that failing to honor a EDGA arbitration award may be deemed conduct inconsistent with just and equitable principles of trade. Conduct inconsistent with just and equitable principles of trade is a violation of Rule 3.1 and is thus subject to the disciplinary jurisdiction of the Exchange and should be codified as

[16] *See* Proposed Rule 8.16 (defining ''Adjudicator'' as ''any member of the Hearing Panel, Business Conduct Committee, Board or committee of the Board'' participating in a decision with respect to the proceeding at issue).

[17] *See* Rule 8.1(a).

[18] *Id.*

[19] *Id.*

[20] *See* Rule 8.1(b).

[21] *See* Rule 8.1(c).

[22] *See* Rule 8.1(d).

such.[23] Currently, however, such failure to honor a EDGA arbitration award by a *former* Member, or *former* person associated with a Member, may not always be subject to the Exchange's disciplinary jurisdiction.

Current Rule 8.1(b) provides that a Member or associated person shall continue to be subject to the disciplinary jurisdiction of the Exchange following such Member's or associated person's termination of membership, or termination of association with such Member, with respect to matters that occurred prior to such termination, provided that written notice of the commencement of an inquiry into such matters is given by the Exchange to such former Member or associated person within one year of the Exchange's receipt of notice of such termination.[24] This provision allows for certain anomalies in the context of failure to pay arbitration awards. For example, consider the following scenario: A customer is involved in a trading dispute with a EDGA Member. Months later, the Member terminates its membership on the Exchange. Weeks after the membership termination, the customer properly files an arbitration claim with EDGA.[25] One and a half years after the membership termination, the customer prevails in the arbitration proceeding, and a monetary award is imposed against the former Member. Nevertheless, the former Member subsequently fails to honor the arbitration award. Because more than one year has passed since the former Member's termination of membership and the Exchange did not provide written notice of the commencement of an inquiry into the failure to pay the award, the Exchange could not assert disciplinary jurisdiction over the former Member. The Exchange believes this is problematic given the fact that the dispute concerned Exchange-related business, and that the award was pursuant to an Exchange arbitration proceeding. While the Exchange notes that the customer in the above example would be able to seek enforcement of the award through the judicial system, the inability of the Exchange to potentially take disciplinary measures undermines the credibility of the Exchange's arbitration forum.

The Exchange also proposes to remove current Rule 8.1(d) in its entirety to remove obsolete and duplicative language regarding the ability of the Exchange to contract with another self-regulatory organization to perform disciplinary functions and replace this text with text found in Rule 13.1, Interpretations and Policies .02 of the Affiliated Exchanges describing when the notice requirement found in current Rule 8.1(b) shall not apply. Rule 8.1(d) currently states that the Exchange may contract with another self-regulatory organization to perform some or all of the Exchange's disciplinary functions, allows the Exchange to specify the extent to which the Rules of Chapter 8 govern disciplinary functions when contracting with an SRO, and allows the Exchange to retail ultimate legal responsibility and control over the Exchange's disciplinary functions. The Exchange proposes to remove the current language of 8.1(d) because its contents are duplicative of Exchange Rule 13.7, Regulatory Services Agreements.[26] The text added to Rule 8.1(d) would eliminate the notice requirement in Rule 8.1(b) solely with respect to instances where the Exchange seeks to take disciplinary measures with respect to a former Member or associated person for failure to honor an arbitration award pursuant to Chapter 9. Accordingly, the Exchange proposes to delete the text of current Rule 8.1(d) and replace this text with the text of Rule 13.1, Interpretations and Policies. 02 of the Affiliated Exchanges in its entirety.[27]

Together, the proposed changes to Rule 8.1(b) and Rule 8.1(d) would provide that failing to pay arbitration awards would remain under the disciplinary jurisdiction of the Exchange. The proposed change to Rule 8.1(b) seeks to clarify that former Members or associated persons continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award pursuant to Chapter 9 of the Exchange Rules while the proposed change to Rule 8.1(d) would seek to eliminate the notice requirement in Rule 8.1(b) solely with respect to instances where the Exchange seeks to take disciplinary measures with respect to a former Member or associated person for failure to honor an arbitration award pursuant to Chapter 9. The proposed amendments to Rule 8.1(b) and 8.1(d) will result in Rule 8.1 aligning with Rule 13.1 of the Affiliated Exchanges.

Exchange Rule 8.2, Complaint and Investigation

(1) Current Rule 8.2

Current Rule 8.2 states that staff investigates and examines possible violations within the disciplinary jurisdiction of the Exchange (''violations'') whenever possible violations are brought to its attention in any manner, including upon order of the Board, the CRO or other Exchange officials designated by the CRO, or upon receipt of a complaint alleging such violation.[28] Members and associated persons are required to cooperate with staff inquiries and to furnish information requested in connection with investigations and examinations.[29] Members and associated persons are entitled to be represented by counsel during any such Exchange investigation, proceeding or inquiry.[30] Failure to furnish information requested by the Exchange in the course of an inquiry, investigation, hearing or appeal, or in the course of preparation by the Exchange in anticipation of such hearing or appeal on the date or within the time period specified by the Exchange shall be deemed to be a violation of Rule 8.2.[31] In each instance where an investigation has been instituted as a result of a complaint, and in every other instance in which an investigation finds that there are reasonable grounds to believe that a violation has been committed, the staff (or when appropriate, the designated self-regulatory organization) submits a written report (''report'') of the investigation to the CRO.[32]

[23] *See* Rule 9.5.

[24] *See* Rule 8.1(b).

[25] Rule 9.1 states that Members shall comply with any FINRA rules and interpretations thereof incorporated by reference as if such rules and interpretations were part of the Exchange's Rules. FINRA Rule 12202 states that claims by or against a member or an associated person who is inactive at the time the claim is filed is ineligible for arbitration under the FINRA Code of Arbitration unless the customer agrees in writing to arbitrate after the claim arises.

[26] *See* Affiliated Exchanges' Rule 13.7. ''The Exchange may enter into one or more agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Exchange Act. Any action taken by another self-regulatory organization, or its employees or authorized agents, acting on behalf of the Exchange pursuant to a regulatory services agreement shall be deemed to be an action taken by the Exchange; provided, however, that nothing in this provision shall affect the oversight of such other self- regulatory organization by the Commission. . . . the Exchange shall retain ultimate legal responsibility for, and control of, its self-regulatory responsibilities, and any such regulatory services agreement shall so provide.''

[27] The proposed change is substantially similar to SR–CBOE–2001–14, with minor differences for terminology and outdated rule references. Additionally, the Affiliated Exchanges' current arbitration rule (Chapter 14) explicitly states that former TPHs and associated persons of TPHs are considered to be encompassed by Chapter 14.

[28] *See* Rule 8.2(a).

[29] *See* Rule 8.2(c).

[30] *Id.*

[31] *See* Rule 8.2(e).

[32] *See* Rule 8.2(b).

Prior to submitting a report to the CRO, staff must notify the subject of the report (''Subject'') of the nature of the alleged violations.[33] Unless the CRO decides expeditious action is required, the Subject has 15 days to submit a written statement to the CRO concerning why no disciplinary action should be taken.[34] The Subject may request access to documents in the investigative file, furnished by the Subject or the Subject's agents, to assist the Subject in preparing such a written statement.[35] The Subject may also submit a videotaped response in lieu of a written statement, the length and format of which is decided by the Exchange.[36]

The Exchange may enter into cooperative agreements with domestic and foreign self-regulatory organizations providing for the exchange of information and other forms of mutual assistance or for market surveillance, investigative, enforcement or other regulatory purposes.[37] No Member or associated person or entity subject to the jurisdiction of the Exchange shall refuse to appear and testify before another exchange or another self-regulatory organization in connection with a regulatory investigation, examination or disciplinary proceeding or refuse to furnish testimony, documentary materials or other information or otherwise impede or delay such investigation, examination or disciplinary proceeding if the Exchange requests such testimony, documentary materials or other information in connection with an inquiry resulting from a cooperative agreement entered into by the Exchange.[38]

(2) Proposed Changes to Rule 8.2

The Exchange proposes to reorganize and amend Rule 8.2 to align with and reflect the layout of the Affiliated Exchanges' Rule 13.2. The Exchange proposes these amendments to Rule 8.2 with the sole purpose of aligning the Rules of the Exchange with the Rules of the Affiliate Exchanges, thereby promoting consistency and efficiency for Members and TPHs.

First, the Exchange proposes to update Rule 8.2(a) to remove the Exchange's (or designated SRO's) and the Board's ability to initiate an investigation and place the responsibility to initiate an investigation with the Exchange's Regulatory staff, defined *infra,* upon receipt of a complaint. Specifically, Rule 8.2(a) currently provides that an investigation can be initiated in four different ways: (1) by the Exchange, (2) by the Board, (3) by the CRO, or (4) by receipt of a complaint. The Exchange proposes to amend Rule 8.2(a) to place the responsibility to initiate an investigation with the Exchange's Regulatory staff whenever the Regulatory staff determines a reasonable basis to do so exists or upon receipt of a complaint by any person or entity including the Board, Exchange employees, and Members (the ''Complainant''), provided that such complaint specifies in reasonable detail the facts constituting the alleged violation. The proposed amendment to Rule 8.2(a) will result in Rule 8.2(a) aligning with Rule 13.2(a) of the Affiliated Exchanges.

Second, the Exchange proposes to replace Rule 8.2(b) with the equivalent Rule 13.2(c) of the Affiliated Exchanges, which specifies the appropriate procedure in circumstances in which the Regulatory staff finds reasonable grounds to believe a violation occurred, but no formal regulatory action is warranted in lieu of a statement of charges. Currently, Rule 8.2(b) provides that a written report of an investigation shall be submitted to the CRO in every instance where an investigation has been instituted and an investigation results in a finding that a violation was committed. Notably, current Rule 8.2(b) does not contemplate the appropriate procedures for when the Regulatory staff determines that a violation occurred, but a non-formal regulatory action is warranted in lieu of issuing a statement of charges or when the Regulatory staff determines no reasonable grounds to believe a violation occurred exist. The Exchange proposes to amend 8.2(b) to provide that when the Regulatory staff determines that a violation occurred, but a non-formal regulatory action is warranted, in lieu of issuing a statement of charges, the Regulatory staff may impose a non-formal regulatory action without the submission of a written report of its investigation to the CRO. Additionally, the Exchange proposes to amend Rule 8.2(b) to provide that when the Regulatory staff determines no reasonable grounds to believe a violation occurred exist, the Regulatory staff may close the investigation without submission of a written report to the CRO. The proposed Rule 8.2(b) reflects the language and procedures described Affiliated Exchanges' Rule 13.2(c) and differs only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Third, the Exchange proposes to amend Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information requested by the Exchange in connection with an inquiry resulting from an agreement pursuant to Exchange Rules 8.2(f),[39] 8.2(g),[40] or 13.7.[41] Currently, Exchange Rule 8.2(c) provides for circumstances in which a Member or associated person is obligated to appear and testify, respond in writing to interrogatories, and furnish documentary materials and other information requested by the Exchange including in connection with a an investigation initiated pursuant to the Rule or a hearing or appeal conducted or anticipated to be conducted pursuant to Chapter 8 of the Exchange Rules. Current Rule 8.2(c) does not obligate a Member or associated person to perform the specified actions in connection with an Exchange inquiry resulting from an agreement entered in connection with regulatory cooperation, a cooperative agreement, or a regulatory services agreement. The Exchange proposes to amend Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information requested by the Exchange in connection with an inquiry resulting from agreement pursuant to Exchange Rules 8.2(f), Regulatory Cooperation, 8.2(g), Cooperative Agreements, or 13.7, Regulatory Services Agreements. The proposed change to Rule 8.2(c) reflects the language of Affiliated Exchanges' Rule 13.2(b) and differs only where necessary to conform to the Exchange's

[33] *See* Rule 8.2(d).

[34] *Id.*

[35] *Id.*

[36] *See* Rule 8.2(h).

[37] *See* Rule 8.2(g).

[38] *See* Rule 8.2(f).

[39] *See* Rule 8.2(f). ''No Member or person associated with a Member or other person or entity subject to the jurisdiction of the Exchange shall refuse to appear and testify before another exchange or other self-regulatory organization in connection with a regulatory investigation, examination or disciplinary proceeding or refuse to furnish testimony, documentary materials or other information or otherwise impede or delay such investigation, examination or disciplinary proceeding if the Exchange requests such testimony, documentary materials or other information in connection with an inquiry resulting from an agreement entered into by the Exchange pursuant to subsection (g) of this Rule. . . .''

[40] *See* Rule 8.2(g). ''The Exchange may enter into agreements with domestic and foreign self-regulatory organizations providing for the exchange of information and other forms of mutual assistance or for market surveillance, investigative, enforcement or other regulatory purposes. . . .''

[41] *See* Rule 13.7. The Exchange may enter into one or more agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Exchange Act. . . .''

existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Fourth, the Exchange proposes to amend Rule 8.2(d) to extend the time in which a Subject [42] has to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and add clarifying language to specify that the reference to any resolution of the Board in Rule 8.2(d) refers only to resolutions of the Board regulating the conduct of business on the Exchange. Currently, Rule 8.2(c) allows Subjects 15 days from the date of notification to submit a written statement to the CRO describing why no disciplinary action should be taken, whereas the Affiliated Exchanges allow for 25 days.[43] Additionally, current Rule 8.2(c) does not include a tolling provision for Subjects when they are awaiting access to the relevant investigative file, whereas the Affiliated Exchanges include a tolling provision.[44] Finally, unlike Rule 13.2(d) of the Affiliated Exchanges, current Exchange Rule 8.2(c) refers to resolutions of the Board without specifying that the Rule only refers to resolutions of the Board regulating the conduct of business on the Exchange. To ensure consistency between the Exchange and the Affiliated Exchanges, the Exchange proposes to amend Rule 8.2(d) to extend the time for a Subject to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and add clarifying language to specify that the reference to any resolution of the Board in Rule 8.2(d) refers only to resolutions of the Board regulating the conduct of business on the Exchange. The resulting Rule 8.2(d) will reflect the language of Rule 13.2(d) of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Fifth, the Exchange proposes to amend Rule 8.2(h) to extend the time in which a Subject may submit a videotaped response to a notification from 15 to 25 days and to specify the length and format of videotaped responses submitted pursuant to the Rule 8.2. Currently, Exchange Rule 8.2(h) allows Subjects 15 days to submit a videotaped response to a notification. The current Rule fails to specify the length and format of videotaped responses and states that the Exchange will establish these standards. The Exchange proposes to extend the time in which a Subject may submit a videotaped response to a notification from 15 to 25 days to align the Exchange's Rules with those of the Affiliated Exchanges and proposed Rule 8.2(d), discussed above. The Exchange also proposes to specify that submitted videotaped responses shall not exceed 12 minutes and must be accompanied by a written transcript to align the Exchange's Rules with those of the Affiliated Exchanges and provide clarity to its Members regarding the standards for videotaped responses submitted pursuant to Rule 8.2(h). The resulting Rule 8.2(d) will reflect the exact language of Interpretation and Policy .02 of the Affiliated Exchanges' Rule 13.2.

Sixth, the Exchange proposes to add Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 as Exchange Rule 8.2(i)–(k) to specify the format of complaints, specify the form of materials to be submitted upon request, and define the term ''Regulatory staff'' as it is used in Chapter 8 of the Exchange Rules. The Affiliated Exchanges have rules in place specifying (1) that Complainants should sign written complaints or identify themselves when making oral complaints; (2) that data should be furnished upon request in the manner and standard electronic format prescribed by the Exchange; and (3) that define the term ''Regulatory staff'' as used in the relevant chapter. Conversely, the Exchange currently has no rules making such specifications. As such, the Exchange proposes to amend Rule 8.2 to add the specifications related to identification, furnishing materials upon request, and the definition of Regulatory staff that are included in the Rules of the Affiliated Exchanges. The Exchange proposes to adopt Rule 8.2(i) requiring Complainants to sign written complaints or identify themselves when making oral complaints and identify the specific rules and regulations allegedly violated. The Exchange also proposes to adopt Rule 8.2(j) requiring each Member to furnish data concerning orders, transactions, and positions upon request in the manner and standard electronic format prescribed by the Exchange. Finally, the Exchange proposes to adopt Rule 8.2(k) to define the term ''Regulatory staff,'' as used in Chapter 8, to mean the Exchange's employees in the regulatory division, and, as applicable, employees of FINRA performing regulatory services for the Exchange. The resulting Rules 8.2(i), 8.2(j), and 8.2(k) will reflect Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 with the only difference between the rules being the corresponding Exchange Rules and defined terms referenced in each.

Finally, the Exchange proposes to add Rule 8.2(m) to the Rules of the Exchange defining the BCC and detailing is composition. Proposed Rule 8.2(m) will define the BCC as a committee of the Board with decision-making authority concerning possible violation within the discretionary jurisdiction of the Exchange. Further, the proposed rule will detail the composition of the BCC as being comprised of one or more Member or associated person, one or more public representatives, and may also include other individuals affiliated with the securities, futures or derivatives industry, all as appointed by the Exchange's Nominating and Governance Committee with the approval of the Exchange's Board of Directors. The resulting Rule 8.2(m) will set forth the definition and composition of the BCC in the Rules of the Exchange thereby adding clarity. The Exchange's proposed amendments to Rule 8.2 discussed above will result in clarifying the Rules of the Exchange and the terms therein and Rule 8.2 aligning with and reflecting the general format of the Affiliated Exchanges' Rule 13.2 with differences only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Exchange Rule 8.3, Expedited Processing

(1) Current Rule 8.3

Current Rule 8.3, Expedited Proceeding, states that when a Subject receives notice of a report, the Subject may seek to dispose of the matter through a letter of consent.[45] The Subject may submit notice to staff electing to proceed in an expedited manner and shall have 15 days to submit a written statement pursuant to Rule 8.2(d).[46] The Subject and staff may then negotiate a letter of consent

[42] *See* Rule 8.2(d). The term ''Subject'' refers to the person(s) who is the subject of the report.

[43] *See* Affiliated Exchanges' Rule 13.2(d). ''A subject shall have 25 days from the date of notification [ ] to submit a written statement to the CRO concerning why no disciplinary action should be taken.''

[44] *See* Affiliated Exchanges' Rule 13.2(d). ''The 25-day period to submit a written statement shall toll while any request for access to the investigative file pursuant to this section is pending.''

[45] *See* Rule 8.3.

[46] *Id.*

outlining stipulations and findings regarding the violation(s) and the sanctions therefore.[47] Disposing of the matter via letter of consent occurs only if the Subject and staff agree on the terms and it is signed by the Subject.[48] The CRO may accept or reject the letter of consent.[49] If the CRO accepts the letter, the Exchange may adopt the letter as its decision.[50] If the CRO rejects the letter, the matter proceeds as if the letter had not been submitted. The CRO's decision to accept or reject the letter is final.[51] Upon rejection, the Subject shall have 15 days to submit a written statement pursuant to Rule 8.2(d).[52] At any time, the Subject or staff may terminate the negotiations via written declaration of an end to the negotiations.[53]

(2) Proposed Changes to Rule 8.3

The Exchange proposes to amend Rule 8.3, Expedited Proceeding, to extend the time for a Subject to submit written responses to notices from the Regulatory staff from 15 to 25 days and to make other non-substantive conforming changes to the rule text. Rule 8.3, Expedited Proceedings, references Rule 8.2(d), regarding notice and time to respond to a notice, multiple times. Currently, Rule 8.2(d) allows Subjects 15 days to respond to a notice from the Exchange's Regulatory staff. As discussed in detail above, the Exchange is proposing to extend time allotted in Rule 8.2(d) to 25 days to align the Rules of the Exchange with those of the Affiliated Exchanges. Similarly, current Rule 8.3 allows Subjects 15 days to submit a written notice in response a notification electing to proceed in an expedited manner, a declaration of an end to negotiations, or a rejection of a letter of consent. The Exchange now proposes to extend the time allotted to a Subject to submit a written response in each of these scenarios to 25 days.

Additionally, the Exchange proposes to make other non-substantive changes to Rule 8.3 to conform the language of the Rule with the language of Affiliated Exchanges' Rule 13.3, Expedited Proceeding. These non-substantive changes include changing references to ''Exchange staff'' to ''Regulatory staff,'' which the Exchange proposes to define in Rule 8.2(k), discussed above. The Exchange's proposed amendments to Rule 8.3 as discussed above will align Rule 8.3 with the general format and language of the Affiliated Exchanges' Rule 13.3.

Exchange Rule 8.4, Charges

(1) Current Rule 8.4

Current Rule 8.4 states that when it appears to the CRO from the staff's report pursuant to Rule 8.2(b) that no probable cause exists for finding a violation occurred or if the CRO otherwise determines that no further action is warranted, the CRO issues a written statement setting out its reasons for that finding.[54] When the CRO determines probable cause exists for finding a violation occurred and further proceedings are warranted, the CRO directs staff to prepare a statement of charges against the Respondent specifying the acts for which the Respondent is charged and setting forth the specific violations.[55] A copy of the statement of charges shall be served upon the Respondent in accordance with Rule 8.12.[56]

(2) Proposed Changes to Rule 8.4

The Exchange proposes to amend Rule 8.4. Charges, to delete the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a), amend Rule 8.4(b) to provide that a Complainant shall be notified if further proceedings are warranted, and add Rule 8.4(c) specifying the terms of a Respondent's access to requested documents.

First, the Exchange proposes to delete the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a). Current Rule 8.4(a) describes the steps the CRO must take in the case he or she determines that no probable cause exists for finding a violation occurred or that no further proceedings are warranted. In both cases, current Rule 8.4(a) directs the CRO to issue a written statement setting forth the reasons for his or her finding. Rule 8.4(a) does not specify which materials the CRO must base his or her finding on and requires the CRO, rather than the Regulatory staff, to take the specified action. The Exchange proposes to amend Rule 8.4(a) to adopt the language of the Affiliated Exchange's Rule 13.4(a) in its entirety. As a result, Rule 8.4(a) will continue to describe the steps the CRO must take if he or she determines that no probable cause exists for finding a violation occurred or that no further proceedings are warranted. The amended Rule 8.4(a) will also specify that the CRO should base his or her finding on the report of the Regulatory staff, that the determination should be based on the whether a violation occurred within the disciplinary jurisdiction of the Exchange, and direct the Regulatory staff, rather than the CRO, to prepare and issue a written statement setting forth the reasons for the CRO's findings. The resulting Rule 8.4(a) will reflect the exact language of the Affiliated Exchanges' Rule 13.4(a).

Second, the Exchange proposes to amend Rule 8.4(b) to specify that the CRO's finding should be based on the report of the Regulatory staff and that the Regulatory staff prepares and issues the statement of charges. Similar to current Rule 8.4(a), current Rule 8.4(b) does not specify that the CRO's finding should be based on a report from the Regulatory staff or that the Regulatory staff, rather than the CRO, should prepare and issue statements of charges. The Exchange proposes to amend Rule 8.4(b) to add these specifications. Additionally, the Exchange proposes to amend Rule 8.4(b) to specify that the term ''Respondent'' refers to the person or organization alleged to have committed a violation, and that the Complainant, if any, shall be notified if further proceedings are warranted. Current Rule 8.4(b) does not specifically define the term ''Respondent'' or whether Complainants will be contacted if further proceedings are warranted. The Exchange proposes to add to Rule 8.4(b) that the term ''Respondent'' refers to ''the person or organization alleged to have committed a violation.'' The Exchange also proposes to add that if further proceedings are warranted, the Complainant shall be notified. The resulting Rule 8.4(b) will reflect the exact language of Rules 13.4(b) of the Affiliated Exchanges.

Finally, the Exchange proposes to add subparagraph (c) to Rule 8.4 to specify the terms of the Respondent's access to requested documents. Currently, neither Rule 8.4, nor any provision in Chapter 8 of the Exchange's Rulebook, provides the terms of Respondent's access to documents relating to their investigation. The Exchange proposes to adopt Rule 8.4(c) to specify that Respondents who have made a request for documents shall have access to all documents concerning their case within 25 days after a statement of charges has been properly served upon the Respondent. If a Respondent requests such documentation, the Regulatory staff may protect the identity of the Complainant. The Exchange seeks to add clarity to the process by which Respondents may obtain all relevant

[47] *Id.*
[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Id.*
[54] *See* Rule 8.4(a).
[55] *See* Rule 8.4(b).
[56] *Id.*

documentation and ensure that procedures for obtaining such information are transparently communicated to all Members of the Exchange. The resulting Rule 8.4(c) will reflect the language of Rules 13.4(c) of the Affiliated Exchanges, with differences only to account for the Exchange Rules referenced therein.

Exchange Rule 8.5, Answer

(1) Current Rule 8.5

Currently, Rule 8.5, Answer, states that a Respondent has 15 days after service of the statement of charges to file a written answer to the statement of charges (''Answer'').[57] The Answer must specifically admit or deny any allegation contained in the statement of charges and may be accompanies by supporting documentation.[58]

(2) Proposed Changes to Rule 8.5

The Exchange proposes to amend Rule 8.5, Answer, to extend the time for a Subject to submit an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending. Similar to Rule 8.2, discussed above, Rule 8.5 currently allows Respondents 15 days after service of the charges to file an answer, whereas the Affiliated Exchanges allow for 25 days.[59] Additionally, current Rule 8.5 does not include a tolling provision for Respondents when they are awaiting access to the relevant investigative file, whereas the Affiliated Exchanges include a tolling provision.[60] To ensure consistency between the Exchange and its Affiliated Exchanges, the Exchange proposes to amend Rule 8.5 to extend the time that a Respondent has to file an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending, The resulting Rule 8.5 will reflect the language of Rule 13.5 of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

Exchange Rule 8.6, Hearings

(1) Current Rule 8.6

Current Rule 8.6, Hearings, states that subject to Rule 8.7[61] regarding summary proceedings, hearings on charges are held before a panel of three hearing officers (the ''Hearing Panel'') appointed by the Chief Executive Officer.[62] Each Hearing Panel shall be comprised of the following: (i) a professional hearing officer, who shall serve as Chairman; (ii) a hearing officer who is an Industry Member;[63] and (iii) a hearing officer who is a Member Representative.[64] [65] Exchange counsel may assist the Hearing Panel in preparing its written recommendations or judgments.[66] Within 15 days of the appointment of the Hearing Panel, the Respondent may move, in writing, to disqualify any Hearing Officer sitting on such Hearing Panel based upon bias or conflict of interest.[67] The Exchange may file a brief in opposition to the Respondent's motion within 15 days of service thereof.[68] The Hearing Panel shall rule upon such motion no later than 30 days from filing by the Respondent.[69]

Participants shall be given at least 15 business days' notice of the time and place of the hearing and a statement of the matters to be considered therein.[70] Not less than 8 days in advance of the hearing date, the parties much furnish copies of all documentary evidence they wish to present at the hearing, and the parties shall furnish a list of all documents submitted for the record not less than four business days in advance of the hearing.[71] These documents shall be made available to the parties for inspection and copying.[72] The Hearing Panel shall determine all questions concerning the admissibility of evidence and shall otherwise regulate the conduct at the hearing.[73] The charges shall be presented by a representative of the Exchange or the designated SRO who, along with the Respondent, may present evidence and produce witnesses who shall testify under oath and are subject to being questioned by the Hearing Panel and opposing parties.[74] The Responded is entitled to be represented by counsel who may participate fully in the hearing.[75] A transcript of the hearing shall be made and shall become part of the record.[76]

(2) Proposed Changes to Rule 8.6

The Exchange proposes to remove current text of Rule 8.6, Hearings, and replace it entirely with the language of Rule 13.6 of the Affiliated Exchanges, which describes the process of conducting hearings for the Affiliated Exchanges. Proposed changes to Rule 8.6 include amending Rule 8.6(a) to change the composition of the panel overseeing hearings from three hearing officers appointed by the CEO to three to five members of the BCC selected by the Chairperson of the BCC; reorganizing the contents of the Rule to reflect the format of Rule 13.6 of the Affiliated Exchanges, and adding subparagraphs (d) and (e) to Rule 8.6.

The Exchange proposes to amend Rule 8.6(a) to remove the current rule text and replace it entirely with the text of Rule 13.6(a) of the Affiliated Exchanges. Current Rule 8.6(a) defines the terms ''Industry Member'' and ''Member Representative member,'' and then specifies the composition of Hearing Panels that conduct hearings pursuant to the Rule as three hearing officers appointed by the CRO. The amended Rule 8.6(a) will define the term ''Hearing Panel'' as the selected members of the BCC that shall exercise the authority of the BCC with respect to matters pertaining to the hearing. The proposed rule change will transform the composition of the Hearing Panel from a panel of three hearing officers appointed by the Chief Executive Officer to three to five members of the BCC selected by the Chairperson of the BCC. Proposed Rule 8.6(a) will also provide that the Exchange and the Respondent shall be the parties to the hearing and where a Member organization is a is a party, it shall be

[57] *See* Rule 8.5.

[58] *Id.*

[59] *See* Affiliated Exchanges' Rule 13.5. ''The Respondent shall have 25 business days after service of the charges to file a written answer thereto.''

[60] *See* Affiliated Exchanges' Rule 13.5. ''The 25-day period to submit a written answer shall toll while any request for access to the investigative file pursuant to Rule 13.4(c) is pending.''

[61] *See* Rule 8.7. ''Notwithstanding the provisions of Rule 8.6 of this Chapter, the CRO may make a determination without a hearing and may impose a penalty as to violations which the Respondent has admitted or charges which the Respondent has failed to answer or which otherwise are not in dispute. Notice of such summary determination, specifying the violations and penalty, shall be served upon the Respondent, who shall have ten (10) business days from the date of service to notify the CRO that he desires a hearing upon all or a portion of any charges not previously admitted or upon the penalty. Failure to so notify the CRO shall constitute an admission of the violations and acceptance of the penalty as determined by the CRO and a waiver of all rights of review. If the Respondent requests a hearing, the matters which are the subject of the hearing shall be handled in accordance with the hearing and review procedures of this Chapter.''

[62] *See* Rule 8.6(a)(2).

[63] *See* Rule 8.6(a)(1)(A). An ''Industry Member'' is generally defined as a person having significant involvement with a broker or dealer, a person who provides professional services to a broker or dealer, or a person who has an employment relationship or consults for or provides professional services to the Exchange or any affiliate thereof.

[64] *See* Rule 8.6(a)(1)(B). The term ''Member Representative'' means a member of any hearing panel who is an office, director, employee or agent of an Exchange Member.

[65] *See* Rule 8.6(a)(2).

[66] *See* Rule 8.6(b).

[67] *Id.*

[68] *Id.*

[69] *Id.*

[70] *See* Rule 8.6(c).

[71] *Id.*

[72] *Id.*

[73] *See* Rule 8.6(d).

[74] *Id.*

[75] Id.

[76] Id.

represented at the hearing by one if its Principals or nominees. Additionally, the rule will provide that Hearing Panel members shall remain impartial and function independently from Exchange staff.

Current Rule 8.6(b) imposes the requirement that members of the Hearing Panel must remain impartial and provides the procedures for which a Respondent may move to disqualify a member of the Hearing Panel based on bias or a conflict of interest. The Exchange proposes to remove subparagraph (b) of Rule 8.6 and replace it with a provision describing hearing procedures, discussed in detail *infra.* The Exchange proposes to amend subparagraph (1) of Rule 8.6(a) to set forth the requirement that members of the Hearing Panel remain impartial throughout the proceeding and the procedures for, if at any point in time, a member of the Hearing Panel determines they have a conflict of interest. These provisions were previously contained in subparagraph (b) of Rule 8.6. If a conflict of interest arises, the Hearing Panel member shall notify the Chairperson of the BCC who shall notify all Parties that the Hearing Panel member withdrawals from the hearing and then appoint a replacement. Finally, subparagraph (2) of proposed Rule 8.6(a) will provide for an avenue by which a Respondent may motion for the disqualification of a Hearing Penal member based on bias or a conflict of interest within 15 days of the appointment of the Hearing Panel member. This provision was also previously contained in subparagraph (b) of Rule 8.6. Similar to the requirements of current Rule 8.6(b), motions for disqualification of a Hearing Panel member will be required to be in writing and must state the facts and circumstances giving rise to the alleged bias or conflict. Then, the Exchange will have 15 days to file a brief in opposition to the Respondent's motion. The resulting Rule 8.6(a) will reflect the requirements and format set forth in Affiliated Exchanges' Rule 13.6(a) and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Next, the Exchange proposes to amend current Rule 8.6(b) to remove the existing text and replace it entirely with the text of Rule 13.6(b) of the Affiliated Exchanges. Current Rule 8.6(b) imposes the requirement that members of the Hearing Panel must remain impartial and provides the procedures for which a Respondent may move to disqualify a member of the Hearing Panel based on bias or a conflict of interest. As discussed above, the Exchange proposes to move the requirement of impartiality of Hearing Panel members and the procedures for addressing a Hearing Panel member's conflict of interest to subparagraph (a) of Rule 8.6. The Exchange proposes to replace current Rule 8.6(b) with a provision specifying prehearing procedures, which are currently found in Rule 8.6(c). As discussed in greater detail *infra,* the Exchange proposes to remove the text of current Rule 8.6(c) and renumber current Rule 8.6(d) as Rule 8.6(c).

The Exchange proposes to amend Rule 8.6(b) to specify the terms of notice before a hearing, location of a hearing, pre-hearing furnishing of documents, and pre-hearing conference requirements. First, the amended Rule 8.6(b) will specify that notice shall be served upon all Parties to a hearing at least 15 days before the hearing specifying the time and location of the hearing which is typically held in Chicago, but may be held outside of Chicago to accommodate hearing participants. Similar to current Rule 8.6(c), proposed Rule 8.6(b) will require 15 business days' notice of a hearing to all parties and require that all evidence each party intends to furnish to the Hearing Panel shall be furnished within 10 business days prior to the hearing. Next, proposed Rule 8.6(b) will specify that each party to a hearing must furnish all documentary evidence it intends to present at the hearing to the Hearing Panel and all other parties to the hearing within 10 days prior to the scheduled hearing. Proposed Rule 8.6(b) will also provide that where time and the nature of a proceeding permit, the parties shall meet in a prehearing conference to clarify and simplify issues and otherwise expediate the hearing process. The Rule will specify that at such pre-hearing conference the parties shall attempt to reach an agreement regarding the authenticity of documents and facts not in dispute, and that either party may request that the Hearing Panel or Chairperson thereof decide any unresolved prehearing issue. Finally, proposed Rule 8.6(b) will set forth the situations in which interlocutory Board review of a decision by the Hearing Panel is permitted. Generally, proposed Rule 8.6(b) will prohibit any interlocutory review by the Board unless the Hearing Panel agrees to review after determining that the issue is a controlling issue of rule or policy and that immediate Board review would materially advance the ultimate resolution of the case. The resulting Rule 8.6(b) will reflect the language and organization of Rule 13.6(b) of the Affiliated Exchanges.

Next, the Exchange proposes to remove the existing text of Rule 8.6(c) as this text has been incorporated into proposed Rule 8.6(b). The Exchange also proposes to renumber current Rule 8.6(d) concerning the conduct of hearing as Rule 8.6(c) and proposes additional non-substantive changes to reflect the language of the Affiliated Exchanges' Rule 13.6(c). Proposed Rule 8.6(c) will impose the same requirements upon the Hearing Panel at a hearing as current Rule 8.6(d) does and add the opportunity for intervening parties to present evidence at a hearing be represented by counsel. The resulting Rule 8.6(c) will reflect the exact language of Rule 13.6(c) of the Affiliated Exchanges.

Next, the Exchange proposes to adopt Rule 13.6(d) of the Affiliated Exchanges regarding documents and witnesses as Exchange Rule 8.6(d). Proposed Rule 8.6(d) will provide the process by which the Hearing Panel may compel the production of evidence from the Exchange, a Member, or associated person. Proposed Rule 8.6(d) will allow a Respondent to submit a written request to the Hearing Panel asking the Hearing Panel to enter an order compelling the production of non-privileged documents by the Exchange, a Member, or associated person. Before entering an order under proposed Rule 8.6(d), the Hearing Panel will be required to hear any objections raised and weigh the probative value of the requested evidence against considerations including undue delay, waste of time, confusion, and unfair prejudice. As a result of compelled production under proposed Rule 8.6(d), the Hearing Panel may require the Respondent to pay the costs of producing the requested evidence and no Member or associated person may refuse to furnish relevant evidence requested or ordered by the Hearing Panel. The resulting Rule 8.6(d) will reflect the language and procedures outlined in Rule 13.6(f) of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Finally, the Exchange proposes to adopt the Affiliated Exchanges' Rule 13.6 Interpretations and Policies .01–.03 regarding parties intervening in a hearing as Rule 8.6(e). Proposed Rule 8.6(e) will set forth the process by which a third party may intervene as a

party to a hearing. Under proposed Rule 8.6(e), a party may only intervene in a hearing if (1) the party satisfactorily demonstrates to the Hearing Panel that the party has an interest in the subject of the hearing and that disposition of the matter before the Hearing Panel may impair or impede the party's ability to protect that interest; or (2) the Hearing Panel, in its discretion, permits a party to intervene when the party's claim or defense and the main action have questions of fact or law in common. Proposed Rule 8.6(e) will require any party seeking to intervene in a hearing to file a notice requesting to intervene with the Hearing Panel stating the grounds for intervention. The Exchange proposes to add subparagraphs (1) and (2) to proposed Rule 8.6(d) including specifying that the Hearing Panel has discretion to take into consideration whether intervention will unduly delay a hearing and that the CRO shall have authority to direct that a hearing to be scheduled at any time after the period to answer, specified in Rule 8.5, discussed above, has elapsed. The resulting Rule 8.6(f) will reflect the exact language of Affiliated Exchanges' Rule 13.6 Interpretations and Policies .01–.03 with the only difference between the Rules being the Rules referenced therein.

The Exchanges proposes the aforementioned changes to Rule 8.6, Hearings, with the broader purpose of harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges. The changes to Rule 8.6 propose to adopt new roles for the Exchange's Business Conduct Committee similar to the functions of the relevant BCC of the Affiliated Exchanges. The Exchange believes that harmonizing the composition of the disciplinary rules between the Exchange and the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business.

Rule 8.8, Offers of Settlement

(1) Current Rule 8.8

Current Rule 8.8, Offers of Settlement, states that a Respondent may submit an offer of settlement (''offer'') to the CRO at any time during the course of any proceeding.[77] If the CRO accepts the offer, it issues a decision consistent with the terms of the offer.[78] If the CRO rejects the offer, it notifies the Respondent and the matter proceeds as if the offer had not been made.[79] In addition, the Respondent is notified if staff will not recommend acceptance of an offer, and the Respondent may then appear before the CRO to make an oral statement in support of the offer.[80] If the CRO rejects an offer that the staff supports, the Respondent may also appear before the CRO to make an oral statement concerning why the CRO should consider changing its decision.[81] A Respondent must make a request for such an appearance within 5 days of being notified that the offer was rejected or that the staff will not recommend acceptance.[82] Unless otherwise ordered by the CRO, a Respondent shall be entitled to submit a maximum of two written offers of settlement in connection with the statement of charges issued pursuant to Rule 8.4(b).[83]

(2) Proposed Changes to Rule 8.8

The Exchange proposes to amend Rule 8.8, Offers of Settlement, to remove the provision that the staff may also appear before the CRO to make an oral statement if the Respondent elects to make an oral statement before the CRO. Additionally, the Exchange proposes to amend Rule 8.8 to provide that a Respondent may submit an offer during the course of any proceeding under Chapter 8 of the Exchange Rules. Currently, Rule 8.8(b) allows a Respondent to appear before the CRO to make an oral statement in support of an offer. If the CRO rejects the offer, the Respondent may appear in front of the CRO to make an oral statement in support of their offer and the Exchange staff may appear to make an oral statement in support of it position.[84] The Exchange proposes to remove the language in Rule 8.8(b) stating that the staff may also make an oral statement in support of its position. Rule 13.8 of the Affiliated Exchanges contains a similar provision to Exchange Rule 8.8(b), but does not contain a provision allowing the staff to also appear in front of the CRO. The Exchange proposes to remove this provision of Rule 8.8(b) to ensure consistency across the Rules of the Exchange and the Affiliated Exchanges.

The Exchange also proposes to add subparagraph (d) to Rule 8.8 regarding presentment of offers of settlement. The Exchange proposes to add language taken from Affiliated Exchanges' Rule 13.8 Interpretations and Policies .02 which clarifies when a Respondent may propose a written offer and that the Hearing Panel shall grant parties leave from a hearing if an offer of settlement is submitted subsequent to a hearing. The Exchange proposes to adopt similar language to Affiliated Exchanges' Rule 13.8 Interpretations and Policies .02. The resulting Rule 8.8(d) will ensure the granting of leave from hearings when an offer is submitted subsequent to a hearing and clarify that a Respondent may submit a written offer at any time during a proceeding under Chapter 8 of the Exchange Rules, subject to Rule 8.8(c).[85]

Rule 8.9, Decision

(1) Current Rule 8.9

Currently, Rule 8.9, Decision, states that following a hearing, the Hearing Panel issues a decision, in writing, determining whether the Respondent has committed a violation.[86] The decision shall include a statement of findings and conclusions upon all material issues presented on the record.[87] Where a penalty is imposed, the decision shall include a statement specifying the acts or practices in which the Respondent has been found to have engaged and setting forth the specific provisions of authority of which the acts are deemed to be in violation.[88] The Respondent shall promptly be sent a copy of the decision.[89]

(2) Proposed Changes to Rule 8.9

The Exchange proposes to amend Rule 8.9, Decision, to add that a decision shall also include a statement of the penalties imposed and reasons for the penalties, that the regulatory division shall also receive a copy of the statements, and that the Exchange shall post the complete decision on the appropriate EDGA website once the decision is considered final. Current Rule 8.9 sets out the required contents of a decision where a penalty is imposed but does not include that the decision must include a statement of the sanctions and the reasons for their imposition. The Exchange proposes to add to Rule 8.9 that where a penalty is imposed, the decision of the Hearing

[77] *See* Rule 8.8(a).

[78] *Id.*

[79] *Id.*

[80] *See* Rule 8.8(b)

[81] *Id.*

[82] *Id.*

[83] See Rule 8.8(c).

[84] See Rule 8.8(a).

[85] *See* Rule 8.8(c). ''Unless the CRO shall otherwise order, a Respondent shall be entitled to submit to the CRO a maximum of two written offers of settlement in connection with the statement of charges issued to that Respondent pursuant to Rule 8.4(b).''

[86] *See* Rule 8.9.

[87] *Id.*

[88] *Id.*

[89] *Id.*

Panel shall also include a statement of the penalties imposed and the reasons therefor. Additionally, current Rule 8.9 states that a Respondent shall receive a copy of a decision but does not provide that the regulatory division of the Exchange shall receive a copy as well. The Exchange proposes to amend Rule 8.9 to include that the regulatory division shall also receive a copy of the decision. Finally, the Exchange proposes to add to Rule 8.9 that after review of a decision is complete and considered final, the Exchange shall post the complete decision on the appropriate EDGA website. The Rules of the Affiliated Exchanges include a similar provision [90] that is currently not contained in the Rules of the Exchange. The Exchange proposes this addition to ensure consistency across the Rules of the Exchange and Affiliated Exchanges and to ensure that Members and Trading Permit Holders of each do not perceive the Rules of one exchange as stricter than the other. The resulting Rule 8.9 will closely reflect Rule 13.9 of the Affiliated Exchanges, with the only difference being the Exchange Rules referenced therein.

Rule 8.10, Review

(1) Current Rule 8.10

Current Rule 8.10, Review, states that a Respondent has 10 days after service of a decision to petition for review of the decision by submitting a petition, in writing, and specifying the findings and conclusions to which exceptions are taken together with reasons for such exceptions.[91] The review shall be conducted by the Appeals Committee of the Board (the ''Committee'').[92] The review shall be based solely upon the record and the written exceptions filed by the parties unless the Committee decides to open the record for introduction of evidence or to hear arguments.[93] The Committee's decision shall be in writing and shall be final.[94]

The Board may order review of a decision made pursuant to Rule 8.7 [95] or 8.9, discussed above, within 20 business days after issuance of the decision.[96] Such review shall be conducted in accordance with the Committee review procedure described above.[97] Within 30 days of a decision made to not initiate charges pursuant to Rule 8.4(a), described above, the Board may order review of such decision upon application made by the Chief Executive Officer (''CEO'').[98] Such review shall be conducted in accordance with the Committee review procedure described above.[99]

(2) Proposed Changes to Rule 8.10

The Exchange proposes amend Rule 8.10(a) to reflect the content and format of Rule 13.10 of the Affiliated Exchanges. In doing so, the Exchange proposes to extend the time for a Respondent to petition for review of a decision from 10 days to 15 days, to specify the process of petitioning for review of a decision, and to clarify that other parties to a hearing may also submit a petition for review and a response to petitions for review. The Exchange also proposes to amend Rule 8.10(b) to allow the Board or a committee of the Board, excluding any Board member who participated in the review, to ratify a review, and to clarify that new issues may be raised by the parties involved in the review, but all parties must be given notice and opportunity to address them. Additionally, the Exchange proposes to amend Rule 8.10(b) to further clarify that the Board may affirm, reverse or modify the decision, and that the decision must be served upon the Respondent and the regulatory division of the Exchange. Next, the Exchange proposes to amend Rule 8.10(c) to extend the time allotted for the Board to review a decision from 20 days to 30 days. Finally, the Exchange proposes to remove subparagraph (d) of Rule 8.10 entirely to eliminate the CEO's role from the disciplinary issues of the Exchange all together.

The Exchange proposes to amend Rule 8.10(a) to allow both the Respondent and the regulatory division the opportunity to petition for review of a decision, extend the period of time allotted to both parties to file such a review from 10 days to 15 days, and specify the process by which the parties may petition for review. Current Rule 8.10(a) allows only the Respondent to petition for review of a decision within 10 days of service of notice of a decision and fails to specify the process for filing a petition for review. The Exchange proposes to extend this time to 15 days, include the regulatory division of the Exchange as a party who many petition for review, and specify that a petitioning party must file a copy of the written petition with the Secretary of the Exchange (''Secretary'') shared with all other parties to the hearing. In response to a petition for review all other parties to the hearing shall have 15 days to respond to the petition by serving a written response upon the Secretary and all other parties to the hearing. The resulting Rule 8.10(a) will clarify the processes for submitting petitions for review for all parties to a hearing and closely reflect the language of Rule 13.10(a) of the Affiliated Exchanges. The resulting Rule 8.10(a) will differ from Rule 13.10(a) of the Affiliated Exchanges only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

The Exchange proposes to amend Rule 8.10(b) to reflect the language of the Rule 13.10(b) of the Affiliated Exchanges. Current Rule 8.10(b) provides that the review of a decision shall be conducted by the Appeals Committee of the Board and based solely on the record and written exceptions filed by the parties. The Exchange proposes to allow the Board or any subcommittee thereof, excluding any Director who took part in the Hearing Panel, to review a decision. The Exchange proposes to allow the reviewing Committee to open the record to introduce additional evidence if it chooses, in which case parties to the hearing shall be given notice and opportunity to address any additional issues. Finally, the Exchange proposes to clarify that the decision of the Board shall be made in writing and served upon the Respondent and the Regulatory Division. The resulting Rule 8.10(b) will closely reflect Rule 13.10(b) of the Affiliated Exchanges with differences to account for the Exchange's existing Rule text and details and descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

The Exchange proposes to amend Rule 8.10(c) to extend the time the Board which the Board can review an

[90] *See* Affiliated Exchange Rule 13.9.

[91] *See* Rule 8.10(a).

[92] *See* Rule 8.10(b).

[93] *Id.*

[94] *Id.*

[95] *See* Rule 8.7. ''Notwithstanding the provisions of Rule 8.6 of this Chapter, the CRO may make a determination without a hearing and may impose a penalty as to violations which the Respondent has admitted or charges which the Respondent has failed to answer or which otherwise are not in dispute. Notice of such summary determination, specifying the violations and penalty, shall be served upon the Respondent, who shall have ten (10) business days from the date of service to notify the CRO that he desires a hearing upon all or a portion of any charges not previously admitted or upon the penalty. Failure to so notify the CRO shall constitute an admission of the violations and acceptance of the penalty as determined by the CRO and a waiver of all rights of review. If the Respondent requests a hearing, the matters which are the subject of the hearing shall be handled in accordance with the hearing and review procedures of this Chapter.''

[96] *See* Rule 8.10(c).

[97] *Id.*

[98] *See* Rule 8.10(d).

[99] *Id.*

order of a decision from 20 days to 30 days and to specify that the 30 period begins at the time service of the decision upon the Respondent and the Regulatory Division. Current Rule 8.10(c) allows the Board to review an order of a decision made pursuant to Rule 8.7 or Rule 8.9, described above, within 20 business days after issuance of the decision. The Exchange proposes to extend the time allotted to the Board to review an o order of a decision to 30 days. The resulting Rule 8.10(c) will closely reflect Rule 13.10(c) of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

Finally, the Exchange proposes to remove current subparagraph (d) from Rule 8.10, which allows the CEO to apply for, and the Board to order for, the review of decisions made pursuant to Rule 8.4(a), discussed above. The Exchange proposes to eliminate subparagraph (d) of Rule 8.10 with the broader purpose of removing the CEO from disciplinary matters within the Exchange. As discussed above, the Exchange seeks to align its Rules with those of the Affiliated Exchanges, which do not include the CEO as a stakeholder in disciplinary actions taken by the Affiliated Exchanges. The resulting Rule 8.10 will closely reflect the language and processes prescribed by Rule 13.10 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Rule 8.11, Judgment and Sanction

(1) Current Rule 8.11

Current Rule 8.11, Judgment and Sanction, provides that the CRO, Hearing Panel, or committee of the Board appropriately discipline Members and associated persons for violations by expulsion, suspension, limitation of activities, fine, censure, suspension of association with a Member, suspension or revocation of membership, or any other fitting sanction.[100] Under this Rule, the CRO, Hearing Panel, or a committee of the Board, as applicable, considers several factors when determining sanctions including, but not limited to, deterrence, remediation, precedent and the appropriateness of disgorgement and/or restitution.[101] Penalties imposed under this Rule shall not become effective until the review process is completed or the decision otherwise becomes final.[102] The CRO, Hearing Panel, or committee of the Board, as applicable, may impose such conditions and restrictions on the activities of the Respondent pending effectiveness of a decision imposing a penalty on the Respondent as necessary for the protection of investors, creditors, and the Exchange.[103] The current Rule 8.11 also states that Exchange staff shall make all necessary findings under the Exchange Act and comply with all other applicable laws and regulations.[104]

(2) Proposed Changes to Rule 8.11

The Exchange proposes to amend Rule 8.11, Judgment and Sanctions, to remove a committee of the Board as an applicable body that may determine penalties and impose discipline upon Members and associated persons. Current Rule 8.11(a) lists the CRO, Hearing Panel, and a committee of the Board as persons who may impose appropriate disciplinary actions for violations by expulsion, suspension, limitation of activities, fine, censure, suspension of association with a Member, suspension or revocation of membership, or any other fitting sanction. Current Rule 8.11(b) also includes a committee of the Board as an applicable body that may impose conditions or restrictions upon Members or associated persons for the protection of investors, creditors, and the Exchange pending the effectiveness of a decision imposing a penalty. Similarly, Rule 8.11(c) sets forth the appropriate considerations of the CRO, Hearing Panel, and committee of the Board in determining the imposition of sanctions. The Exchange proposes to remove a committee of the Board as a party that may determine and impose sanctions as described in the Rule. The resulting Rule 8.11 will contain the process for imposing disciplinary actions, but with a committee of the Board removed as a party that may take the actions described in Rule 8.11. The resulting Rule 8.11 will closely reflect Rule 13.11 of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

The Exchange also proposes to remove Interpretations and Policies .01 to Rule 8.11. Interpretations and Policies .01 to Rule 8.11 currently states that Exchange staff shall make all necessary findings under the Exchange Act and comply with all other applicable laws and regulations. The Exchange proposes to remove this portion of Rule 8.11 because it is duplicative of the duties already imposed on the Exchange by the Exchange Act and other laws and regulations. Additionally, the corresponding Rule 13.11 of the Affiliated Exchanges does not contain a similar provision. Accordingly, the Exchange proposes to remove the duplicative language of Interpretations and Policies .01 to Rule 8.11 to align the Rules of the Exchange with those of the Affiliate Exchanges.

Rule 8.12, Miscellaneous Provisions

(1) Current Rule 8.12

Current Rule 8.12, Miscellaneous Provisions, states that service may be effected by personally delivering any charges, notices or other documents upon the Respondent, by leaving such charges, notices or other documents at his place of business, or by registered and certified mail addressed to the Respondent at his last known place of business.[105] The Exchange may grant an extension of time limits for the submission of answers, petitions or other materials if the authority to whom such materials are to be submitted grants permission for the extension.[106]

The Exchange's staff, CRO, Board, or designated SRO shall have the right (1) to require any Member to report orally or in writing with regard to any matter involved in any such investigation or hearing, and (2) to investigate the books, records and accounts of any such Member with relation to any matter involved in any such investigation or hearing.[107] Members shall comply with requests to make any report as required by Rule 8.12(c) and shall comply with any inspection of books, records and accounts as may be validly called for under Rule 8.12(c).[108]

(2) Proposed Changes to Rule 8.12

The Exchange proposes to amend Rule 8.12, Miscellaneous Provisions, to clarify that the address the Respondent may be served at is the last known place of business as it appears on the books and records of the Exchange, and to provide an additional three days to the prescribed period a Respondent has to respond in the case of service by certified mail. Additionally, the Exchange proposes to clarify all references to Respondent within Rule 8.12. Current Rule 8.12(a) describes where a Respondent may be served, including by mail to his last known place of business. However, the current

[100] *See* Rule 8.11(a).

[101] *See* Rule 8.11(c).

[102] *See* Rule 8.11(b).

[103] *Id.*

[104] *See* Rule 8.11, *Interpretations and Policies .01* to Rule 8.11.

[105] *See* Rule 8.12(a).

[106] *See* Rule 8.12(b).

[107] *See* Rule 8.12(c).

[108] *Id.*

Rule does not provide the source of the address that may be used in the case of service by certified mail and does not allow for additional time to respond to service in the case of service by certified mail. The Exchange proposes to amend Rule 8.12(a) to clarify that service by mail shall be addressed to the Respondent at the Respondent's last know place of business as it appears on the books and records of the Exchange. The Exchange also proposes to add a provision to Rule 8.12(a) to allow the Respondent three additional days to respond to service delivered by certified mail. Finally, the Exchange proposes to add non-substantive changes to Rule 8.12(a) to clearly use the term ''Respondent'' instead of ''his'' when referring to the Respondent in the Rule text. The resulting Rule 8.12(a) will clearly state the address to be used in the case of service by certified mail. The resulting Rule 8.12 will closely reflect the language and processes prescribed by Rule 13.12 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

8.14, Agency Review

(1) Current Rule 8.14

Current Rule 8.14, Agency Review, states that actions taken by the Exchange pursuant to Chapter 8 shall be subject to the review and action of any appropriate regulatory agency under the Act.[109]

(2) Proposed Changes to Rule 8.14

The Exchange proposes to remove current Rule 8.14, Agency Review, in its entirety and replace it with the text of Rule 13.14 of the Affiliated Exchanges. Current Rule 8.14 states that actions taken by the Exchange shall be subject to review by the appropriate regulatory agency under the Act. The Exchange believes this provision is duplicative of rules and restrictions already imposed on disciplinary actions under the Exchange Act.[110] Thus, the Exchange proposes to remove the text of current Rule 8.14 because it is duplicative.

In place of current Rule 8.14, the Exchange proposes adopt language regarding reporting to the CRD using similar language to that of Rule 13.14 of the Affiliated Exchanges. Subparagraph (a) of proposed Rule 8.14, Reporting to the Central Registration Depository, will require the Exchange to report any issuance of a statement of charges concerning formal Exchange disciplinary proceedings pursuant to Rule 8.4(b), described above, and all significant changes in the status of pending proceedings to the CRD.

The Exchange also proposes to add clarifying descriptions of the terms used in Rule 8.14(a) to subparagraph (b) of proposed Rule 8.14. Proposed subparagraph (b)(1) of proposed Rule 8.14 will clarify that formal Exchange disciplinary proceedings are considered pending from the time the statement of charges is issued pursuant to Exchange Rule 8.4(b), as described above, until the proceeding becomes final. Subparagraph (b)(2) of proposed Rule 8.14 will clarify that an Exchange disciplinary proceeding shall be considered formal if it is initiated by the Exchange pursuant to Exchange Rule 8.1 through 8.13. Finally, subparagraph (b)(3) of proposed Rule 8.14 will list examples of significant changes that shall be reported to the CRD including the scheduling of a disciplinary hearing, the issuance of a decision by the CRO or Hearing Panel, the filing of an appeal to the Board, and the issuance of a decision by the Board. The resulting Rule 8.14 will reflect the language of Rule 13.14 of the Affiliated Exchanges with the only differences between the rules being the references to the Exchange specific rules within them. The Exchange proposes the aforementioned changes to Rule 8.14 with the purpose of clarifying which instances the Exchange reports disciplinary proceedings to the CRD and aligning the Rules of the Exchange with those of the Affiliated Exchanges.

Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules

(1) Current Rule 8.15

Current Rule 8.15, Imposition of Fines for Minor Rule Violations, states that in lieu of commencing disciplinary proceedings, the Exchange may impose fines on Members and associated persons for specified Rule violations that the Exchange has deemed minor in nature.[111] In any action taken by the Exchange pursuant to Rule 8.15, the person against whom a fine is imposed shall be served, as provided in Rule 8.12 discussed above, with a written statement setting forth the details of each violation, the associated fine for each violation, the date by which the determination becomes final, and the fine due and payable to the Exchange.[112] The person against whom a fine is imposed shall not have less than 15 business days after the date of service to contest the Exchange's determination.[113] Payment of the fine shall be deemed to be a waiver by such person of the right to a disciplinary proceeding under Rule 8.1–8.13, discussed above, and any review of the matter by the appeals committee or by the Board.[114] If the person against whom a fine is imposed contests the Exchange's determination through a written response meeting the requirements of an Answer, described in Rule 8.5 above, the matter shall become a disciplinary proceeding subject to the provisions of Rules 8.1–8.13, described above.[115] The Exchange periodically announces a listing of Exchange Rules as to which fines may be imposed and the specific dollar amount that may be imposed or the minimum and maximum dollar amounts that may be imposed with respect to such violations.[116] The Exchange is not required to impose a fine pursuant to Rule 8.15 with respect to a violation of any Rule included in such listing.[117]

(2) Proposed Changes to Rule 8.15

The Exchange proposes to amend Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, to reflect the content and layout of Rule 13.15 of the Affiliated Exchanges, which provides the guidelines for imposing fines for minor rule violations on the Affiliated Exchanges. The Exchange proposes to amend Rule 8.15(a) to limit fines imposed under the Rule to $5,000, specify the actions constituting minor rule violations, describe the Exchange's treatment of separate and similar offenses for purposes of the Rule, and provide that reporting of uncontested violations to the Commission not exceeding $2,500 shall be reported on a periodic basis. The Exchange proposes to amend Rule 8.15(b) to extend the time that a determination becomes final or a determination must be contested under the Rule from no less than 15 days to no less than 30 days after service of the written statement and to specify that failure to contest, submission, and/or acceptance of a fine by a member does not constitute admission. The Exchange proposes to remove current rule 8.15(c) in its entirety and replace it with revised Rule 8.15(c). The Exchange proposes revised Rule 8.15(c) with

[109] *See* Rule 8.14.

[110] *See* 15 U.S.C. 78s.

[111] *See* Rule 8.15(a).

[112] *See* Rule 8.15(b).

[113] *Id.*

[114] *See* Rule 8.15(c).

[115] *See* Rule 8.15(d).

[116] *See* Rule 8.15(e). *See also* Rule 8.15, *Interpretations and Polices* .01 (List of Exchange Rule Violations and Recommended Fine Schedule Pursuant to Rule 8.15).

[117] *Id.*

subparagraphs (1)–(4), which will describe the process of contesting a fine. Finally, the Exchange proposes to amend current Rule 8.15(e) to become revised Rule 8.15(d) and make conforming non-substantive changes, authorize the Exchange to impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies,*[118] and clarify the Exchange's authority to take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15 when warranted by the egregiousness of the violation.

The Exchange proposes to amend Rule 8.15(a) to limit fines imposed under the Rule from $2,500 to $5,000, specify the actions constituting minor rule violations, describe the Exchange's treatment of separate and similar offenses for purposes of the Rule, and provide that reporting of uncontested violations to the Commission not exceeding $2,500 shall be reported on a periodic basis. Currently, Rule 8.15(a) contains a limitation on the fine that may be imposed under the Rule of $2,500 and does not specify the character of rule violations that constitute minor violations within the meaning of Rule 8.15. The Exchange proposes to amend the limit of fines that may be imposed under the Rule to $5,000. Additionally, the Exchange proposes to specify, within Rule 8.15(a), that minor rule violations within the meaning of the Rule are contained in *Interpretations and Policies* .01 to Rule 8.15 and Rule 25.3, Penalty for Minor Rule Violations.[119] Currently, Rule 8.15(a) also does not contain a provision, such as the one contained in Rule 13.15(a) of the Affiliated Exchanges, allowing the Exchange to aggregate particular violations based on a comprehensive automated surveillance program. The Exchange proposes to amend Rule 8.15 to contain a similar provision providing that the Exchange may aggregate individual violations and treat these violations as a single offense, provided that the aggregation is based on a comprehensive automated surveillance program. Finally, current Rule 8.15(a) provides that uncontested violations shall not be publicly reported, except as may be required by Rule 19d–1 under the Act or as may be required by any other regulatory authority. Currently, the Exchange does not publicly report uncontested violations not exceeding $2,500, but does notify the Commission on a periodic basis of all fines imposed pursuant to Rule 8.15. The Exchange proposes to amend Rule 8.15(a) to provide that it shall report uncontested fines not exceeding $2,500 to the Commission on a periodic basis.

Next, the Exchange proposes to amend Rule 8.15(b) to extend the time that a determination becomes final or a determination must be contested under the Rule from no less than 15 days to no less than 30 days after service of the written statement and to specify that failure to contest, submission, and/or acceptance of a fine by a Member does not constitute admission. Currently, Rule 8.15 states that the date that a determination becomes final or a determination must be contested shall be no less than 15 days. The Exchange proposes to amend Rule 8.15(b) to set the date a determination becomes final or a determination must be contested to not less than 30 days, which is the time provided in Rule 13.15(b) of the Rules of the Affiliated Exchanges. Additionally, current Rule 8.15(b) fails to specify the meaning of a Member's failure to contest a fine or a Member's submission of and/or the Exchange's acceptance of an offer of settlement. The Exchange proposes to amend Rule 8.15(b) to specify that such actions do not constitute admission of the violation the fine is issued for.

Additionally, the Exchange proposes to remove the current text of Rule 8.15(c) and Rule 8.15(d) in their entirety. Current Rule 8.15(c) states that payment of a fine by a person whom a fine is imposed against pursuant to Rule 8.15 constitutes waiver of the person's right to disciplinary proceedings under Rule 8.1 through 8.13, discussed above and any review of the matter thereof. Current Rule 8.15(d) states that if the person against whom a fine is imposed contests the Exchange's determination through a written response meeting the requirements of an Answer, described in Rule 8.5 above, the matter shall become a disciplinary proceeding subject to the provisions of Rules 8.1 through 8.13. The Exchange proposes to remove the text of Rule 8.15(c) and Rule 8.15(d) in their entirety because the corresponding Rule 13.15 of the Affiliated Exchanges does not contain a similar provision.

Next, the Exchange proposes to add revised Rule 8.15(c) with language taken from the text of Rule 13.15(c) of the Affiliated Exchanges, including subparagraphs (1)–(4), which describe the process of contesting a fine. The resulting subparagraph (1) of revised Rule 8.15(c) will provide that any person against whom a fine is imposed may contest the fine by filing a written Answer, as described in Rule 8.5, with the Secretary of the Exchange. Then the Rule will provide that the Answer will become subject to review by a Hearing Panel and hearings, if requested, will be conducted in accordance with Rule 8.6, discussed above. Next, the resulting subparagraph (2) of revised Rule 8.15(c) will provide that if the Hearing Panel determines that the conduct for which the fine was imposed is a violation of the Rules of the Exchange, then the Hearing Panel may impose applicable disciplinary sanctions and impose a forum fee of $100, if no hearing is conducted, or $300, if a hearing is conducted. Additionally, the Rule will provide that the Hearing Panel has discretion to waive the forum fee if it determines that a rule violation occurred but the disciplinary sanction imposed for such rule violation(s) is a fine less than the total fine initially imposed by the Exchange. The resulting subparagraph (3) of revised Rule 8.15(c) will provide that the party that commenced the action, the person charged, or the Board may require a review by the Board of a determination by a Hearing Panel as described in Rule 8.10, discussed above, and that the party who commenced the action shall have the same rights as a Respondent under Rule 8.10. Finally, resulting subparagraph (4) of revised Rule 8.15(c) shall provide that if a fine is upheld after contestation, the party responsible for paying the fine must pay the fine, all interest accrued, and any forum fee imposed immediately. The proposed amendment to current Rule 8.15(c) will result in the text of the Rule reflecting that of the corresponding Rule 13.15(c) of the Affiliated Exchanges.

Finally, the Exchange proposes to re-number current subparagraph (e) as revised subparagraph (d) and amend revised Rule 8.15(d) to make conforming non-substantive changes, clarify that the Exchange may impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies,* and clarify that the Exchange may take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15, when warranted by the egregiousness of the violation. With the Exchange's proposal to remove the current text found in Rule 8.15(c) and proposed re-numbering of Rule 8.15(d) to Rule 8.15(c), the Exchange also proposes to re-number current subparagraph (e) as subparagraph (d). Current Rule 8.15(e) requires the Exchange to periodically announce Exchange Rules under which fines may be imposed and the specific

[118] *See Interpretations and Policies* .01 to Rule 8.15 (List of Exchange Rule Violations and Recommended Fine Schedule Pursuant to Rule 8.15).

[119] *See* Rule 25.3 (Penalty for Minor Rule Violations).

dollar amount that may be imposed thereunder. The Exchange proposes to amend the language of current Rule 8.15(e) (proposed Rule 8.15(d)) to reflect the language of Rule 13.15(f) of the Affiliated Exchanges. As a result, revised Rule 8.15(d) will allow the Exchange to impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies* and authorize the Exchange to take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15, when warranted by the egregiousness of the violation. The resulting Rule 8.15(d) will also clarify that the Exchange shall issue regulatory circulars to its Members and Member organizations containing a list of Exchange Rules and Bylaws for which the Exchange may impose fines as provided in Rule 8.15. The Exchanges proposes all of the changes to Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, with the broader purpose of clarifying the process by which the Exchange may impose fines for minor violations and harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges. The Exchange notes that the proposed changes include language taken solely from the Rules of the Affiliated Exchanges and do not substantively alter the Exchange's Rules regarding minor rule violations. As such, the proposed changes do not pose any novel legal or regulatory issues for the Commission's consideration.

Rule 8.16, Ex Parte Communications)

(1) Current Rule 8.16

Current Rule 8.16, *Ex Parte* Communications, states that the Exchange has in place rules prohibiting ex parte communications relevant to the merits of a proceeding between Respondents and Exchange staff members and any Hearing Officer, any member of the Board, or a member of a committee of the Board who is participating in a decision with respect to that proceeding (an ''Adjudicator'') unless all parties are on notice and have an opportunity to participate in the communication.[120] If an ex parte communication occurs in violation of Rule 8.16, an Adjudicator shall place in the record: (1) all such written communications; (2) memoranda stating the substance of all such oral communications; and (3) all written responses and memoranda stating the substance of all oral responses to all such communications.[121] Further, the Board or a committee thereof may take whatever action it deems appropriate if a prohibited ex parte communication has occurred.[122] Participants to a proceeding may respond to any allegations relating to a prohibited ex parte communication placed in the record.[123] The prohibitions of Rule 8.16 apply beginning with the initiation of an investigation pursuant to Rule 8.2(a) (described above), unless the person responsible for the communication knows that an investigation shall be initiated.[124] In such instances, the prohibition on ex parte communication shall apply beginning at the time such person knows the investigation shall be initiated.[125]

(2) Proposed Changes to Rule 8.16

The Exchange proposes to amend Rule 8.16, *Ex Parte* Communications, to clarify that the provisions of the Rule apply to all Members and associated persons, amend the definition of Adjudicator under the Rule, add subparagraph (e) to define *ex parte* communication, and add subparagraphs (f) and (g) which provide guidance regarding what may not be considered a violation of Rule 8.16. Current Rule 8.16(a) provides that no Respondent or Exchange staff member may make an *ex parte* communication in violation of the Rule. Additionally, the Rule currently includes in the definition of ''Adjudicator'' any Officer or member of the Board or a committee of the Board who is participating in the decision in a proceeding.

The Exchange proposes to amend Rule 8.16(a) to clarify that the prohibition against *ex parte* communications under the Rule applies to all members and associated persons and Exchange staff members. The Exchange also proposes to amend the definition of Adjudicator provided in subparagraph (a) to include any member of the Hearing Panel, Business Conduct Committee, Board or committee of the Board who is participating in a decision. The proposed definition will eliminate Officers and add the Hearing Panel and Business Conduct Committee members to the definition of Adjudicator as it is used in Rule 8.16.

Next, the Exchange proposes to add subparagraphs (e), (f), and (g) to Rule 8.16 closely resembling the language of subparagraphs (e), (f), and (g) of Rule 13.16 of the Affiliated Exchanges. Proposed Rule 8.16(e) will include a definition of ''*ex parte* communication'' including that the term means an oral or written communication made without notice to all parties, unless a copy has been delivered to all interested parties or it is made in the presence of all interested parties except those who, on adequate prior notice, declined to be present. Proposed Rule 8.16(f) will clarify that *ex parte* communications solely regarding procedural matters are not a violation of the Rule. Proposed Rule 8.16(g) will add an exception to the Rule if a person refuses an attempted *ex parte* communication once it becomes apparent that communication concerns the merits of the proceeding at issue. Proposed rule 8.16(g) will also specify that for the exception contained therein to apply, the person refusing the attempted communication must notify the Regulatory staff of the attempted communication and how the person responded. The resulting Rule 8.16 will and conform the definition of Adjudicator as it is used in Rule 8.16 with the language of proposed Rule 8.6, discussed above. Additionally, the resulting Rule 8.16 will closely resemble Rule 13.16 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information

(1) Current Rule 8.18

Current Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, states that the Exchange shall release a copy to the public of, subject to the Exchange's discretion, any disciplinary complaint,[126] disciplinary decision,[127] or any client suspension order issued by the Exchange.[128] Any release to the public of a disciplinary complaint must indicate that the complaint represents the initiation of a formal proceeding by the Exchange and does not represent a final decision at to any of the allegations contained in the complaint.[129] Copies of

[120] *See* Rule 8.16 (a)(1) and Rule 8.16(a)(2).

[121] *See* Rule 8.16(b).

[122] *See* Rule 8.16(c).

[123] *Id.*

[124] *See* Rule 8.16(d).

[125] *Id.*

[126] *See* Rule 8.18 (e)(1). A disciplinary complaint shall mean any statement of charges issued pursuant to Rule 8.4 or any notice served pursuant to Rule 8.17.

[127] *See* Rule 8.18(e)(2). A disciplinary decision shall mean any decision issued pursuant to Chapter 8, including, decisions issued by a Hearing Panel or the Appeals Committee, accepted offers of settlement, and suspension order pursuant to Rule 8.17; provided, however, minor rule violation plan letter issued pursuant to Rules 8.15 and 25.3 are not subject to this Rule.

[128] *See* Rule 8.18(a)(1) and Rule 8.18(a)(2).

[129] *See* Rule 8.18(b)(1).

any disciplinary decision provided to the public prior to the expiration of the time period for appeal or review, or while such appeal or review is pending, shall indicate that the findings and sanctions imposed therein are subject to review and modification by the Exchange or the Commission.[130] The Exchange reserves the right to redact information that contains confidential customer information and, in extraordinary circumstances, may decline to release a copy of or information related to a disciplinary complaint or a disciplinary decision.[131] The Exchange shall provide notice to the public in the event that a disciplinary decision is appealed to the Commission and whether the effectiveness of such decision has been stayed pending the outcome of the proceedings before the Commission.[132]

(2) Proposed Changes to Rule 8.18

The Exchange proposes to eliminate current Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, in its entirety. Current Rule 8.18 sets out the procedures for releasing to the public disciplinary complaints and disciplinary decisions issued by the Exchange. The Exchange proposes to eliminate Rule 8.18 because the Rules of the Affiliated Exchanges do not contain a similar provision and proposed amendments to the Exchange's rulebook, including the proposed amendment to Rule 8.9, discussed above, include provisions for the release of complete decisions on the appropriate EDGA website. Thus, the specifications included in current Rule 8.18 are no longer necessary.

The Exchange proposes all amendments discussed about with the broader purpose of aligning the Rules of the Exchange with the Rules of the Affiliated Exchanges. The Exchange believes that harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[133] Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [134] requirements that the rules of an exchange be designed to present fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [135] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In addition, the Exchange believes that the proposed rule changes further the objectives of Section 6(b)(7) of the Act,[136] in that they provides fair procedures for the disciplining of Members and associated persons, the denial of Member status to any person, the barring of any person from becoming associated with a Member thereof, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a Member thereof.

In particular, the Exchange believes the proposed rule changes will contribute to the protection of investor and public by having rules related to all disciplinary matters consistent among Cboe EDGA Exchange and the Affiliated Exchanges, Cboe Exchange and Cboe C2 Exchange, as well as by bolstering participants' collective understanding of the Exchange's Rules and the Rules of the Affiliated Exchanges. All proposed rule changes are intended to provide clarification and alignment with the Rules of the Affiliated Exchanges, Further, the proposed changes are derived from the Rules of the Affiliated Exchanges, which have been previously reviewed by the Commission.

In particular, the Exchange proposes to amend Rule 8.6, Hearings, to adopt new roles for the Exchange's Business Conduct Committee to compose the Hearing Panel to hear and decide applicable matters under Chapter 8 of the Exchange's Rules. The Exchange proposes to adopt new roles for the Exchange's Business Conduct Committee, which will perform a substantially similar function to the current panel overseeing disciplinary hearings. A Hearing Panel consisting of impartial members will continue to be available to Members and associated persons. Thus, the Exchange believes the proposed changes to Rule 8.6 regarding hearings will not impose any additional burden upon Members or associated persons and will ensure continued fairness in the Exchange's disciplinary procedures. The Exchange believes the proposed changes to Rule 8.6, Hearings, ensures the hearing process for disciplinary matters within the jurisdiction of the Exchange is clearly articulated and easily understandable for all Members and associated persons. The proposed changes to Rule 8.6 will align the structure of Chapter 8 with that of the corresponding Rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. The introduction of the proposed subparagraphs does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already approved by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text.

The proposed rule changes to Rule 8.1, Disciplinary Jurisdiction, Rule 8.2, Complaint and Investigation, Rule 8.3, Expediated Proceeding, Rule 8.4, Charges, Rule 8.5, Answer, Rule 8.8, Offers of Settlement, Rule 8.9, Decision, Rule 8.10, Petition, Rule 8.11, Judgment and Sanction, Rule 8.12, Miscellaneous Provisions, and Rule 8.16, *Ex Parte* Communications provide both clarification and alignment with the Rules of the Affiliated Exchanges. These proposed rule changes amend the language of the Exchange Rules using language taken from the Rules of the Affiliated Exchanges and does not raise any novel rule text that the Commission has not already reviewed. The additional proposal of adding Rule 8.2(m) defining the BCC and detailing its composition adds clarity to the Rules of the Exchange by adding a concrete definition of a term used in both the Rules of the Exchange and its Affiliated Exchanges. Each of these rules changes results in rules no more stringent for Members and associated persons than are currently in place. Therefore, the Exchange believes the proposed changes

[130] *See* Rule 8.18(b)(2).

[131] *See* Rule 8.18(c).

[132] *See* Rule 8.18(d).

[133] 15 U.S.C. 78f(b).

[134] 15 U.S.C. 78f(b)(5).

[135] *Id.*

[136] 15 U.S.C. 78f(b)(7).

will not significantly alter the disciplinary standards imposed on Members and associated persons nor impose any significant additional burden. As such, the Exchange believes the proposed changes will continue to ensure the Exchange's disciplinary procedures remain fair to all Members and associated persons. Additionally, the Exchange believes the proposed rule changes will result in greater uniformity and less burdensome regulatory compliance for Members and associated persons. Greater uniformity in disciplinary rules across the Exchange and the Affiliated Exchanges will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The proposed amendments to Rule 8.1, Disciplinary Jurisdiction seek to clarify that former Members or associated persons continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award. As discussed above, the proposed amendments to Rule 8.1 ensure that a failure to honor a EDGA arbitration award by a former Member, or former person associated with a Member remains within the disciplinary jurisdiction of the Exchange. Thus, the proposed change to Rule 8.1 ensures the credibility of the Exchange's arbitration forum thereby protecting investors and the public interest. The Exchange also believes the proposed changes to Rule 8.1 will ensure fairness in the disciplinary procedures of the Exchange by ensuring that failures to pay arbitration awards by former Members and associated persons will remain under the disciplinary jurisdiction of the Exchange. Additionally, the proposed changes to Rule 8.1 will result in aligning the Rules of the Exchange with those of the Affiliated Exchanges, providing greater uniformity in disciplinary rules across the Exchange and the Affiliated Exchanges.

The proposed changes to Rule 8.2, Complaint and Investigation, clarify the contents of the Rule and extend the time a Subject or Respondent has to respond to an inquiry from the Exchange. The proposed addition of subparagraphs (i)–(k) regarding Identification, Furnishing Materials Upon Request, and the definition of the term ''Regulatory Staff'' to Rule 8.2 will offer clarity to Members and associated persons regarding the procedures and complaint process and terms used throughout the Rule. Additionally, the proposed changes to Rule 8.2 will align the structure of Chapter 8 with that of the corresponding Rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. The introduction of the proposed subparagraphs does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already approved by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text. None of the proposed changes to Rule 8.2 shortens the amount of time allotted to a Subject or Respondent to respond to an inquiry from the Exchange, but rather extends the amount of time that a Subject or Respondent has to respond to an inquiry from the Exchange. As such, the Exchange believes the proposed changes to Rule 8.2 ensure that the Exchange's disciplinary procedures remain fair to all Members and associated persons. Additionally, the Exchange believes that each of these proposed rule changes protects investors and the public by providing additional information regarding the disciplinary processes of the Exchange and by providing additional time for Subjects and Respondents to respond to an inquiry from the Exchange.

The proposed changes to Rule 8.3, Expedited Proceeding, Rule 8.4, Charges, Rule 8.5, Answer, Rule 8.8, Offers of Settlement, Rule 8.9, Decision, Rule 8.10, Review, Rule 8.11, Judgment and Sanction, Rule 8.12, Miscellaneous Provisions, and Rule 8.16, *Ex Parte* Communications are proposed in order to define terms used throughout the Rules and make other non-substantive conforming provisions with the purpose of clarifying the language of the Rules and aligning the contents of the Rules with Rules of the Affiliated Exchanges. The Exchange notes that none of these proposed rule changes shortens the amount of time allotted to a Subject or Respondent to respond to an inquiry from the Exchange, but rather extends the amount of time that a Subject or Respondent has to respond to an inquiry from the Exchange. The Exchange believes the proposed changes will not significantly alter the disciplinary procedures of the Exchange nor impose any significant additional burden thereby protecting investors and the public interest and ensuring fairness in the disciplinary procedures of the Exchange. Further, the proposed changes to these Rules are necessary to align the Answer, Decision, and Review sections of Chapter 8 with the proposed changes to Rule 8.6.

Additionally, the Exchange believes the proposed deletion of rule text in Rule 8.14, Agency Review, and Rule 8.18, Release of Disciplinary Complaints, Decisions, and Other Information, contribute to the protection of investors and the public interest by both aligning the Rules of the Exchange with the Rules of the Affiliate Exchanges and by removing duplicative language from the Rules of the Exchange. The Exchange proposes to remove the entire text of both current Rule 8.14, regarding the right to agency review of Exchange disciplinary actions, and Rule 8.18, regarding the release of final disciplinary actions, because each of these rules are duplicative of the rights of Members under other Exchange Rules and the Exchange Act itself. The Exchange believes the proposed changes will continue to ensure fairness in the Exchange's disciplinary procedures because they do not remove or alter any of the rights of Members of associated persons. The Exchange believes that removing the text of each of these rules will provide clarity to investors regarding the disciplinary processes of the Exchange by eliminating duplicative, and potentially confusing, text from the Rules of the Exchange.

Further, the Exchange believes that revising current Rule 8.14, Agency Review, and replacing the existing text (which is proposed to be deleted) with rule text regarding reporting to the CRD that is substantially similar to Rule 13.4 of the Affiliated Exchanges, contributes to the protection of investors and the public interest by providing investors, the public, and Members with notice of the information the Exchange reports to the CRD regarding disciplinary matters. Together, these changes benefit investors and the public interest by providing additional clarity in the Exchange's rulebook and aligning the Exchange's Rules with that of its Affiliate Exchanges. The proposed addition of rule text regarding reporting to the CRD in proposed Rule 8.14 will also align the structure of Chapter 8 with that of the corresponding rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. Additionally, the introduction of the proposed rule text in Rule 8.14 following the deletion of existing rule text does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already reviewed by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text.

Further, the Exchange believes the proposed changes to Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, contribute to the

protection of investors and the public interest by both aligning the Rules and procedures of the Exchange with the Rules and procedures of the Affiliate Exchanges and by clearly setting forth the process and requirements of the imposition of fines for minor rule violations. The Exchange is not proposing to amend any of the rates associated with the imposition of fines for minor rule violations, but rather seeks to clarify only how and when a fine may be imposed. Further, the Exchange seeks to provide additional detail about how a Member may contest a fine imposed by the Exchange. These proposed changes do not impose additional regulatory burdens on Members but instead provide greater clarity and reduce confusion by aligning the process of imposing a fine for a minor rule violation across the Exchange and its Affiliated Exchanges. By clarifying rules and reducing confusion, the Exchange believes the proposed changes to Rule 8.15 collectively ensure fairness in the disciplinary procedures of the Exchange. The proposed amendments to Rule 8.15 are based solely on existing Rule 13.15 of the Affiliated Exchanges. However, the language of the Exchange Rules and the Rules of the Affiliated Exchanges may differ slightly where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Additionally, the Exchange believes the proposed changes to align the language of the Rules of the Exchange with those of the Affiliated Exchanges promote consistency and improve understanding of the Rules across EDGA Exchange and its Affiliated Exchanges. The proposed rule changes to Chapter 8 are based on the existing Rules of the Affiliated Exchanges. However, the language of the Exchange Rules and the Rules of the Affiliated Exchanges may differ slightly where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges. The Exchange believes aligning the Rules of the Exchange with the Rules of the Affiliated Exchanges will result in greater uniformity and less burdensome regulatory compliance for the Exchange and its Members. As such, the Exchange believes maintaining uniformity will foster cooperation and coordination with persons engaged in facilitating trading on the Exchange and its Affiliated Exchanges and will remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the proposed rule changes apply equally to all Members, persons associated with a Member, and former Members in that each of these parties are subject to the proposed disciplinary rules, thereby ensuring fairness in the disciplinary procedures of the Exchange. As such, the Exchange believes the proposed rule changes also promote the just and equitable principles of trade and are not unfairly discriminatory.

The Exchange also believes that the proposed amendments will collectively contribute to the protection of investors and the public interest by making the Exchange's Rules easier to understand, standing alone and collectively with the rules of its Affiliated Exchanges. In addition, the proposed rule changes include other non-substantive changes throughout the rules that will protect investors and benefit market participants, as these changes simplify or clarify rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules, use plain English, and conform language to the corresponding rules of its Affiliated Exchanges where feasible. By simplifying and clarifying rules, the Exchange believes the proposed changes also collectively ensure fairness in the disciplinary procedures of the Exchange.

Finally, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and associated persons with the Act, the rules and regulations thereunder, and the Rules of the Exchange. As stated, the proposed rule changes conform the Exchange's disciplinary procedures and Rules to the disciplinary procedures and Rules of its Affiliated Exchanges. Thus, the Exchange believes these proposed changes create uniformity, which allows for the Exchange to organize consistently with the Affiliated Exchanges and to more easily apply its disciplinary rules to Members of the Exchange and Trading Permit Holders on the Affiliated Exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes do not create an unnecessary or inappropriate intra-market burden on competition because the proposed changes will apply uniformly to all Members of the Exchange. Thus, the Exchange believes this proposed rule changes will reduce the burden on Exchange participants by providing consistent and clear Rules among the Exchange and the Affiliated Exchanges. Further, the proposed changes are not designed to address any competitive issues. Indeed, the proposed rule changes do not create an unnecessary or inappropriate inter-market burden on competition because the proposed rule changes are intended to harmonize the Exchange Rules with that of the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[137] and subparagraph (f)(6) of Rule 19b–4 thereunder.[138]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)[139] of the Act to determine whether the proposed rule

[137] 15 U.S.C. 78s(b)(3)(A)(iii).

[138] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[139] 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGA–2026–017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2026–017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2026–017 and should be submitted on or before June 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[140]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10540 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

[140] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105549; File No. SR–Phlx–2025–50]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Nasdaq Bitcoin Index Options

May 22, 2026.

I. Introduction

On September 23, 2025, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on the Nasdaq Bitcoin Index. The proposed rule change was published for comment in the **Federal Register** on September 29, 2025.[3] On November 3, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 23, 2025, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] On March 20, 2026, the Commission designated a longer time for Commission action on the proposed rule change.[8] The Commission received comments regarding the proposed rule change.[9] On May 15, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaces and supersedes the original filing in its entirety.[10] The Commission is publishing this notice and order to solicit comment on Amendment No. 1 in Sections II and III below, which Items have been prepared by the Exchange, and to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade Nasdaq Bitcoin Index Options, a new index that reflects the price of Bitcoin. This Amendment No. 1 replaces and supersedes the original filing in its entirety and proposes to: (1) amend the definitions for ''CME CF Cryptocurrency Pricing Products Oversight Committee,'' ''current index value,'' and ''reporting authority''; (2) amend the description of the utilization of Nasdaq Bitcoin Index Options; (3) amend the minimum increment rule text and justification for the proposed minimum increment; (4) update the position limit rule with respect to reporting and justification for the proposed position and exercise limits; (5) amend the index level rule text; (6) amend the name of final settlement index; (7) amend the interval of dissemination of the BRTI; (8) amend the conditions to list and trade Nasdaq Bitcoin Index Options including the type of exemptive relief required from the CFTC; (9) add a new Section 10 related to margin; and (10) amend rule citations and data.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104038 (Sept. 24, 2025), 90 FR 46706 (Sept. 29, 2025).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 104173 (Nov. 3, 2025), 90 FR 51424 (Nov. 17, 2025). The Commission designated December 28, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 104506 (Dec. 23, 2025), 90 FR 61452 (Dec. 31, 2025).

[8] *See* Securities Exchange Act Release No. 105057 (Mar. 20, 2026), 91 FR 14613 (Mar. 25, 2026).

[9] Comments regarding the proposed rule change are available at *https://www.sec.gov/comments/sr-phlx-2025-50/srphlx202550.htm.*

[10] Amendment No. 1 revises the proposal to: update several defined terms; correct an error in the delisting provision in proposed Options 4D, Section 7(a)(3)(D); revise Exchange Options 4D, Section 7(c) to describe the intra-day and settlement value information that CF Benchmarks will disseminate; indicate that CF Benchmarks will calculate and publish the CME CF Bitcoin Real Time Index every 200 milliseconds; provide that the trading increment for Nasdaq Bitcoin Index options will be $0.01 as long as iShares Bitcoin Trust ETF (''IBIT'') options participate in the Penny Interval Program, and provide additional data and analysis to support the proposed minimum increment; provide additional analysis supporting the proposed position and exercise limits for Nasdaq Bitcoin Index options; identify the funds comprising the Spot Bitcoin ETPs; provide information regarding potential uses for Nasdaq Bitcoin Index options; and revise the description of the potential exemptive relief that the Commodity Futures Trading Commission could provide. Amendment No. 1 is available at *https://www.sec.gov/comments/SR-Phlx-2025-50/srphlx202550-779187-2374615.pdf.*

III. 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 V below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new index options product, Nasdaq Bitcoin Index Options. This index would enable retail and institutional investors to obtain a precise price for Bitcoin.

Nasdaq Bitcoin Index Options, as proposed, shall have a ticker symbol ''QBTC'' and will be based on the underlying index, CME CF Bitcoin Real Time Index (''BRTI'')[11] divided by a factor of one hundred (100) and disseminated as the ''CF NQBTC Options Indicative Settlement Value.'' The Exchange shall utilize a separate methodology to calculate the final settlement price. The final settlement price shall be the ''CF NQBTC Options Settlement Value'' which is calculated on the expiration date by observing transactions during a one-hour window from 15.00 to 16.00 New York Time, separated into twelve partitions of five minutes, each with a resulting volume-weighted median (''VWM''), which index value is expressed as the arithmetic mean of the twelve (12) VWMs, resulting in the CME CF Cryptocurrency Reference Rate—New York Variant (''BRRNY'')[12] which is then divided by a factor of one hundred (100). The purpose of utilizing the BRRNY divided by a factor of one hundred (100), known as the CF NQBTC, as the final settlement price is to provide a replicable, manipulation-resistant and representative Bitcoin benchmark that synchronizes with the traditional U.S. options market close timeframe.

Options on this new index will be cash-settled, with a European-style exercise.

Background

The BRTI[13] is a benchmark index price calculated and published once per 200 milliseconds for Bitcoin that aggregates order data from Bitcoin-USD markets operated by major cryptocurrency exchanges that conform to the CME CF Constituent Exchange Criteria.[14] The BRTI is calculated every 200 milliseconds of every day, using the Relevant Order Books[15] of all Constituent Exchanges,[16] thereby aggregating the notional value of Bitcoin across major Bitcoin spot platforms.

The BRTI is designed based on the IOSCO Principles for Financial Benchmarks.[17] The administrator of the BRTI and BRRNY is CF Benchmarks Ltd.

A trading venue is eligible as a Constituent Exchange in any of the CME CF Cryptocurrency Pricing Products[18] if it offers a market that facilitates the spot trading of the relevant cryptocurrency base asset (Bitcoin) against the corresponding quote asset (U.S. Dollars), and makes trade data and order data available through an API with sufficient reliability, detail and timeliness. Furthermore, it must meet certain criteria established by the CME CF Cryptocurrency Pricing Products Oversight Committee.[19] Should the average daily contribution of a Constituent Exchange fall below 3% for any CME CF Cryptocurrency Pricing Product, then the continued inclusion of the venue as a Constituent Exchange to the Relevant Pair shall be assessed by the CME CF Oversight Committee.

When calculated, the Relevant Order Book of each Constituent Exchange is added to a joint list of order books,[20]

[11] The BRTI is a real time price benchmark and is regulated by the UK Financial Conduct Authority, a regulator of financial services firms, under EU BMR. The European Regulation on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds is the EU BMR. Today, the BRRNY—U.S. Dollar trading pair is the benchmark index for the following exchange-listed ETF products comprising $58 billion of assets as of July 18, 2024: iShares Bitcoin Trust (IBIT), Grayscale Bitcoin Trust (GBTC), Fidelity Wise Origin Bitcoin Fund (FBTC), ARK 21Shares Bitcoin ETF (ARKB), Bitwise Bitcoin ETF Trust (BUTB), VanEck Bitcoin Trust (HODL), Coinshares Valkyrie Bitcoin Fund (BRRR), Invesco Galaxy Bitcoin ETF (BTCO), Franklin Bitcoin ETF (EZBC). (See *https://etfdb.com/index/cme-cf-benchmarks-Bitcoin-reference-rate-new-york-variant*).

[12] Today, CME CF Bitcoin Futures contracts are settled using the BRRNY.

[13] In 2016, CME Group and Crypto Facilities launched the BRTI index. *See https://www.cmegroup.com/education/courses/introduction-to-Bitcoin/introduction-to-Bitcoin-reference-rate.html.*

[14] ''Constituent Exchange'' is defined at proposed Options 4D, Section 2(a)(5) to mean the cryptocurrency trading venues approved by the CME CF Cryptocurrency Pricing Products Oversight Committee to serve as pricing source for the calculation of the BRTI and BRRNY.

[15] CF Benchmark's Methodology Guide defines ''Relevant Order Books'' as the universe of the currently unmatched limit orders to buy or sell a unit of the cryptocurrency base asset versus the quote asset on a Constituent Exchange in the Relevant Pair, aggregated by price, that is reported through its Automatic Programming Interface (''API'') to the CF Benchmarks. The Relevant Pair for the Nasdaq Bitcoin Index Options shall mean Bitcoin versus the U.S. Dollar. To assure that the BRTI and the BRRNY reflects global cryptocurrency trading activity in a representative and unbiased manner, a geographically diverse set of spot trading venues is included within the current framework.

[16] Constituent Exchanges are cryptocurrency trading venues approved by the CME CF Cryptocurrency Pricing Products Oversight Committee to serve as [sic] pricing source for the calculation of a [sic] BRTI and the BRRNY, collectively known as the CME CF Cryptocurrency Pricing Products. The Exchange defines ''CME CF Cryptocurrency Pricing Products Oversight Committee'' or ''Oversight Committee'' at proposed Options 4D, Section 2(a)(4) to mean the committee established jointly by Crypto Facilities or ''CF'' and Chicago Mercantile Exchange Inc. or ''CME'' to protect the integrity of the methodology and calculation process of the BRTI and the BRRNY and to address potential conflicts of interest. The role of the Oversight Committee is to provide an oversight function to review and provide challenge on all aspects of the methodology and calculation process and provide effective oversight of CF Benchmarks as the administrator of the BRTI and BRRNY.

[17] *See https://www.iosco.org/library/pubdocs/pdf/IOSCOPD589.pdf.*

[18] CME CF Cryptocurrency Pricing Products includes the BRTI and the BRRNY.

[19] CF Benchmark's guidelines require that the venue's Relevant Pair spot trading volume for an index must meet the minimum thresholds for it to be admitted as a Constituent Exchange. The average daily volume the venue would have contributed during the observation window for the Reference Rate of the Relevant Pair must exceed 3% for two consecutive calendar quarters. The venue must have policies to ensure fair and transparent market conditions at all times and has [sic] processes in place to identify and impede illegal, unfair or manipulative trading practices. The venue must not impose undue barriers to entry or restrictions on market participants, and utilizing the venue does not expose market participants to undue credit risk, operational risk, legal risk or other risks. The venue must comply with applicable law and regulation, including, but not limited to capital markets regulations, money transmission regulations, client money custody regulations, know-your-client (''KYC'') regulations and anti-money laundering regulations. Finally, the venue must cooperate with inquiries and investigations of regulators and CF Benchmarks upon request and must execute data sharing agreements with CME Group. Once admitted a constituent exchange must demonstrate that it continues to meet the aforementioned criteria.

[20] An order book is a list of buy and sell orders with associated limit prices and sizes that have not yet been matched due to lack of supply or demand to trade at that price. The BRTI is calculated from order book data, as opposed to, for instance, trade data. Order book data is composed of unmatched limit orders to buy or sell Bitcoin. It informs about the price at which a trader can buy or sell Bitcoins now or in the future and is therefore forward-looking by nature. Further, absent retrieval constraints, order book data is always up to date. This is in contrast to trade data, which is produced in stochastic intervals only and informs about the

which are aggregated into one consolidated order book. If the size at the bid or ask order price level exceeds the order size cap that is set by CF Benchmarks, it enters the consolidated order book with a size equal to the order size cap. The cumulative bid price-volume curve, ask price-volume curve, mid-price volume curve [21] and mid spread-volume curve are calculated from the consolidated order book at a granularity equal to the spacing parameter.

Using the above notation, the ask price-volume curve is defined as *askPV*, the bid price-volume curve as *bidPV*, the mid-price volume curve as *midPV*, and the mid spread-volume curve as *midSV*, in each case as of the effective time *T*, as:

$$\widehat{askPV_T}(v) = ap_{T,j+1} \text{ where } \sum_{i=1}^{j} \square as_{T,i} < v \text{ and } \sum_{i=1}^{j+1} \square as_{T,i} \geq v \quad \text{Eq. 1a}$$

$$\widehat{bidPV_T}(v) = bp_{T,j+1} \text{ where } \sum_{i=1}^{j} \square bs_{T,i} < v \text{ and } \sum_{i=1}^{j+1} \square bs_{T,i} \geq v \quad \text{Eq. 1b}$$

$$askPV_T(v) = \widehat{askPV_T}\left(s\left\lfloor\frac{v}{s}\right\rfloor\right) \quad \text{Eq. 1c}$$

$$bidPV_T(v) = \widehat{bidPV_T}\left(s\left\lfloor\frac{v}{s}\right\rfloor\right) \quad \text{Eq. 1d}$$

$$midPV_T(v) = \frac{askPV_T(v) + bidPV_T(v)}{2} \quad \text{Eq. 1e}$$

$$midSV_T(v) = \frac{askPV_T(v)}{midPV_T(v)} - 1 \quad \text{Eq. 1f}$$

At a high level, the mid-price volume curve represents the average of the marginal price at which a certain amount of Bitcoins can be sold and at which that same amount can be bought. By averaging across the mid-price volume curve, the BRTI represents a blend of such (hypothetical) transactions at various transaction sizes.[22]

The utilized depth is calculated as the maximum cumulative volume for which the mid spread-volume curve does not exceed a certain percentage deviation from the mid-price.[23] If this volume is less than the spacing parameter, the utilized depth is set to the spacing parameter. The utilized depth, *v*, is calculated as:

$$\underline{v_T} = max(v_i \text{ where } midSV_T(v_i) \leq D \text{ and } midSV_T(v_{i+1}) > D, s) \quad \text{Eq. 2}$$

At a high level, the BRTI is calculated from the section of the mid-price volume curve for which ask limit orders at a certain depth diverge by no more than 0.5% from the mid-price at that depth. It therefore reflects a significant portion of the top of the consolidated order book (as opposed to, for instance, the best bid and ask prices only) but discards limit orders that are less likely to be matched. This makes it a meaningful representation of true Bitcoin liquidity and robust to local changes in order books. Note that utilized depth will always include crossed orders for any of the consolidated order books of the Constituent Exchanges, along with limit orders on the order books of Constituent Exchanges up to 0.5% away of the mid-price volume curve. If zero size resides in both these sections, utilized depth is set to one. The BRTI is then effectively equal to the mid-price of the consolidated order book.[24]

The mid-price volume curve is weighted by the normalized probability density of the exponential distribution up to the utilized depth. The BRTI is then given by the sum of the weighted mid-price volume curve obtained in the previous step.[25] The BRTI as of the effective time *T, CCRTI*, is then given by:

$$CCRTI_T = \sum_{w \in \{s, 2s, \ldots, \underline{v_T}\}}^{\infty} \square midPV_T(v) \frac{1}{NF} \lambda e^{-\lambda w} \quad \text{Eq. 3}$$

price at which Bitcoin has traded in the past. See *https://www.cmegroup.com/trading/files/Bitcoin-real-time-index-methodology-version-2.pdf.*

[21] *See https://docs.cfbenchmarks.com/CME%20CF%20Real%20Time%20Indices%20Methodology.pdf.*

[22] *See https://www.cmegroup.com/trading/files/Bitcoin-real-time-index-methodology-version-2.pdf.*

[23] *See https://docs.cfbenchmarks.com/CME%20CF%20Real%20Time%20Indices%20Methodology.pdf.*

[24] *See https://www.cmegroup.com/trading/files/Bitcoin-real-time-index-methodology-version-2.pdf.*

[25] *See* the qualitative description of the calculation methodology at *https://docs.cfbenchmarks.com/ME%20CF%20Real%20Time%20Indices%20Methodology.pdf.*

The order size cap is calculated from the uncapped consolidated order book. Using the above notation, the dynamic order size cap is derived as follows:

$ac_T^{\square} = \left(ap_{T,i} \leq 1.05ap_{T,1}\}, (\lvert A_T \rvert, 50)\right)$	Eq. 4a
$bc_T^{\square} = \left(bp_{T,i} \geq 0.95bp_{T,1}\}, (\lvert B_T \rvert, 50)\right)$	Eq. 4b
$S_T = \left[bs_{T,1}, bs_{T,2}, \cdots, bs_{T,bc_T^{\square}}\right] \cup \left[as_{T,1}, as_{T,2}, \cdots, as_{T,ac_T^{\square}}\right] S_T = \left[s_{T,1}, s_{T,2}, \cdots, s_{T,n_T}\right] where\ s_{T,1} \leq s_{T,2} \leq \cdots \leq s_{T,n_T}$	Eq. 4c
$k = \lfloor 0.01 n_T \rfloor$	Eq. 4d
$\underline{s} = \frac{1}{n_T - 2k} \sum_{i=k+1}^{n_T - k} \square s_{T,i}$	Eq. 4e
$s'_{T,i} = s_{T,k+1}\ if\ i \leq k$ $s'_{T,i} = s_{T,n-k}\ if\ i > n - k$ $s'_{T,i} = s_{T,i}\ otherwise$	Eq. 4f
$\underline{s'} = \frac{1}{n_T} \sum_{i=1}^{n_T} \square s'_{T,i}$	Eq. 4g
$\sigma = \sqrt{\frac{1}{n_T - 1} \sum_{i=1}^{n_T} \square (s'_{T,i} - \underline{s'})}$	Eq. 4h

The order size cap as of the effective time *T, C,* is then given by:

$C_T = \underline{s} + 5\sigma$	Eq. 5

If the Retrieval Time of the Relevant Order Book of a Constituent Exchange is at least 30 seconds older than the Calculation Time, the Constituent Exchange is disregarded in the calculation of the BRTI for that Calculation Time. If the Retrieval Times of the Relevant Order Books of all Constituent Exchanges are at least 30 seconds older each than the Calculation Time, the BRTI calculation failure occurs for that Calculation Time. All Relevant Order Books are subject to an automated screening for erroneous data.[26]

At a high level, the mid-price volume curve is weighted such that prices near the current market prices (at the mid-point) are weighted higher than prices that are far away from where trading is occurring (at the bid or offer).

Overview of the Bitcoin Industry

Bitcoin is a digital asset that is created and transmitted through the operations of the peer-to-peer Bitcoin network, a decentralized network of computers that operates on cryptographic protocols (the ''Bitcoin network''). No single entity owns or operates the Bitcoin network, the infrastructure of which is collectively maintained by its user base. The Bitcoin network allows people to exchange tokens of value, called Bitcoin, which are recorded on a public transaction ledger known as the Bitcoin blockchain (the ''Bitcoin blockchain''). Bitcoin can be used to pay for goods and services, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on Bitcoin platforms that enable trading in Bitcoin or in individual end-user-to-end-user transactions under a barter system.

The Bitcoin network is commonly understood to be decentralized and does not require governmental authorities or financial institution intermediaries to create, transmit or determine the value of Bitcoin. Rather, Bitcoin is created and allocated by the Bitcoin network protocol through a ''mining'' process. The value of Bitcoin is determined by the supply of and demand for Bitcoin-on-Bitcoin platforms or in private end-user-to-end-user transactions.

New Bitcoins are created and rewarded to the miners of a block in the Bitcoin blockchain for verifying transactions. The Bitcoin blockchain is a shared database that includes all blocks that have been solved by miners and it is updated to include new blocks as they are solved. Each Bitcoin transaction is broadcast to the Bitcoin network and, when included in a block, recorded in the Bitcoin blockchain. As each new block records outstanding Bitcoin transactions, and outstanding transactions are settled and validated through such recording, the Bitcoin blockchain represents a complete,

[26] If the format of a Relevant Order Book: deviates from the expected format such that it cannot be parsed; contains no bid orders or no ask orders; crosses; or contains any entries with a non-numeric or non-positive limit price or size, it is flagged as erroneous. Relevant Order Books flagged as erroneous for a given calculation time are disregarded in the calculation of the BRTI for that calculation time. *See https://docs.cfbenchmarks.com/CME%20CF%20Real%20Time%20Indices%20Methodology.pdf.*

transparent and unbroken history of all transactions of the Bitcoin network.

History of Bitcoin

The Bitcoin network was initially contemplated in a whitepaper that also described Bitcoin and the operating software to govern the Bitcoin network. The whitepaper was purportedly authored by Satoshi Nakamoto. However, no individual with that name has been reliably identified as Bitcoin's creator, and the general consensus is that the name is likely a pseudonym for the actual inventor or inventors. The first Bitcoins were created in 2009 after Nakamoto released the Bitcoin network source code (the software and protocol that created and launched the Bitcoin network). The Bitcoin network has been under active development since that time by a loose group of software developers who have come to be known as core developers.

Overview of Bitcoin Network Operations

In order to own, transfer or use Bitcoin directly on the Bitcoin network (as opposed to through an intermediary, such as an exchange), a person generally must have internet access to connect to the Bitcoin network. Bitcoin transactions may be made directly between end-users without the need for a third-party intermediary. To prevent the possibility of double-spending Bitcoin, a user must notify the Bitcoin network of the transaction by broadcasting the transaction data to its network peers. The Bitcoin network provides confirmation against double-spending by memorializing every transaction in the Bitcoin blockchain, which is publicly accessible and transparent. This memorialization and verification against double-spending is accomplished through the Bitcoin network mining process, which adds ''blocks'' of data, including recent transaction information, to the Bitcoin blockchain.

Overview of Bitcoin Transfers

Prior to engaging in Bitcoin transactions directly on the Bitcoin network, a user generally must first install on its computer or mobile device a Bitcoin network software program that will allow the user to generate a private and public key pair associated with a Bitcoin address commonly referred to as a ''wallet.'' The Bitcoin network software program and the Bitcoin address also enable the user to connect to the Bitcoin network and transfer Bitcoin to, and receive Bitcoin from, other users.

Each Bitcoin network address, or wallet, is associated with a unique ''public key'' and ''private key'' pair. To receive Bitcoin, the Bitcoin recipient must provide its public key to the party initiating the transfer. This activity is analogous to a recipient for a transaction in U.S. dollars providing a routing address in wire instructions to the payor so that cash may be wired to the recipient's account. The payor approves the transfer to the address provided by the recipient by ''signing'' a transaction that consists of the recipient's public key with the private key of the address from where the payor is transferring the Bitcoin. The recipient, however, does not make public or provide to the sender its related private key.

Neither the recipient nor the sender reveals their private keys in a transaction because the private key authorizes transfer of the funds in that address to other users. Therefore, if a user loses his or her private key, the user may permanently lose access to the Bitcoin contained in the associated address. Likewise, Bitcoin is irretrievably lost if the private key associated with them is deleted and no backup has been made. When sending Bitcoin, a user's Bitcoin network software program must validate the transaction with the associated private key. The resulting digitally validated transaction is sent by the user's Bitcoin network software program to the Bitcoin network to allow transaction confirmation.

Some Bitcoin transactions are conducted ''off-blockchain'' and are therefore not recorded in the Bitcoin blockchain. Some ''off-blockchain transactions'' involve the transfer of control over, or ownership of, a specific digital wallet holding Bitcoin or the reallocation of ownership of certain Bitcoin in a digital wallet containing assets owned by multiple persons, such as a digital wallet maintained by a digital assets platform. In contrast to on-blockchain transactions, which are publicly recorded on the Bitcoin blockchain, information and data regarding off-blockchain transactions are generally not publicly available. Therefore, off-blockchain transactions are not truly Bitcoin transactions in that they do not involve the transfer of transaction data on the Bitcoin network and do not reflect a movement of Bitcoin between addresses recorded in the Bitcoin blockchain. For these reasons, off-blockchain transactions are subject to risks as any such transfer of Bitcoin ownership is not protected by the protocol behind the Bitcoin network or recorded in, and validated through, the blockchain mechanism.

Summary of a Bitcoin Transaction

In a Bitcoin transaction directly on the Bitcoin network between two parties (as opposed to through an intermediary, such as a custodian), the following circumstances must initially be in place: (i) the party seeking to send Bitcoin must have a Bitcoin network public key, and the Bitcoin network must recognize that public key as having sufficient Bitcoin for the transaction; (ii) the receiving party must have a Bitcoin network public key; and (iii) the spending party must have internet access with which to send its spending transaction.

The receiving party must provide the spending party with its public key and allow the Bitcoin blockchain to record the sending of Bitcoin to that public key. After the provision of a recipient's Bitcoin network public key, the spending party must enter the address into its Bitcoin network software program along with the number of Bitcoin to be sent. The number of Bitcoin to be sent will typically be agreed upon between the two parties based on a set number of Bitcoin or an agreed upon conversion of the value of fiat currency to Bitcoin. Since every computation on the Bitcoin network requires the payment of Bitcoin, including verification and memorialization of Bitcoin transfers, there is a transaction fee involved with the transfer, which is based on computation complexity and not on the value of the transfer and is paid by the payor with a fractional number of Bitcoin.

After the entry of the Bitcoin network address, the number of Bitcoin to be sent and the transaction fees, if any, to be paid, will be transmitted by the spending party. The transmission of the spending transaction results in the creation of a data packet by the spending party's Bitcoin network software program, which is transmitted onto the decentralized Bitcoin network, resulting in the distribution of the information among the software programs of users across the Bitcoin network for eventual inclusion in the Bitcoin blockchain.

As discussed in greater detail below, Bitcoin network miners record transactions when they solve for and add blocks of information to the Bitcoin blockchain. When a miner solves for a block, it creates that block, which includes data relating to (i) the solution to the block, (ii) a reference to the prior block in the Bitcoin blockchain to which the new block is being added and (iii) transactions that have occurred but have not yet been added to the Bitcoin

blockchain. The miner becomes aware of outstanding, unrecorded transactions through the data packet transmission and distribution discussed above.

Upon the addition of a block included in the Bitcoin blockchain, the Bitcoin network software program of both the spending party and the receiving party will show confirmation of the transaction on the Bitcoin blockchain and reflect an adjustment to the Bitcoin balance in each party's Bitcoin network public key, completing the Bitcoin transaction. Once a transaction is confirmed on the Bitcoin blockchain, it is irreversible.

Creation of a New Bitcoin

New Bitcoins are created through the mining process. The process by which Bitcoin is ''mined'' results in new blocks being added to the Bitcoin blockchain and new Bitcoin tokens being issued to the miners. Computers on the Bitcoin network engage in a set of prescribed complex mathematical calculations in order to add a block to the Bitcoin blockchain and thereby confirm Bitcoin transactions included in that block's data. The Bitcoin network is designed in such a way that the reward for adding new blocks to the Bitcoin blockchain decreases over time. In the future, once new Bitcoin tokens are no longer awarded for adding a new block, miners will only have transaction fees to incentivize them, and as a result, it is expected that miners will need to be better compensated with higher transaction fees to ensure that there is adequate incentive for them to continue mining.

Limits on Bitcoin Supply

Under the source code that governs the Bitcoin network, the supply of new Bitcoin is mathematically controlled so that the number of Bitcoin grows at a limited rate pursuant to a pre-set schedule. The number of Bitcoin awarded for solving a new block is automatically halved after every 210,000 blocks are added to the Bitcoin blockchain, approximately every 4 years. The fixed reward for solving a new Bitcoin block is currently 3.125 BTC per block. This amount is the result of the most recent Bitcoin halving event, which occurred in April 2024. The next Bitcoin halving is anticipated in 2028 when Bitcoin will halve to 1.5625. This deliberately controlled rate of Bitcoin creation means that the number of Bitcoin in existence will increase at a controlled rate until the number of Bitcoin in existence reaches the pre-determined 21 million Bitcoin. However, the 21 million supply cap could be changed in a hard fork. A hard fork could change the source code to the Bitcoin network, including the 21 million Bitcoin supply cap.

Final Settlement

The term ''final settlement value'' as defined at proposed Options 4D, Section 2(a)(9) shall be calculated as described at Options 4D, Section 8. The Nasdaq Bitcoin Index Options final settlement value is the BRRNY on the expiration date (usually a Friday), divided by a factor of one hundred (100) and published as the CF NQBTC Options Settlement Value. The BRRNY is calculated daily based on the Relevant Transactions [27] and is calculated on the expiration date for purposes of final settlement. Relevant Transactions include those that trade Bitcoin versus U.S. Dollars on a Constituent Exchange from 15:00 to 16:00 New York Time. The final settlement value is calculated and reported by the reporting authority, CF Benchmarks. The final settlement value is determined by the aggregated last reported sale price of each Constituent Exchange. Specifically, the final settlement value is calculated by combining all Relevant Transactions from each Constituent Exchange on a joint list and recording the trade price and size for each transaction. That list is partitioned into a number of equally-sized time intervals, of 5 minutes. For each partition separately, the volume-weighted median trade price is calculated from the trade prices and sizes of all Relevant Transactions across all Constituent Exchanges. The BRRNY is the equally weighted average of the volume-weighted medians of all partitions. In the event that the Nasdaq Bitcoin Index is not open for trading on the expiration date, the value of the Nasdaq Bitcoin Index shall be the last reported sale price prior to the expiration date.

The BRRNY is methodologically identical to the regulated CME CF Bitcoin Reference Rate (BRR), the most widely used benchmark price for Bitcoin, that settles the Bitcoin-USD derivatives complex listed by CME Group, and which serves as the NAV for exchange listed investment products from WisdomTree Europe, Evolve ETFs (CAN) and QR Asset Management (BRZ). The only difference between the BRRNY and the BRR is that the BRRNY references the price of Bitcoin at the closing time of U.S. markets, 16:00 New York Time, rather than the price at 16:00 London Time, referenced by the BRR.

The purpose of the BRRNY is to provide a replicable, manipulation-resistant and representative Bitcoin benchmark that synchronizes with the traditional U.S. market close. The BRRNY is a regulated Benchmark under the UK Benchmarks Regulation (BMR) regime. The BRRNY calculation methodology aggregates transactions of Bitcoins in U.S. dollars that are only conducted on the most liquid markets for which data is publicly available and operated by exchanges that meet the CME CF Constituent Exchange Criteria.[28]

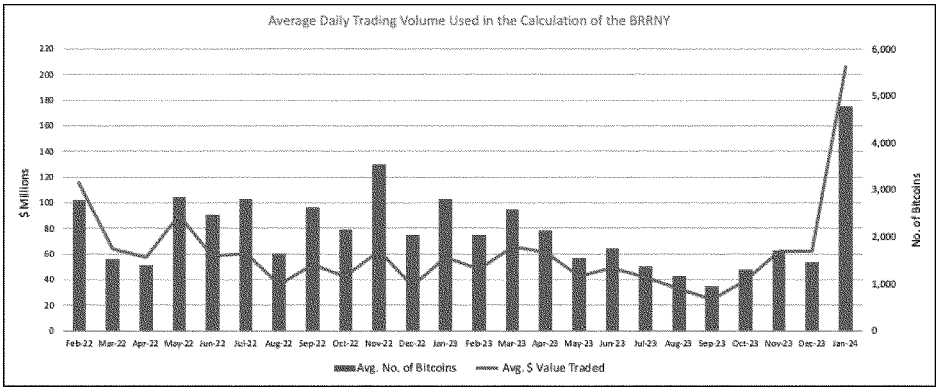
The BRRNY is a valid and robust benchmark that is calculated from input data of sufficient volume so that it is representative of the market it seeks to measure. Additionally, the BRRNY has volume sufficiency which permits it to be replicated by institutional market participants and product providers that need to warehouse price risk. The table below summarizes the total number of transactions and average number of transactions per day observed each month for the BRRNY.[29] Between February 28, 2022, and January 31, 2024 (weekdays only), on average 2,116.73 Bitcoins, or $59M were traded during each daily observation window between 15:00 and 16:00 New York Time.[30]

[27] Specifically, the BRRNY is calculated based on the Relevant Transactions of all of its constituent Bitcoin platforms, which are currently Bitstamp, Coinbase, itBit, Kraken, Gemini, and LMAX and which may change from time to time.

[28] *See infra* note 23.

[29] The data represents both trade count and Bitcoin volume during the observation window.

[30] BRRNY was launched on February 28, 2022. LMAX Digital was added as a Constituent Exchange from May 2022.



This trading activity exhibits volatility that is not substantially different from that shown in traditional asset markets. The volume observed and the reliability of that volume are clearly evident to be sufficient for the calculation of a robust and reliable benchmark.

Phlx believes that Nasdaq Bitcoin Index Options will be utilized for a wide range of activities such as hedging cash portfolio risk, creating tailored or structured products that allow investor risk-mitigated participation in Bitcoin, and onshoring of risk associated with holding capital and options in non-U.S. regulated venues. To that end, the index design is fair and transparent. CF Benchmarks, the administrator of the Nasdaq Bitcoin Index, exclusively sources input data from Constituent Exchanges that meet published criteria as set out in its CME CF Constituent Exchange Criteria and CF Benchmarks conducts a thorough review of any exchange under consideration for inclusion as a Constituent Exchange.[31] The BRRNY methodology takes an observation period and divides it into equal partitions of time. The volume-weighted median of all transactions within each partition is then calculated. The benchmark index value is determined from the arithmetic mean of the volume-weighted medians, equally weighted. As a result, individual trades of large size have limited effect on the index level as they only influence the level of the volume-weighted median for that specific partition. Further, a cluster of trades in a short period of time will also only influence the volume-weighted median of the partition or partitions they were conducted in, thereby limiting impact. Use of volume-weighted medians as opposed to volume-weighted means ensures that transactions conducted at outlying prices do not have an undue effect on the value of a specific partition because trades of large size or clusters of trades over a short period of time will not have an undue influence on the index level. CF Benchmarks applies equal weight to transactions observed from Constituent Exchanges. With no pre-set weights, the BRRNY is not readily subject to manipulation. Using the arithmetic mean of partitions of equal weight further denudes the effect of trades of large size at prices that deviate from the prevailing price having undue influence on the benchmark level.[32]

The BRRNY methodology incorporates a procedure for potentially erroneous data. In the event of an instance of index calculation in which a Constituent Exchange's volume-weighted median transaction price exhibits an absolute percentage deviation from the volume-weighted median price of other Constituent Exchange transactions greater than the Potentially Erroneous Data Parameter[33] (10%), then transactions from that Constituent Exchange are deemed potentially erroneous and excluded from the index calculation. All instances of data excluded from a calculation trigger an alert that is investigated by CF Benchmarks. By way of example, between February 28, 2022, and January 31, 2024, the Potentially Erroneous Data Parameter of the methodology for the BRRNY has never been triggered. Analysis of the highest volume-weighted median per exchange during the observation period produced the results in the table below. The results illustrate that during the observation period, no Constituent Exchange's input data needed to be excluded due to exhibiting potential manipulation and indeed no individual cryptocurrency exchange exhibits a deviation percentage above 2.41% during this period.

[31] The CME CF Constituent Exchange Criteria is available at: *https://docs.cfbenchmarks.com/CME%20CF%20Constituent%20Exchanges%20Criteria.pdf.* The arrangements of all Constituent Exchanges are reviewed annually to ensure that they continue to meet all criteria specified within the ''Constituent Exchange Criteria.'' This due diligence is documented, and the information is distributed to CF Benchmarks' regulators to consider. The deliberations of regulators are conducted during regular meetings, minutes of such meetings are publicly available, being published by CF Benchmarks.

[32] *See also https://www.cfbenchmarks.com/blog/suitability-analysis-of-the-cme-cf-Bitcoin-reference-rate-new-york-variant-as-a-basis-for-regulated-financial-products-february-2024-update.*

[33] The Potentially Erroneous Data Parameter is an automated screening established by CF Benchmarks to remove potentially erroneous data.

Max in Month	Max volume weighted median deviation per exchange (%)					
	Bitstamp	Coinbase	Gemini	itBit	Kraken	LMAX Digital
Feb-2022	0.04%	0.00%	0.10%	0.06%	0.12%	N/A
Mar-2022	0.47%	0.20%	0.21%	0.45%	0.36%	N/A
Apr-2022	0.31%	0.17%	0.28%	0.32%	0.38%	N/A
May-2022	0.70%	0.45%	0.43%	0.34%	0.55%	0.26%
Jun-2022	0.45%	0.28%	0.33%	0.37%	0.49%	0.43%
Jul-2022	0.36%	0.18%	0.62%	0.93%	0.76%	0.47%
Aug-2022	0.34%	0.25%	0.20%	0.46%	0.37%	0.21%
Sep-2022	0.49%	0.16%	0.23%	0.46%	0.33%	0.16%
Oct-2022	0.21%	0.10%	0.13%	0.15%	0.18%	0.28%
Nov-2022	1.66%	0.59%	0.54%	1.14%	1.38%	0.93%
Dec-2022	0.15%	0.07%	0.57%	0.08%	0.28%	0.09%
Jan-2023	0.21%	0.13%	0.34%	0.17%	0.23%	0.11%
Feb-2023	0.28%	0.14%	0.60%	0.46%	0.77%	0.22%
Mar-2023	0.39%	0.28%	2.41%	0.24%	0.26%	0.22%
Apr-2023	0.25%	0.49%	0.65%	0.28%	0.28%	0.56%
May-2023	0.23%	0.21%	0.29%	0.33%	0.19%	0.29%
Jun-2023	0.39%	0.13%	0.43%	0.30%	0.24%	0.18%
Jul-2023	0.18%	0.11%	0.35%	0.50%	0.20%	0.16%
Aug-2023	0.35%	0.08%	0.60%	0.61%	0.20%	0.14%
Sep-2023	0.66%	0.15%	0.10%	0.18%	0.27%	0.17%
Oct-2023	0.45%	0.12%	0.41%	0.15%	0.39%	0.16%
Nov-2023	0.16%	0.12%	0.21%	0.25%	0.26%	0.40%
Dec-2023	0.33%	0.09%	0.17%	0.16%	0.46%	0.10%
Jan-2024	0.37%	0.28%	0.43%	0.43%	0.36%	0.35%

CF Benchmarks has implemented a benchmark surveillance program for the investigation of alerts. Instances of suspected benchmark manipulation are escalated through appropriate regulatory channels in accordance with CF Benchmarks' obligations under the UK Benchmarks Regulation (UK BMR). As a regulated Benchmark Administrator, CF Benchmarks is subject to supervision by the UK FCA.[34]

In terms of this correlation of prices among Constituent Exchanges as shown in the table above, an analysis was undertaken of the pair-wise correlation of prices from Constituent Exchanges on a per-minute basis (the price difference between transactions for each minute at each exchange) during the observation period. The results are shown in the table below.

Pairwise Correlation of Constituent Exchanges to BRRNY			
Constituent Pair Platform	Mean Correlation %	Median Correlation %	Standard Deviation
Bitstamp-Coinbase	98.41%	98.98%	1.72%
Bitstamp-Gemini	96.38%	98.23%	5.78%
Bitstamp-itBit	97.62%	98.66%	2.97%
Bitstamp-Kraken	96.72%	98.20%	4.29%
Bitstamp-LMAX Digital*	96.70%	98.03%	4.36%
Coinbase-Gemini	96.25%	98.19%	5.97%
Coinbase-itBit	97.33%	98.55%	3.55%
Coinbase-Kraken	96.43%	98.13%	4.78%
Coinbase-LMAX Digital*	96.65%	98.07%	4.63%
Gemini-itBit	96.44%	98.30%	5.97%
Gemini-Kraken	95.67%	97.83%	6.13%
Gemini-LMAX Digital*	95.16%	97.49%	6.55%
itBit-Kraken	97.51%	98.65%	3.48%
itBit-LMAX Digital*	96.70%	98.17%	4.53%
Kraken-LMAX Digital*	95.85%	97.66%	5.45%

[34] Furthermore, CF Benchmarks' control procedures with respect to compliance with the UK BMR have been audited by 'Big Four' accountancy firm Deloitte. The Independent Assurance Report on Control Procedures Noted by CF Benchmarks Regarding Compliance with the UK Benchmarks Regulation as of September 12, 2022 is available at: *https://docs.cfbenchmarks.com/Deloitte_CF%20Benchmarks%20SOC1%20Audit%20Report.pdf.*

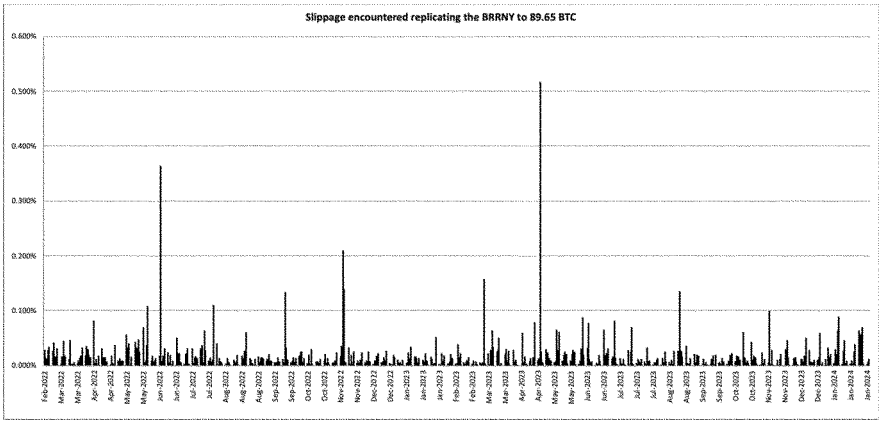
With respect to replicability, a simple replication simulation was thereby conducted of BRRNY to demonstrate the extent of slippage [35] that implementation of the BRR would probably encounter. The methodology was as follows for weekdays only.

- Trades are executed on *n* (6) Constituent Exchanges, during a 3,600-second window.
- One trade is executed every second and the price achieved is assumed to be the last execution price observed in that second. Its associated volume is assumed to be the volume executed during that second.
- If no trade is completed in any single-second period, then the price achieved is assumed to be the price achieved in the previous second, but the associated volume from the previous second is not added to the volume executed in the latest second.

The results of this simulation are displayed below.

Slippage %	
MAX	0.51639%
MIN	0.00006%
MEDIAN	0.01063%
MEAN	0.01895%
STD. DEV.	0.03493%

Summary data for the above simulation is provided below.



As evidenced above, the BRRNY can be replicated with a high degree of confidence and usually with slippage of no more than 1 basis point (0.01%). On only 6.76% of days would slippage have been greater than 5 basis points (0.05%). Indeed, even on the most volatile day, slippage was approximately one half of one percent, 51.6 basis points (0.516%). Furthermore, in the 24-month period under observation slippage would have been in double-digit basis points only 10 times.

As evidenced by the foregoing data, the BRTI is representative of the underlying market, resistant to manipulation, and replicable by market participants.

Regulatory Framework

The proposed product is a cash-settled index option that permits holders to receive U.S. dollars representing the difference between the current Bitcoin spot markets as represented by the BRRNY and the exercise price of the option. Like the Spot Bitcoin ETPs,[36] the Nasdaq Bitcoin Index Options do not hold physical Bitcoin.

Since January 2024, shares of Spot Bitcoin ETPs based on Bitcoin have been listed and traded on national securities exchanges.[37] Phlx's proposal to list and trade Nasdaq Bitcoin Index Options would allow market participants that hold shares of Spot Bitcoin ETPs to hedge or modify their exposure on a national securities exchange, within a single regulatory regime,[38] thereby fostering innovation and competition in the rapidly evolving market for digital asset derivatives.

Section 2(a)(1)(A) of the Commodity Exchange Act (the ''CEA'') [39] provides the Commodity Futures Trading Commission (the ''CFTC'') with exclusive jurisdiction over, among other things, options on commodities traded on a designated contract market, swap execution facility, or other board of trade, exchange, or market. The Exchange believes that the proposed Nasdaq Bitcoin Index Options should be permitted to trade on a national securities exchange provided the Exchange requests and obtains exemptive relief from the CFTC that would: (1) provide the Exchange with exemption from any applicable requirements of the CEA and the CFTC and regulations, including the requirements applicable to a Designated Contract Market under Section 5 of the CEA [40] and Part 38 [41] of the CFTC's regulations; and (2) provide the Commission, with the CFTC, with jurisdiction over the proposed Nasdaq Bitcoin Index Options; and (3) provide

[35] Slippage refers to the difference between the expected price of a trade and the actual price at which the trade is executed. In the context of errant (incorrect or unintended) trading prices, slippage represents the deviation from your intended execution price, which can result in unexpected costs or, occasionally, unexpected gains.

[36] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (File Nos. SR–NYSEArca–2021–90; SR–NYSEArca–2023–44; SR–NYSEArca–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SR–CboeBZX–2023–044; and SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (''Spot Bitcoin ETPs Approval Order''). The ETPs approved in these filings were: the Grayscale Bitcoin Trust (BTC); the Bitwise Bitcoin ETF; the Hashdex Bitcoin ETF; the iShares Bitcoin Trust; the Valkyrie Bitcoin Fund; the ARK 21Shares Bitcoin ETF; the Invesco Galaxy Bitcoin ETF; the VanEck Bitcoin Trust; the WisdomTree Bitcoin Fund; the Fidelity Wise Origin Bitcoin Fund; and the Franklin Bitcoin ETF (collectively ''Spot Bitcoin ETPs'').

[37] *See* Spot Bitcoin ETPs Approval Order.

[38] Specifically, the proposed index options would allow investors in Spot Bitcoin ETPs to carry the proposed index options in the same account subject to the same margin regime that applies to the asset through which they take long exposure to Bitcoin. *See* letter from Phlx dated March 17, 2025, page 3, footnote 13, *available at https://www.sec.gov/comments/sr-phlx-2025-08/srphlx202508-581995-1674542.pdf.*

[39] *See* 7 U.S.C. 4.

[40] *See* 7 U.S.C. 7.

[41] *See* 17 CFR part 38.

exemptive relief to allow the proposed Nasdaq Bitcoin Index Options to clear through The Options Clearing Corporation (''OCC'') in its capacity as a clearing agency registered with the SEC pursuant to Section 17A of the Act.[42]

The Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options unless and until the CFTC grants all necessary exemptive relief[43] from the requirements of the CEA and the rules and regulations thereunder, with the condition that the SEC exercise jurisdiction with the CFTC over the proposed Nasdaq Bitcoin Index Options. In addition, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options until the CFTC issues exemptive relief to allow OCC to clear the proposed options in its capacity as a clearing agency registered with the SEC pursuant to Section 17A of the Exchange Act.[44] Finally, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options until the OCC receives approval to update The Characteristics and Risks of Standardized Options (the ''Options Disclosure Document'' or ''ODD'') to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.

As proposed, the Nasdaq Bitcoin Index Options would transact on an SEC-regulated exchange, therefore, the SEC's jurisdiction should not be superseded or limited with respect to prosecuting fraud and manipulation relating to the proposed index options which would be transacted on Phlx. If the CFTC grants the Exchange's request for exemptive relief, the CFTC would retain enforcement jurisdiction relating to the sale of the commodity.

Phlx will not list the Nasdaq Bitcoin Index Options until such time as it obtains an exemption from the CFTC such that the Commission has jurisdiction with the CFTC over the Nasdaq Bitcoin Index Options. Further, Phlx shall not list the Nasdaq Bitcoin Index Options until all conditions set forth in any exemptive relief granted by the CFTC have been satisfied. Finally, the Exchange would not list the Nasdaq Bitcoin Index Options until such time as OCC has received approval to update the ODD to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.

[42] *See* 15 U.S.C. 78q–1.

[43] *See* 7 U.S.C. 6(c)(1).

[44] *See* 15 U.S.C. 78q–1.

Amendments to Exchange Rules

The proposal is designed to ensure that Nasdaq Bitcoin Index Options are listed and traded under the same terms that apply to other index options that are currently traded on the Exchange. The Exchange proposes to create a new Options 4D, titled ''Nasdaq Bitcoin Index Options,'' with rules that would apply specifically to the listing and trading of Nasdaq Bitcoin Index Options.

Applicability

The proposed Options 4D Rules would be applicable to Nasdaq Bitcoin Index Options. All Options Rules shall apply to Nasdaq Bitcoin Index Options, in addition to the Options 4D Rules, however where the Options 4D Rules disagree with another Options Rule not within Options 4D, a conflict shall be resolved in favor of the Options 4D Rule as it applies to Nasdaq Bitcoin Index Options.[45]

Definitions

The Exchange proposes to define certain terms for the trading of Nasdaq Bitcoin Index Options in proposed Options 4D, Section 2, titled ''Definitions.'' The Exchange proposes to define ''aggregate exercise price,'' ''CME CF Bitcoin Real Time Index (''BRTI''),'' ''CME CF Cryptocurrency Reference Rate—New York Variant (''BRRNY''),'' ''CME CF Cryptocurrency Pricing Products Oversight Committee,'' ''Constituent Exchange,'' ''current index value,'' ''exercise price,'' ''European-style index option,'' ''final settlement value,'' ''index multiplier,'' ''Nasdaq Bitcoin Index,'' ''P.M.-settled Index Options,'' ''reporting authority,'' and ''underlying.'' The proposed definitions are as follows:

- The term ''aggregate exercise price'' shall mean the exercise price of the option contract times the index multiplier.
- The term ''CME CF Bitcoin Real Time Index (''BRTI'')'' shall mean a benchmark index price calculated and published once per 200 milliseconds for Bitcoin that aggregates order data from Bitcoin-USD markets operated by Constituent Exchanges.
- The term ''CME CF Cryptocurrency Reference Rate—New York Variant (''BRRNY'')'' shall mean the once a day benchmark index price for Bitcoin that aggregates trade data from Constituent Exchanges.
- The term ''CME CF Cryptocurrency Pricing Products Oversight Committee'' or ''Oversight Committee'' shall mean the committee established jointly by Crypto Facilities or ''CF'' and Chicago Mercantile Exchange Inc. or ''CME'' to protect the integrity of the methodology and calculation process of the BRTI and the BRRNY and to address potential conflicts of interest. The role of the Oversight Committee is to provide an oversight function to review and provide challenge on all aspects of the methodology and calculation process and provide effective oversight of CF Benchmarks as the administrator of the BRTI and BRRNY.
- The term ''Constituent Exchange'' shall mean the cryptocurrency trading venues approved by the CME CF Cryptocurrency Pricing Products Oversight Committee to serve as pricing source for the calculation of the BRTI and BRRNY.
- The term ''current index value'' shall mean the last derived aggregated value based on the last bids and asks posted in the Bitcoin-USD markets of each Constituent Exchange comprising the BRTI divided by a factor of one hundred (100).
- The term ''exercise price'' shall mean the specific price at which the current index value may be purchased in the case of a call or sold in the case of a put upon the exercise of the option.
- The term ''European-style index option'' shall mean an option on an industry or market index that can be exercised only on the business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day prior to the day it expires.
- The term ''final settlement value'' shall be calculated as described at Options 4D, Section 8.
- The term ''index multiplier'' shall mean the amount by which the current index value is to be multiplied to arrive at the value required to be delivered to the holder of a call or by the holder of a put upon valid exercise of the contract. The index multiplier shall be $100.
- The term ''Nasdaq Bitcoin Index'' for purposes of the Options 4D rules shall mean the BRTI divided by a factor of one hundred. The settlement value will be based on the BRRNY divided by a factor of one hundred.
- The term ''P.M.-settled Index Options'' shall mean index options where the last day of trading shall be the business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before its expiration date.
- The term ''reporting authority'' shall mean the institution or reporting service designated by the Exchange as the official source for (1) calculating the level of the index and (2) reporting such level. CF Benchmarks is the ''reporting authority'' for the BRTI, BRRNY, the CF NQBTC Options Indicative Settlement Value and the CF NQBTC Options Settlement Value as described in Section 7 below.
- The term ''underlying'' shall mean the Nasdaq Bitcoin Index.

Trading Sessions

Proposed Options 4D, Section 3, titled ''Trading Sessions,'' notes that Nasdaq Bitcoin Index Options may be effected on the Exchange between the hours of 9:30 a.m. (Eastern time) and 4:15 p.m. (Eastern time), except that on the last trading day, transactions in expiring

[45] *See* proposed Options 4D, Section 1.

Nasdaq Bitcoin Index Options may be effected on the Exchange between the hours of 9:30 a.m. (Eastern time) and 4:00 p.m. (Eastern time). As is the case for all index options, General 3, Rule 1030 governs the days the Exchange will be open for business.[46] These hours are consistent with trading hours for P.M-Settled index options listed on Phlx pursuant to Options 4A, Section 12(a)(6).

Designation of an Index

Unlike other index options, Nasdaq Bitcoin Index Options need not meet the requirements of Options 4, Section 3 or Options 4A, Section 3.[47] The Exchange designates Nasdaq Bitcoin Index as a narrow based index.

Minimum Increments

As proposed, Nasdaq Bitcoin Index Options would have a minimum increment of $0.01 for all series as long as IBIT Options participate in the Penny Interval Program.[48] Nasdaq Bitcoin Index Options would be quoted and traded in U.S. dollars.[49]

Nasdaq Bitcoin Index Options is a micro-sized benchmark reflecting 1/100th of the BRRNY, designed to provide retail-accessible participation in a major reference asset. Similarly, the Nasdaq-100 Micro Index® (''XND'') options, which reflect 1/100th the value of the Nasdaq-100 Index®, currently trade in $0.01 increments on Phlx. Further, comparable penny treatment exists across the broader index options complex: Cboe Exchange Inc.'s (''Cboe'') Mini-S&P 500 Index (''XSP'') options trade in $0.01 increments, and the Mini-Russell 2000 Index (''MRUT'') options trade in $0.01 increments. The Exchange believes market demand including by retail investors, who generally prefer lower trading increments supports a lower trading increment for Nasdaq Bitcoin Index Options. The Exchange believes that more granular pricing creates narrower bid-ask spreads and increases the possible number of price points available to investors, which also lowers costs to investors. Finer increments also permit more precise pricing in line with the theoretical value of these options and thus more efficient hedging opportunities.

Position and Exercise Limits

The Exchange proposes to state at proposed Options 4D, Section 6(a) that the Nasdaq Bitcoin Index Options shall be subject to a position limit of 24,000 contracts. Today, options on the Cboe Bitcoin U.S. ETF Index (''CBTX'') and the Mini-Cboe Bitcoin U.S. ETF Index (''MBTX'') have position limits of 24,000 contracts. CBTX was trading at 1,775.00 as of April 29, 2026. The notional value of one CBTX options contract was $177,500 (index * $100) as of April 29, 2026. The notional value of one Nasdaq Bitcoin Index Options contract was $76,000 (index * $100) as of April 29, 2026. Therefore, the proposed 24,000 position and exercise limits for Nasdaq Bitcoin Index Options are appropriate because the limits represent less than half of the notional value of CBTX. If a position limit of 24,000 contracts were considered, the equivalent risk would represent 0.12% [50] of the outstanding supply of Bitcoin. This analysis demonstrates that the proposed 24,000 per same side position and exercise limit is appropriate for Nasdaq Bitcoin Index Options.

With respect to aggregation, the Exchange proposes at Options 4D, Section 6(c) that Nasdaq Bitcoin Index Options contracts shall not be aggregated with any other options contracts. Positions in Short Term Option Series, Monthly Options Series, and Quarterly Options Series in Nasdaq Bitcoin Index Options shall be aggregated with other positions in options contracts in Nasdaq Bitcoin Index and shall be subject to the overall position limit. This aggregation is consistent with aggregation for all other index options pursuant to Options 4A, Section 6(e).

Proposed Options 4D, Section 6(c) specifies that the reporting requirements for Nasdaq Bitcoin Index Options shall be those specified in Options 6E, Section 2. Options 6E, Section 2, Reporting of Options Positions, generally requires that each Phlx member and member organization file a report with the Exchange with respect to each account in which the member or member organization has an interest, each account of a partner, officer, director, or employee of such member organization, and each customer account, acting alone, or in concert with others, which has established an aggregate position of 200 or more option contracts (whether long or short) of a put class and call class on the same side of the market covering the same underlying security.

Finally, as noted in proposed Options 4D, Section 6(e), exercise limits for Nasdaq Bitcoin Index Options shall be equivalent to the position limits described in Options 4D, Section 6.

Terms of Index Options Contracts

Pursuant to proposed Options 4D, Section 7(a)(1), bids and offers shall be expressed in terms of dollars and cents per unit of the underlying index which is the Nasdaq Bitcoin Index.

Pursuant to proposed Options 4D, Section 7(a)(2), the Exchange shall determine fixed-point intervals of exercise prices for call and put options.

As proposed in Options 4D, Section 7(a)(3), strike price intervals of no less than $2.50 are generally permitted for Nasdaq Bitcoin Index Options if the strike price is less than $200. This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12(a)(3). Further, the Exchange may also determine to list strike prices at $1 or greater, subject to certain conditions. The Exchange may list series at $1 or greater strike price intervals for Nasdaq Bitcoin Index Options and will list at least two strike prices above and two strike prices below the current value of the Nasdaq Bitcoin Index Options [sic] at about the time a series is opened for trading on the Exchange. The Exchange shall list strike prices for Nasdaq Bitcoin Index Options that are within 5 points from the closing value of the Nasdaq Bitcoin Index on the preceding day.[51] This is consistent with how other index options trade on Phlx pursuant to Supplementary Material .02 to Options 4A, Section 12.

Additional series of the same class of Nasdaq Bitcoin Index Options may be opened for trading on the Exchange when deemed necessary to maintain an orderly market, to meet customer demand or when the Nasdaq Bitcoin Index moves substantially from the initial exercise price or prices. To the extent that any additional strike prices are listed by the Exchange, such additional strike prices shall be within thirty percent (30%) above or below the closing value of Nasdaq Bitcoin Index Options.[sic] The Exchange may also open additional strike prices that are more than 30% above or below the current Nasdaq Bitcoin Index value divided by a factor of one hundred (100) provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers.

[46] *See* proposed Options 4D, Section 3(a).

[47] *See* proposed Options 4D, Section 4.

[48] *See* proposed Supplementary Material .06 to Options 3, Section 3 and proposed Options 4D, Section 5.

[49] Phlx proposed Options 4D, Section 7(a)(1) titled ''Meaning of Premium Bids and Offers,'' provides that bids and offers shall be expressed in terms of dollars and cents per unit of the underlying index, which is the BRTI divided by a factor of one hundred (100).

[50] This percentage is arrived at with this equation: (24,000 contract limit * (BTC/100 Bitcoin Index) * ($100 OCC Contract Multiplier)/BTC * 20,020,000 number of BTC outstanding).

[51] *See* proposed Options 4D, Section 7(a)(3)(A).

Market-Makers trading for their own account shall not be considered when determining customer interest under this provision. In addition to the initial listed series, the Exchange may list up to sixty (60) additional series per expiration month for each series in Nasdaq Bitcoin Index Options.[52] This is consistent with how other index options trade on Phlx pursuant to Supplementary Material .03(b) to Options 4A, Section 12.

The Exchange shall not list LEAPS on Nasdaq Bitcoin Index Options at intervals less than $5.[53] This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12(c)(1)(A).

With respect to delisting, Nasdaq Bitcoin Index Options added pursuant Options 4D, Section 7(a)(3)(A) and (B) will be reviewed by the Exchange on a monthly basis. The Exchange will review series that are outside a range of five (5) strikes above and five (5) strikes below the current value of the Nasdaq Bitcoin Index and delist series with no open interest in both the put and the call series having a: (i) strike higher than the highest strike price with open interest in the put and/or call series for a given expiration month; and (ii) strike lower than the lowest strike price with open interest in the put and/or call series for a given expiration month.[54] This is consistent with how other index options trade on Phlx pursuant to Supplementary Material .02(d) to Options 4A, Section 12.

Notwithstanding this delisting policy, customer requests to add strikes and/or maintain strikes in Nasdaq Bitcoin Index Options series eligible for delisting shall be granted.[55] If the Exchange identifies series for delisting, the Exchange shall notify other options exchanges with similar delisting policies regarding eligible series for delisting, and shall work with such other exchanges to develop a uniform list of series to be delisted, so as to ensure uniform series delisting of multiply listed Nasdaq Bitcoin Index Options.[56] This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12(g)(2).

Notwithstanding any other provision regarding strike prices in Options 4D, Section 6, non-Short Term Options that are on Nasdaq Bitcoin Index Options that have been selected to participate in the Short Term Option Series Program (referred to as a ''Related non-Short Term Option series'') shall be opened during the month prior to expiration of such Related non-Short Term Option series in the same manner as permitted in Supplementary .01 of Options 4D, Section 7 and in the same strike price intervals that are permitted in Supplementary .01 of Options 4D, Section 7.[57] This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12(a)(3)(A).

The Exchange proposes to state that Nasdaq Bitcoin Index Options contracts may expire at three (3) month intervals, in consecutive weeks or in consecutive months. The Exchange may list: (i) up to six (6) standard monthly expirations at any one time in a class of Nasdaq Bitcoin Index Options, but will not list Nasdaq Bitcoin Index Options that expire more than twelve (12) months out.[58] This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12(a)(4).

Nasdaq Bitcoin Index Options would be European-style index options [59] and P.M.-settled.[60]

The Exchange believes that market participants, and in particular, retail investors, prefer P.M.-settled index options. P.M.-settlement is preferred by retail investors as it allows market participants to hedge their exposure for the full week. A.M.-settled options by contrast are based on opening prices on the day of expiration and therefore stop trading on the day prior, leaving residual risk on the day of expiration. P.M.-settlement is needed to garner retail investor support for this product.

After a particular class of Nasdaq Bitcoin Index Options has been approved for listing and trading on the Exchange, the Exchange shall from time to time open for trading series of options therein. Within each approved class of Nasdaq Bitcoin Index Options, the Exchange shall open for trading a minimum of one expiration month and series and may also open for trading series of options having not less than twelve and up to 60 months to expiration (''Long-Term Index Options Series'').[61]

Prior to the opening of trading in any series of Nasdaq Bitcoin Index Options, the Exchange shall fix the expiration month and exercise price of option contracts included in each such series.[62]

Additional series of Nasdaq Bitcoin Index Options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the Nasdaq Bitcoin Index moves more than five strike prices from the initial exercise price or prices. The opening of a new series of options shall not affect the series of options of the same class previously opened. New series of Nasdaq Bitcoin Index Options may be added until the beginning of the month, in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of Nasdaq Bitcoin Index Options until the fourth business day prior to the business day of expiration, or, in the case of Nasdaq Bitcoin Index Options contract [sic] expiring on a day that is not a business day, up to the fifth business day prior to expiration.[63] This is consistent with how other index options trade on Phlx pursuant to Options 4A, Section 12.

The Exchange would also list Long-Term Option Series or ''LEAPs'' on Nasdaq Bitcoin Index Options. Similar to index options at Options 4A, Section 12(b)(2), the Exchange proposes that it may list LEAPs on Nasdaq Bitcoin Index Options that expire from twelve (12) to sixty (60) months from the date of issuance. There may be up to ten (10) expiration months, none further out than sixty (60) months. Strike price intervals and continuity Rules shall not apply to such options series until the time to expiration is less than twelve (12) months. Bid/ask differentials for LEAPs are specified within Options 2, Section 4(b)(4)(i)(A).[64] Also similar to index options at Options 4A, Section 12(b)(1), when new Nasdaq Bitcoin Index Options LEAPs are listed, such series would be opened for trading either when there is buying or selling interest, or forty (40) minutes prior to the close, whichever occurs first. No quotations would be posted for such options series until they are opened for trading.[65] This is consistent with how other index options trade on Phlx.

Similar to index options at Options 4A, Section 12(d), the reported level of the Nasdaq Bitcoin Index is calculated by the reporting authority, CF Benchmarks. The BRTI Index divided by a factor of one hundred (100) will be disseminated by CF Benchmarks throughout the trading day as the CF NQBTC Options Indicative Settlement

[52] *See* proposed Options 4D, Section 7(a)(3)(B).
[53] *See* proposed Options 4D, Section 7(a)(3)(C).
[54] *See* proposed Options 4D, Section 7(a)(3)(D).
[55] *See* proposed Options 4D, Section 7(a)(3)(D)(i).
[56] *See* proposed Options 4D, Section 7(a)(3)(D)(ii).
[57] *See* proposed Options 4D, Section 7(a)(3)(E).
[58] *See* proposed Options 4D, Section 7(a)(4).
[59] *See* proposed Options 4D, Section 7(a)(5).
[60] *See* proposed Options 4D, Section 7(a)(6).
[61] *See* proposed Options 4D, Section 7(b).
[62] *See* proposed Options 4D, Section 7(b).
[63] *See* proposed Options 4D, Section 7(b)(1).
[64] *See* proposed Options 4D, Section 7(b)(2)(a).
[65] *See* proposed Options 4D, Section 7(b)(2)(a)(i).

Value. The BRRNY Index divided by a factor of one hundred (100) will be disseminated by CF Benchmarks each day as the CF NQBTC Options Settlement Value.[66]

The Exchange proposes to note in Supplementary .01 to Options 4D, Section 7 that the Short Term Options Series Program listing rules at Options 4A, Section 12(b)(4) shall be applicable to Nasdaq Bitcoin Index Options. The Monthly Options Series Program at Options 4A, Section 12(b)(5) shall be applicable to Nasdaq Bitcoin Index Options. Finally, the Quarterly Options Series Program at Options 4A, Section 12(b)(3) shall be applicable to Nasdaq Bitcoin Index Options.

The Exchange proposes to describe the final settlement value of Nasdaq Bitcoin Index Options in proposed Options 4D, Section 8. Nasdaq Bitcoin Index Options would be settled in U.S. dollars on the business day following expiration. Cash settlement would be equal to the difference between the final settlement value and the strike price of the contract multiplied by an index multiplier of $100.[67]

The Nasdaq Bitcoin Index Options final settlement value would be the BRRNY on the expiration date (usually a Friday). BRRNY is calculated based on the Relevant Transactions. BRRNY will be divided by a factor of one hundred (100) and published as CF NQBTC Options Settlement Value. BRRNY is calculated daily based on the Relevant Transactions and is calculated on the expiration date for purposes of final settlement. Relevant Transactions include those that trade Bitcoin versus U.S. Dollars on a Constituent Exchange that occur from 15:00 to 16:00 New York Time that is calculated and reported by the reporting authority. The final settlement value is determined by the aggregated last reported sale price of each Constituent Exchange. Specifically, the final settlement is calculated by combining all Relevant Transactions from each Constituent Exchange on a joint list and recording the trade price and size for each transaction. That list is partitioned into a number of equally-sized time intervals, of 5 minutes. For each partition separately, the volume-weighted median trade price is calculated from the trade prices and sizes of all Relevant Transactions across all Constituent Exchanges. The BRRNY is the equally weighted average of the volume-weighted medians of all partitions. In the event that the underlying BRTI is not open for trading on the expiration date, the value of the Nasdaq Bitcoin Index shall be the last reported sale price prior to the expiration date.[68] The Exchange notes that a 1/100th version of the BRTI would be disseminated intra-day as the CF NQBTC Options Indicative Settlement Value.

Settlement is calculated by combining all Relevant Transactions on a joint list and recording the trade price and size for each transaction. That list is partitioned into a number of equally-sized time intervals, of 5 minutes. For each partition[69] separately, the volume-weighted median[70] trade price is calculated from the trade prices and sizes of all Relevant Transactions, *i.e.,* across all Constituent Exchanges.[71] A volume-weighted median differs from a standard median in that a weighting factor, in this case trade size, is factored into the calculation.[72] For each partition *k*, the volume-weighted median trade prices *WM* across all Relevant Transactions is calculated as:

$$\left| \begin{array}{l} WM_k = p_{k,j} \text{ where } j \text{ satisfies } \sum_{i=1}^{j-1} s_{k,i} < \frac{1}{2}\sum_{i=1}^{I_k} s_{k,i} \text{ and } \sum_{i=j+1}^{I_k} s_{k,i} \leq \frac{1}{2}\sum_{i=1}^{I_k} s_{k,i} \\ \text{If } s_{k,1} \geq \frac{1}{2}\sum_{i=1}^{I_k} s_{k,i} \text{ then } WM_k = p_{k,1} \\ \text{If } \sum_{i=j+1}^{I_k} s_{k,i} = \frac{1}{2}\sum_{i=1}^{I_k} s_{k,i}, \text{ then } WM_k = \frac{p_{k,j} + p_{k,j+1}}{2} \end{array} \right| \quad \text{Eq. 1}$$

The BRRNY is then given by the equally weighted average of the volume-weighted medians of all partitions.[73] The CME CF Cryptocurrency Reference Rate as of the effective time *T, CCRR,* is then given by:

$$\left| CCRR_T = \frac{1}{K}\sum_{k=1}^{K} WM_k \right| \quad \text{Eq. 2}$$

Delayed data and missing data are subject to certain rules. Any Relevant Transaction for a given Calculation Day that is not available from a Constituent Exchange's API by the Retrieval Time is disregarded in the calculation of the

[66] *See* proposed Options 4D, Section 7(c).

[67] *See* proposed Options 4D, Section 8(a).

[68] *See* proposed Options 4D, Section 8(b).

[69] CME CF Cryptocurrency Reference Rates are calculated as the equally-weighted average of the intermediate calculation steps for the *K* partitions. A single large trade or cluster of trades occurring in any one partition will therefore only have a limited effect on CME CF Cryptocurrency Reference Rates. *See https://www.cfbenchmarks.com/data/indices/BRRNY.*

[70] Spot prices have historically varied considerably across trading venues, in particular during times of high volatility. The use of medians to calculate the weighted median trade price for each partition (as opposed to averages) greatly reduces CME CF Cryptocurrency Reference Rates' susceptibility to price extremes on one or more Constituent Exchanges. *See https://www.cfbenchmarks.com/data/indices/BRRNY.* Trading is driven to some extent by automated algorithms that may execute a high number of small trades. The use of volume-weighted medians to calculate the weighted median trade price for each partition (as opposed to simple medians) assures that CME CF Cryptocurrency Reference Rates appropriately reflect large trades and that whether an order is executed in parts or in full has no effect on calculation results.

[71] Partitions are equally-weighted (as opposed to volume-weighted) to facilitate replication of CME CF Cryptocurrency Reference Rates through trading on Constituent Exchanges. Assuming *K* partitions, a trader aiming to transact *Y* units of the relevant cryptocurrency at the CME CF Cryptocurrency Reference Rates can do so with little tracking error by transacting *Y/K* units of the cryptocurrency during each partition. *See https://www.cfbenchmarks.com/data/indices/BRRNY.*

[72] *See* proposed Options 4D, Section 8(b).

[73] *See id.*

CME CF Cryptocurrency Reference Rate for that Calculation Day. If no Relevant Transaction occurs on a Constituent Exchange on a given Calculation Day or one or more Relevant Transactions occur but for any reason cannot be retrieved by the Calculation Agent, the Constituent Exchange is disregarded in the calculation of the CME CF Cryptocurrency Reference Rate for that Calculation Day. If, for any of the K partitions of the TWAP Period in the above Eq. 2, no Relevant Transaction occurs on any Constituent Exchange or one or more Relevant Transactions occur but for any reason cannot be retrieved by the Calculation Agent, the partition remains empty and will be disregarded in the calculation of the CME CF Cryptocurrency Reference Rate for that Calculation Day. The denominator in Eq. 2 above will then be decremented by the number of empty partitions. If one or more Relevant Transactions occur but for any reason no Relevant Transaction can be retrieved from any Constituent Exchange API by the Calculation Agent, a CME CF Cryptocurrency Reference Rate calculation failure occurs for that Calculation Day. All Relevant Transactions retrieved by CF Benchmarks for a given calculation day are subject to an automated screening for erroneous data.[74]

Similar to other index options,[75] neither the Exchange, nor any agent of the Exchange would have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating the current settlement value or the final settlement value resulting from an act, condition, or cause beyond the reasonable control of the Exchange including but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; any error, omission, or delay in the reports of transactions in one or more underlying transactions in the BRRNY or any error, omission or delay in the reports of the current settlement value or the closing settlement value by the Exchange.[76] The Exchange shall post the final settlement value CF NQBTC Options Settlement Value'' on its website or disseminate it through one or more major market data vendors.[77]

Today, Phlx limits its liability at Options 4A, Section 19. The Exchange proposes to expand this limitation of the Exchange's liability in connection with its administration of Phlx proprietary indices that currently exists for other indexes [78] to the Nasdaq Bitcoin Index Options. The Exchange currently lists and trades options on a number of proprietary indices, and new indices continue to be developed from time to time. There is a great deal of work involved in the daily calculation and dissemination of these indices. While much of such work is automated, manual input is still required. Thus, the potential for human error exists which exposes the Exchange to a risk of liability. Potential human errors include inputting a symbol or index value incorrectly. The Exchange's proposal promotes equitable principles of trade, and protects investors and the public interest, by defining the scope of the Exchange's liability, thereby putting investors on notice that the Exchange is not liable for negligent conduct in connection with its administration of the Nasdaq Bitcoin Index Options.

The Exchange proposes to adopt ''Disclaimers'' at proposed Options 4D, Section 9. As noted herein, CF Benchmarks shall be the reporting authority for Nasdaq Bitcoin Index Options.[79] Other options markets provide similar disclaimers for the reporting authority.[80] Each index has a designated Reporting Authority, which is the institution or reporting service designated by the Exchange as the official source for routinely calculating the level of each respective index. The Exchange believes that a disclaimer for a Reporting Authority promotes just and equitable principles of trade by encouraging the Reporting Authority for each index to develop and maintain indexes that may qualify for options trading on the Exchange, thereby providing investors with new investment opportunities.

The Exchange proposes to provide at proposed Options 4D, Section 9(a) that the disclaimers in paragraph (b) of Options 4D, Section 9 shall apply to the reporting authority, CF Benchmarks, as identified in Options 4D, Section 2(a)(13).

Further, proposed Options 4D, Section (b) provides that neither CF Benchmarks nor any of its affiliates make any warranty, express or implied, as to the results to be obtained by any person or entity from the use of an index it publishes, any opening, intra-day or closing value therefor, or any data included therein or relating thereto, in connection with the trading of any options contract based thereon or for any other purpose. CF Benchmarks shall obtain information for inclusion in, or for use in the calculation of, such index from sources it believes to be reliable, but CF Benchmarks does not guarantee the accuracy or completeness of such index, any opening, intra-day or closing value therefor, or any data included therein or relating thereto. CF Benchmarks hereby disclaims all warranties of merchantability or fitness for a particular purpose or use with respect to such index, any opening, intra-day, or closing value therefor, any data included therein or relating thereto, or any options contract based thereon. CF Benchmarks shall have no liability for any damages, claims, losses (including any indirect or consequential losses), expenses, or delays, whether direct or indirect, foreseen or unforeseen, suffered by any person arising out of any circumstance or occurrence relating to the person's use of such index, any opening, intra-day or closing value therefor, any data included therein or relating thereto, or any options contract based thereon, or arising out of any errors or delays in calculating or disseminating such index.

Margin

The Exchange proposes to apply margin requirements for the purchase and sale of Nasdaq Bitcoin Index Options that are identical to those applied for its narrow-based index options. Therefore, purchases of puts or calls with 9 months or less until expiration must be paid for in full. Writers of uncovered puts or calls must deposit/maintain 100% of the option proceeds plus 20% of the underlying index value less out-of-the-money amount, if any, to a minimum of option proceeds plus 10% of underlying index value for calls; 10% of the put exercise price for puts. Proposed Options 4D, Section 10, titled ''Margin,'' shall provide that the margin requirements for Nasdaq Bitcoin Index Options shall be the margin requirements set forth in Cboe Rule 10.3 for narrow-based index options.[81]

[74] *See https://docs.cfbenchmarks.com/CME%20CF%20Reference%20Rates%20Methodology.pdf.*

[75] *See* Options 4A, Sections 20 and 21.

[76] *See* proposed Options 4D, Section 8(c).

[77] *See* proposed Options 4D, Section 8(d).

[78] Phlx Options 4A, Section 19 has similar language concerning liability that applies to multiple proprietary products that are listed today by Phlx, *See* list of Phlx Sector Indexes at *https://www.nasdaq.com/solutions/phlx-sector-based-index-options.*

[79] *See* proposed Options 4D, Section 2(a)(13).

[80] *See* Nasdaq ISE, LLC Options 4A, Section 14.

[81] Proposed Options 4D, Section 10, Margin, is consistent with Phlx Options 6C, Section 3(b) in that members may elect to be bound by Cboe's margin requirements. As proposed, Cboe Rule 10.4 (Portfolio Margin) shall apply to Nasdaq Bitcoin Index Options.

Regulatory Rules

The trading of Nasdaq Bitcoin Index Options would be subject to the same rules that presently govern the trading of index options on Phlx, including sales practice rules and trading rules. Options 10, Section 6, ''Opening of Accounts,'' is designed to protect public customer trading and shall apply to trading in Nasdaq Bitcoin Index Options. Specifically, Options 10, Section 6(a) prohibits members and member organizations from accepting a customer order to purchase or write an option, including Nasdaq Bitcoin Index Options, unless such customer's account has been approved in writing by an Options Principal. Additionally, Phlx Options 10, Section 8, ''Suitability of Recommendations,'' is designed to ensure that options, including Nasdaq Bitcoin Index Options, are only sold to customers capable of evaluating and bearing the risks associated with trading in this instrument. Further, Phlx Options 10, Section 9, ''Discretionary Accounts,'' permits members and member organizations to exercise discretionary power with respect to trading options, including Nasdaq Bitcoin Index Options, in a customer's account only if the customer has given prior written authorization and the account has been accepted in writing by a Registered Options Principal. Phlx Options 10, Section 9 also requires a record to be made of every option transaction for an account in respect to which a member or member organization or a partner, officer or employee of a member organization is vested with any discretionary authority, such record to include the name of the customer, the designation, number of contracts and premium of the option contracts, the date and time when such transaction took place and clearly reflecting the fact that discretionary authority was exercised. Finally, Phlx Options 10, Section 7, ''Supervision of Accounts,'' Phlx Options 10, Section 10, ''Confirmations to Customers,'' and Phlx Options 10, Section 13, ''Delivery of Options Disclosure Documents and Prospectus,'' will also apply to trading in Nasdaq Bitcoin Index Options.

The trading of Nasdaq Bitcoin Index Options will be subject to the trading halt procedures applicable to other index options traded on the Exchange.[82]

The Exchange believes that all Phlx and OCC members will be able to accommodate trading, clearance and settlement of Nasdaq Bitcoin Index Options because these index options will trade similar to all other index options.

Surveillance

In 2024, the Commission approved various rule changes to list and trade Spot Bitcoin ETPs.[83] The Commission noted in the Spot Bitcoin ETPs Approval Order that, ''. . . one way an exchange that lists Bitcoin-based ETF can meet the obligation under Exchange Act Section 6(b)(5) that its rules be designed to prevent fraudulent and manipulative acts and practices is by demonstrating that the exchange has a comprehensive surveillance-sharing agreement with a regulated market of significant size related to the underlying or reference Bitcoin assets. Such an agreement would assist in detecting and deterring fraud and manipulation related to that underlying asset.'' The Commission has recognized that the ''regulated market of significant size'' standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that ''other means to prevent fraudulent and manipulative acts and practices'' are sufficient to justify dispensing with the requisite surveillance-sharing agreement.[84] For example, in approving the Spot Bitcoin ETPs, the Commission found that there were ''sufficient 'other means' of preventing fraud and manipulation,'' including that:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission's own analysis, the Commission is able to conclude that fraud or manipulation that impacts prices in spot Bitcoin markets would likely similarly impact CME Bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME Bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose Bitcoin futures market is consistently highly correlated to spot Bitcoin, albeit not of ''significant size'' related to spot Bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Spot Bitcoin ETPs].[85]

As described in the Spot Bitcoin ETPs Approval Order, there is currently a regulated U.S. market with respect to spot Bitcoin, the CME Bitcoin futures (''Bitcoin Futures'') market.[86] In its Spot Bitcoin ETPs Approval Order, the Commission found there was a high price correlation between the underlying and the futures market.[87] The proposed Nasdaq Bitcoin Index Options and the various Spot Bitcoin ETPs reference the same underlying market for spot Bitcoin that trade on spot Bitcoin trading platforms.

Specifically, the Exchange has a comprehensive surveillance-sharing agreement with the CME via its common membership in ISG, which facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the Bitcoin Futures market. Similar to the Spot Bitcoin ETPs previously approved by the SEC, Phlx's ability to obtain information regarding trading in the Bitcoin Futures market from other markets that are members of the ISG (specifically the CME) would assist Phlx in detecting and deterring misconduct.

Further, the exchanges that list Spot Bitcoin ETPs comprehensively surveil market conditions and price movements on a real time and ongoing basis in order to detect and prevent price distortions, including price distortions caused by manipulative efforts. Thus, the CME's surveillance as well as Phlx's surveillance and other equity markets that list Spot Bitcoin ETPs can reasonably be relied upon to capture the effects on the Bitcoin Futures market and Spot Bitcoin ETPs, as applicable, that are caused by a person attempting to manipulate the futures ETP or Spot Bitcoin ETPs by manipulating the price of Bitcoin futures contracts or Spot Bitcoin ETPs, whether that attempt is made by directly trading on the Bitcoin Futures market or Spot Bitcoin ETPs, or indirectly by trading outside of the Bitcoin Futures market or Spot Bitcoin ETPs. Both the Exchange and the equity markets that list and trade Spot Bitcoin ETPs are member of ISG which will facilitate the sharing of information among the Exchange and the equity

[82] Phlx Options 4A, Section 18(c), Trading Rotations, Halts or Reopenings.

[83] *See supra* note 28. [sic]

[84] *See* Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 at 37580 (August 1, 2018) (the ''Winklevoss Order''). The Commission has also specifically noted that it ''is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met.'' *See* Winklevoss Order, 83 FR at 37582.

[85] *See* Spot Bitcoin ETPs Approval Order 89 FR 3010 and 3011.

[86] CME began offering trading in Bitcoin Futures in 2017. Each contract represents five Bitcoin and is based on the CME CF Bitcoin Reference Rate. The contracts trade and settle like other cash settled commodity futures contracts.

[87] A correlation analysis was conducted by the Commission in analyzing the Spot Bitcoin ETP proposals. The results of the Commission's analysis confirmed that the CME Bitcoin futures market has been consistently highly correlated with the subset of the spot Bitcoin market utilized in the analysis for the timeframe reviewed. *See* Spot Bitcoin ETPs Approval Order at 89 FR 3010.

exchanges with respect to Spot Bitcoin ETPs.

The Exchange would have an adequate surveillance program in place for Nasdaq Bitcoin Index Options as it intends to apply the same program procedures that apply to the Exchange's other index options products.[88] Index products are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. This is true for both surveillance system processing and manual processes that support the Phlx's surveillance program. Additionally, the Exchange is also a member of the ISG under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock futures and options markets. Both the Exchange and CME are members of ISG.[89]

The Exchange, in its normal course of surveillance, will monitor for any potential manipulation of the Nasdaq Bitcoin Index Options settlement value according to the Exchange's current procedures. The Exchange believes that its surveillance procedures currently in place will allow it to adequately surveil for any potential manipulation in the trading of Nasdaq Bitcoin Index Options.

Capacity

The Exchange represents that it has the necessary system capacity to support additional quotations and messages that will result from the listing and trading Nasdaq Bitcoin Index Options. Finally, the Options Price Reporting Authority (''OPRA'') has the necessary systems capacity to handle the additional traffic associated with the listing of Nasdaq Bitcoin Index Options. The proposal is limited to one new class and the additional traffic that would be generated from the introduction of Nasdaq Bitcoin Index Options would be manageable and well within any systems capacity capabilities.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[90] in general, and furthers the objectives of Section 6(b)(5) of the Act,[91] in particular, in that it will permit trading in Nasdaq Bitcoin Index Options pursuant to rules designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade. In particular, the Exchange believes the proposed rule change will further the Exchange's goal of introducing new and innovative products to the marketplace. The Exchange believes that listing Nasdaq Bitcoin Index Options will provide an opportunity for investors to hedge, or speculate on, the market risk associated with trading Bitcoin. This proposal offers market participants with choice of product structures for Bitcoin exposure and offers a flexible way to gain exposure to Bitcoin through transparent, regulated index options.

Since January 2024, Spot Commodity ETF shares based on Bitcoin have been listed and traded on national securities exchanges.[92] Phlx's proposal to list and trade Nasdaq Bitcoin Index Options would allow market participants that hold spot Bitcoin-based ETFs to hedge or modify their exposure on a national securities exchange, within a single regulatory regime,[93] thereby fostering innovation and competition in the rapidly evolving market for digital asset derivatives.

Section 2(a)(1)(A) of the Commodity Exchange Act (the ''CEA'') [94] provides the Commodity Futures Trading Commission (the ''CFTC'') with exclusive jurisdiction over, among other things, options on commodities traded on a designated contract market, swap execution facility, or other board of trade, exchange, or market. The Exchange believes that the proposed Nasdaq Bitcoin Index Options should be permitted to trade on a national securities exchange provided the Exchange requests and obtains exemptive relief from the CFTC that would: (1) provide the Exchange with exemption from any applicable requirements of the CEA and the CFTC and regulations, including the requirements applicable to a Designated Contract Market under Section 5 of the CEA [95] and Part 38 [96] of the CFTC's regulations; and (2) provide the Commission, with the CFTC, with jurisdiction over the proposed Nasdaq Bitcoin Index Options; and (3) provide exemptive relief to allow the proposed Nasdaq Bitcoin Index Options to clear through The Options Clearing Corporation (''OCC'') in its capacity as a clearing agency registered with the SEC pursuant to Section 17A of the Act.[97]

The Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options unless and until the CFTC grants all necessary exemptive relief [98] from the requirements of the CEA and the rules and regulations thereunder, with the condition that the SEC exercise jurisdiction with the CFTC over the proposed Nasdaq Bitcoin Index Options. In addition, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index options until the CFTC issues exemptive relief to allow OCC to clear the proposed options in its capacity as a clearing agency registered with the SEC pursuant to Section 17A of the Exchange Act.[99] Finally, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options until the OCC receives approval to update The Characteristics and Risks of Standardized Options (the ''Options Disclosure Document'' or ''ODD'') to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.

As proposed, the Nasdaq Bitcoin Index Options would transact on an SEC-regulated exchange, therefore, the SEC's jurisdiction should not be superseded or limited with respect to prosecuting fraud and manipulation relating to the proposed index options which would be transacted on Phlx. If the CFTC grants the Exchange's request for exemptive relief, the CFTC would retain enforcement jurisdiction relating to the sale of the commodity.

Phlx will not list the Nasdaq Bitcoin Index Options until such time as it obtains an exemption from the CFTC such that the Commission has jurisdiction with the CFTC over the Nasdaq Bitcoin Index Options. Further, Phlx shall not list the Nasdaq Bitcoin Index Options until all conditions set forth in any exemptive relief granted by the CFTC have been satisfied. Finally, the Exchange would not list the Nasdaq Bitcoin Index Options until such time as OCC has received approval to update

[88] The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.,* spoofing, marking the close, pinging, phishing).

[89] For a list of the current members and affiliate members of ISG, see *https://www.isgportal.com/.*

[90] 15 U.S.C. 78f(b).

[91] 15 U.S.C. 78f(b)(5).

[92] *See* SEC Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units, Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024).

[93] Specifically, the proposed index options would allow investors in spot Bitcoin-based ETFs to carry the proposed index options in the same account subject to the same margin regime that applies to the asset through which they take long exposure to Bitcoin. *See* letter from Phlx, dated March 17, 2025, page 3, footnote 13, *available at https://www.sec.gov/comments/sr-phlx-2025-08/srphlx202508-581995-1674542.pdf.*

[94] *See* 7 U.S.C. 4.[sic]

[95] *See* 7 U.S.C. 7.

[96] *See* 17 CFR part 38.

[97] *See* 15 U.S.C. 78q–1.

[98] *See* 7 U.S.C. 6(c)(1).

[99] *See* 15 U.S.C. 78q–1.

the ODD to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.

In light of evolving market structures in digital asset developing markets, Phlx's proposal will foster responsible innovation and competition, while ensuring that appropriate regulatory protections are in place. The proposed Nasdaq Bitcoin Index Options are in the public interest and promote responsible innovation and fair competition.

The Exchange believes that with the commencement of trading of Bitcoin as an ETF on a national securities exchange, Phlx's proposal would serve important economic functions by providing investors, speculators and multinational corporations with an important risk-shifting mechanism by allowing them to hedge the price of Bitcoin. Phlx's proposal is an innovative response to the demands of various market participants who require greater flexibility to tailor their Bitcoin positions and portfolios to satisfy their investment objectives by creating a ''precise'' hedge for approved Spot Bitcoin ETPs.

The introduction of Nasdaq Bitcoin Index Options will provide investors with an additional tool to manage their portfolio, whether by hedging or through diversification and will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering this new product will provide investors with a greater opportunity to realize the benefits of utilizing index options based on spot Bitcoin, including cost efficiencies and increased hedging strategies. In particular, the Exchange believes that offering Nasdaq Bitcoin Index Options will benefit investors by providing them with an additional, relatively lower cost risk management tool allowing them to manage, more easily, their positions and associated risks, in their portfolios in connection with exposure to spot Bitcoin. Additionally, this cash-settled index that permits holders to receive U.S. dollars representing the difference between the current Bitcoin spot market and the exercise price of the option eliminates risks associated with physical settlement such as volatility and movement in the underlying at expiration. Today, the BRRNY constitutes the reference index for the following products: iShares Bitcoin Trust ETF, Franklin Bitcoin ETF, Bitwise Bitcoin ETF, Valkyrie Bitcoin Fund and ARK 21Shares Bitcoin ETF. This product would be listed, traded, and surveilled in exactly the same fashion as other index options listed on the Exchange.

For the reasons which follow, the Exchange believes that Nasdaq Bitcoin Index Options are designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade. Nasdaq Bitcoin Index Options are representative of the underlying market, resistant to manipulation, and replicable by market participants, to be able to foster further institutional participation in the underlying market that is being measured. The final settlement value for Nasdaq Bitcoin Index Options would be the BRRNY on the expiration date (usually a Friday). BRRNY will be divided by a factor of one hundred (100) to create a new settlement value to arrive at the settlement value for Nasdaq Bitcoin Index Options and will be published as CF NQBTC Options Settlement Value. BRRNY is a once-a-day benchmark index price for Bitcoin that aggregates trade data from multiple Bitcoin-USD markets operated by major cryptocurrency exchanges that conform to the CME CF Constituent Exchange Criteria. It is synchronized to the traditional U.S. financial market close of 1600 [sic] New York Time and is calculated every single day of the year. The index is a Registered Benchmark under UK BMR and as such is a Third Country benchmark under the EU BMR Regime.

The BRRNY index is methodologically identical to the regulated CME CF Bitcoin Reference Rate (BRR), the most widely used benchmark price for Bitcoin, that settles the Bitcoin-USD derivatives complex listed by CME Group, and which serves as the NAV for exchange listed investment products from WisdomTree Europe, Evolve ETFs (CAN) and QR Asset Management (BRZ). The only difference between the CME CF BRRNY and the CME CF BRR, is that BRRNY references the price of Bitcoin at the closing time of U.S. markets, 16:00 New York Time, rather than the price at 16:00 London Time, referenced by the BRR.

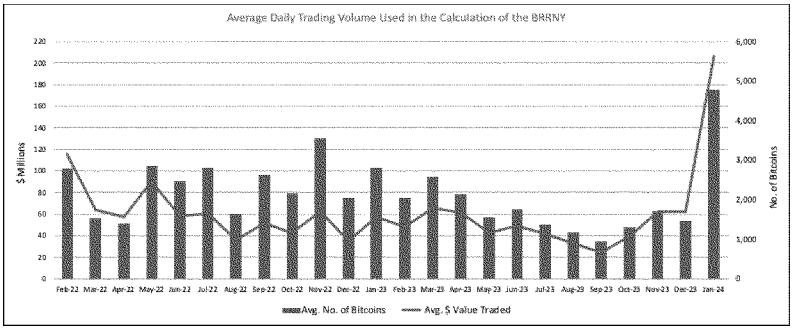
The purpose of BRRNY is to provide a replicable, manipulation-resistant and representative Bitcoin benchmark that synchronizes with the traditional U.S. market close. The BRRNY is a regulated Benchmark under the UK Benchmarks Regulation (BMR) regime. The BRRNY calculation methodology aggregates transactions of Bitcoins in U.S. dollars that are only conducted on the most liquid markets for which data is publicly available and operated by exchanges that meet the CME CF Constituent Exchange Criteria.[100]

BRRNY is a valid and robust benchmark that is calculated from input data of sufficient volume so that it is representative of the market it seeks to measure. Additionally, BRRNY has volume sufficiency which permits it to be replicated by institutional market participants and product providers that need to warehouse price risk. The table below summarizes the total number of transactions and average number of transactions per day observed each month for BRRNY.[101] Between February 28, 2022, and January 31, 2024 (weekdays only), on average 2,116.73 Bitcoins, or $59M were traded during each daily observation window between 15:00 and 16:00 New York Time.[102]

[100] *See supra* note 23.[sic]

[101] The data represents both trade count and Bitcoin volume during the observation window.

[102] BRRNY was launched on February 28, 2022. LMAX Digital was added as a Constituent Exchange from May 2022.



This trading activity exhibits volatility that is not substantially different from that shown in traditional asset markets. The volume observed and the reliability of that volume are clearly evident to be sufficient for the calculation of a robust and reliable benchmark.

Phlx believes that Nasdaq Bitcoin Index Options will be utilized for a wide range of activities such as hedging cash portfolio risk, creating tailored or structured products that allow investor risk-mitigated participation in Bitcoin, and onshoring of risk associated with holding capital and options in non-U.S. regulated venues. To that end, the index design is fair and transparent. CF Benchmarks exclusively sources input data from Constituent Exchanges that meet published criteria as set out in its Constituent Exchanges Criteria and conducts a thorough review of any exchange under consideration for inclusion as a Constituent Exchange.[103] The BRRNY methodology takes an observation period and divides it into equal partitions of time. The volume-weighted median of all transactions within each partition is then calculated. The benchmark index value is determined from the arithmetic mean of the volume-weighted medians, equally weighted. As a result, individual trades of large size have limited effect on the index level as they only influence the level of the volume-weighted median for that specific partition. Further, a cluster of trades in a short period of time will also only influence the volume-weighted median of the partition or partitions they were conducted in, thereby limiting impact. Use of volume-weighted medians as opposed to volume-weighted means ensures that transactions conducted at outlying prices do not have an undue effect on the value of a specific partition. By not volume weighting partitions, trades of large size or clusters of trades over a short period of time will not have an undue influence on the index level. CF Benchmarks applies equal weight to transactions observed from CME CF Constituent Exchanges. With no pre-set weights, the BRRNY index is not readily subject to manipulation. Using the arithmetic mean of partitions of equal weight further denudes the effect of trades of large size at prices that deviate from the prevailing price having undue influence on the benchmark level.[104]

BRRNY's methodology incorporates a procedure for potentially erroneous data. Although volume-weighted medians of transaction prices from individual data sources are not part of the benchmark determination process, they are calculated as a means of quality control and manipulation resistance. In the event of an instance of index calculation in which a Constituent Exchange's volume-weighted median transaction price exhibits an absolute percentage deviation from the volume-weighted median price of other Constituent Exchange transactions greater than the Potentially Erroneous Data Parameter (10%), then transactions from that Constituent Exchange are deemed potentially erroneous and excluded from the index calculation. All instances of data excluded from a calculation trigger a Benchmark Surveillance Alert that is investigated. By way of example, between February 28, 2022, and January 31, 2024, the Potentially Erroneous Data Parameter of the methodology for the BRRNY has never been triggered. Analysis of the max volume-weighted median per exchange during the observation period produced the results in the table below. The results illustrate that during the observation period, no Constituent Exchange's input data needed to be excluded due to exhibiting potential manipulation and indeed no individual cryptocurrency exchange exhibits a deviation percentage above 2.41% during this period.

[103] *See supra* note 23.[sic]

[104] *See also https://www.cfbenchmarks.com/blog/suitability-analysis-of-the-cme-cf-Bitcoin-reference-rate-new-york-variant-as-a-basis-for-regulated-financial-products-february-2024-update.*

Max in Month	Max volume weighted median deviation per exchange (%)					
	Bitstamp	Coinbase	Gemini	itBit	Kraken	LMAX Digital
Feb-2022	0.04%	0.00%	0.10%	0.06%	0.12%	N/A
Mar-2022	0.47%	0.20%	0.21%	0.45%	0.36%	N/A
Apr-2022	0.31%	0.17%	0.28%	0.32%	0.38%	N/A
May-2022	0.70%	0.45%	0.43%	0.34%	0.55%	0.26%
Jun-2022	0.45%	0.28%	0.33%	0.37%	0.49%	0.43%
Jul-2022	0.36%	0.18%	0.62%	0.93%	0.76%	0.47%
Aug-2022	0.34%	0.25%	0.20%	0.46%	0.37%	0.21%
Sep-2022	0.49%	0.16%	0.23%	0.46%	0.33%	0.16%
Oct-2022	0.21%	0.10%	0.13%	0.15%	0.18%	0.28%
Nov-2022	1.66%	0.59%	0.54%	1.14%	1.38%	0.93%
Dec-2022	0.15%	0.07%	0.57%	0.08%	0.28%	0.09%
Jan-2023	0.21%	0.13%	0.34%	0.17%	0.23%	0.11%
Feb-2023	0.28%	0.14%	0.60%	0.46%	0.77%	0.22%
Mar-2023	0.39%	0.28%	2.41%	0.24%	0.26%	0.22%
Apr-2023	0.25%	0.49%	0.65%	0.28%	0.28%	0.56%
May-2023	0.23%	0.21%	0.29%	0.33%	0.19%	0.29%
Jun-2023	0.39%	0.13%	0.43%	0.30%	0.24%	0.18%
Jul-2023	0.18%	0.11%	0.35%	0.50%	0.20%	0.16%
Aug-2023	0.35%	0.08%	0.60%	0.61%	0.20%	0.14%
Sep-2023	0.66%	0.15%	0.10%	0.18%	0.27%	0.17%
Oct-2023	0.45%	0.12%	0.41%	0.15%	0.39%	0.16%
Nov-2023	0.16%	0.12%	0.21%	0.25%	0.26%	0.40%
Dec-2023	0.33%	0.09%	0.17%	0.16%	0.46%	0.10%
Jan-2024	0.37%	0.28%	0.43%	0.43%	0.36%	0.35%

CF Benchmarks has implemented a benchmark surveillance program for the investigation of alerts. Instances of suspected benchmark manipulation are escalated through appropriate regulatory channels in accordance with CF Benchmarks' obligations under the UK Benchmarks Regulation (UK BMR). As a regulated Benchmark Administrator, CF Benchmarks is subject to supervision by the UK FCA.[105]

In terms of correlation, an analysis was undertaken of the pair-wise correlation of prices from Constituent Exchanges on a per-minute basis (the price difference between transactions for each minute at each exchange) during the observation period. The results are shown in the table below.

Pairwise Correlation of Constituent Exchanges to BRRNY			
Constituent Pair Platform	Mean Correlation %	Median Correlation %	Standard Deviation
Bitstamp-Coinbase	98.41%	98.98%	1.72%
Bitstamp-Gemini	96.38%	98.23%	5.78%
Bitstamp-itBit	97.62%	98.66%	2.97%
Bitstamp-Kraken	96.72%	98.20%	4.29%
Bitstamp-LMAX Digital*	96.70%	98.03%	4.36%
Coinbase-Gemini	96.25%	98.19%	5.97%
Coinbase-itBit	97.33%	98.55%	3.55%
Coinbase-Kraken	96.43%	98.13%	4.78%
Coinbase-LMAX Digital*	96.65%	98.07%	4.63%
Gemini-itBit	96.44%	98.30%	5.97%
Gemini-Kraken	95.67%	97.83%	6.13%
Gemini-LMAX Digital*	95.16%	97.49%	6.55%
itBit-Kraken	97.51%	98.65%	3.48%
itBit-LMAX Digital*	96.70%	98.17%	4.53%
Kraken-LMAX Digital*	95.85%	97.66%	5.45%

[105] Furthermore, CF Benchmarks' Control Procedures with respect to compliance with the UK BMR have been audited by 'Big Four' accountancy firm Deloitte. The Independent Assurance Report on Control Procedures Noted by CF Benchmarks Regarding Compliance with the UK Benchmarks Regulation as of September 12, 2022 is available at: *https://docs.cfbenchmarks.com/Deloitte_CF%20Benchmarks%20SOC1%20Audit%20Report.pdf.*

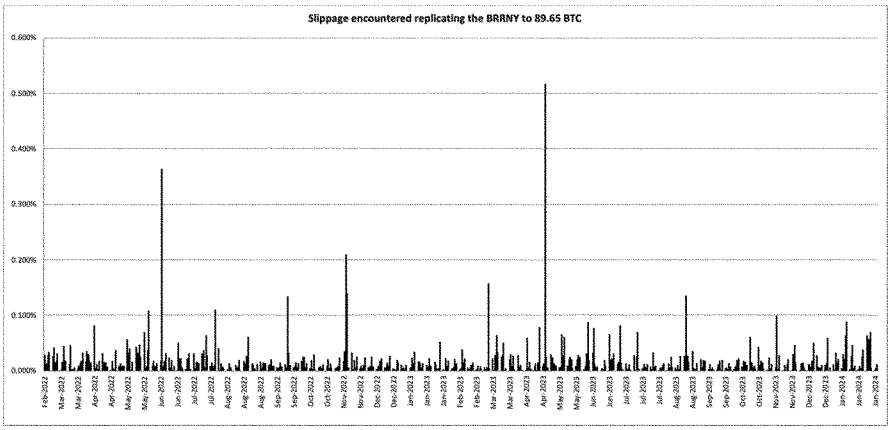
With respect to replicability, a simple replication simulation was thereby conducted of BRRNY to demonstrate the extent of slippage that implementation of the BRR would probably encounter. The methodology was as follows for weekdays only.

- Trades are executed on *n* (6) Constituent Exchanges, during a 3,600-second window.
- One trade is executed every second and the price achieved is assumed to be the last execution price observed in that second. Its associated volume is assumed to be the volume executed during that second.
- If no trade is completed in any single-second period, then the price achieved is assumed to be the price achieved in the previous second, but the associated volume from the previous second is not added to the volume executed in the latest second.

The results of this simulation are displayed below.

Slippage %	
MAX	0.51639%
MIN	0.00006%
MEDIAN	0.01063%
MEAN	0.01895%
STD. DEV.	0.03493%

Summary data for the above simulation is provided below.



As evidenced above, the BRRNY can be replicated with a high degree of confidence and usually with slippage of no more than 1 basis point (0.01%). On only 6.76% of days would slippage have been greater than 5 basis points (0.05%). Indeed, even on the most volatile day, slippage was approximately one half of one percent, 51.6 basis points (0.516%). Furthermore, in the 24-month period under observation slippage would have been in double-digit basis points only 10 times.

In 2024, the Commission approved various rule changes to list and trade Spot Bitcoin ETPs.[106] The Commission noted in the Spot Bitcoin ETPs Approval Order that, ''. . . one way an exchange that lists Bitcoin-based exchange-traded products (''ETPs'') can meet the obligation under Exchange Act Section 6(b)(5) that its rules be designed to prevent fraudulent and manipulative acts and practices is by demonstrating that the exchange has a comprehensive surveillance-sharing agreement with a regulated market of significant size related to the underlying or reference Bitcoin assets. Such an agreement would assist in detecting and deterring fraud and manipulation related to that underlying asset.'' The Commission has recognized that the ''regulated market of significant size'' standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that ''other means to prevent fraudulent and manipulative acts and practices'' are sufficient to justify dispensing with the requisite surveillance-sharing agreement.[107] For example, in approving the Spot Bitcoin ETPs, the Commission found that there were ''sufficient 'other means' of preventing fraud and manipulation,'' including that:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission's own analysis, the Commission is able to conclude that fraud or manipulation that impacts prices in spot Bitcoin markets would likely similarly impact CME Bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME Bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose Bitcoin futures market is consistently highly correlated to spot Bitcoin, albeit not of ''significant size'' related to spot Bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Spot Bitcoin ETPs].[108]

As described in the Spot Bitcoin ETPs Approval Order, there is currently a regulated U.S. market with respect to spot Bitcoin, the CME Bitcoin futures (''Bitcoin Futures'') market.[109] In its Spot Bitcoin ETPs Approval Order, the Commission found there was a high price correlation between the underlying and the futures market.[110] The proposed Nasdaq Bitcoin Index Options and the various Spot Bitcoin ETPs reference the same underlying market for spot Bitcoin that trade on spot Bitcoin trading platforms.

Specifically, the Exchange has a comprehensive surveillance-sharing

[106] *See supra* note 28. [sic]

[107] *See* Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 at 37580 (August 1, 2018) (the ''Winklevoss Order''). The Commission has also specifically noted that it ''is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met.'' *See* Winklevoss Order, 83 FR at 37582.

[108] *See* Spot Bitcoin ETPs Approval Order 89 FR 3010 and 3011.

[109] CME began offering trading in Bitcoin Futures in 2017. Each contract represents five Bitcoin and is based on the CME CF Bitcoin Reference Rate. The contracts trade and settle like other cash settled commodity futures contracts.

[110] A correlation analysis was conducted by the Commission in analyzing the Spot Bitcoin ETP proposals. The results of the Commission's analysis confirmed that the CME Bitcoin futures market has been consistently highly correlated with the subset of the spot Bitcoin market utilized in the analysis for the timeframe reviewed. *See* Spot Bitcoin ETPs Approval Order at 89 FR 3010.

agreement with the CME via its common membership in ISG, which facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the Bitcoin Futures market. Similar to the Spot Bitcoin ETPs previously approved by the SEC, Phlx's ability to obtain information regarding trading in the Bitcoin Futures market from other markets that are members of the ISG (specifically the CME) would assist Phlx in detecting and deterring misconduct.

Further, the exchanges that list Spot Bitcoin ETPs comprehensively surveil market conditions and price movements on a real time and ongoing basis in order to detect and prevent price distortions, including price distortions caused by manipulative efforts. Thus, the CME's surveillance as well as Phlx's surveillance and other equity markets that list Spot Bitcoin ETPs can reasonably be relied upon to capture the effects on the Bitcoin Futures market and Spot Bitcoin ETPs, as applicable, that are caused by a person attempting to manipulate the futures ETP or Spot Bitcoin ETPs by manipulating the price of Bitcoin futures contracts or Spot Bitcoin ETPs, whether that attempt is made by directly trading on the Bitcoin Futures market or Spot Bitcoin ETPs, or indirectly by trading outside of the Bitcoin Futures market or Spot Bitcoin ETPs. The Exchange's common membership in ISG will also facilitate the sharing of information among equity exchanges with respect to Spot Bitcoin ETPs.

The Exchange would have an adequate surveillance program in place for Nasdaq Bitcoin Index Options as it intends to apply the same program procedures that apply to the Exchange's other index options products.[111] Index products are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. This is true for both surveillance system processing and manual processes that support the Phlx's surveillance program. Additionally, the Exchange is also a member of the ISG under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock futures and options markets. Both the Exchange and CME are members of ISG.[112]

The Exchange, in its normal course of surveillance, will monitor for any potential manipulation of the Nasdaq Bitcoin Index Options settlement value according to the Exchange's current procedures. The Exchange believes that its surveillance procedures currently in place will allow it to adequately surveil for any potential manipulation in the trading of Nasdaq Bitcoin Index Options.

The Exchange believes that the proposed contract specifications will be attractive to market participants, and will remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposal is designed to ensure that Nasdaq Bitcoin Index Options are listed and traded under the same terms that apply to other index options that are currently traded on the Exchange. Nasdaq Bitcoin Index Options will be subject to the same rules that presently govern the trading of index options, including sales practice rules, margin requirements, trading rules, and position and exercise limits. The proposed product is a cash-settled index option that permits holders to receive U.S. dollars representing the difference between the current Bitcoin spot market and the exercise price of the option and would not involve holding physical Bitcoin similar to the Spot Bitcoin ETPs, which entailed the custody of Bitcoin assets.

The Exchange's proposal to have a minimum increment of $0.01 for all series as long as IBIT Options participate in the Penny Interval Program [113] will enable traders to make the most effective use of the product for trading and hedging purposes. Nasdaq Bitcoin Index Options would be quoted and traded in U.S. dollars. Nasdaq Bitcoin Index Options is a micro-sized benchmark reflecting 1/100th of the BRRNY, designed to provide retail-accessible participation in a major reference asset. Similarly, the Nasdaq-100 Micro Index® (''XND'') options, which reflect 1/100th the value of the Nasdaq-100 Index®, currently trade in $0.01 increments on Phlx. Further, comparable penny treatment exists across the broader index options complex: Cboe Mini-S&P 500 Index (''XSP'') options trade in $0.01 increments, and the Mini-Russell 2000 Index (''MRUT'') options trade in $0.01 increments. The Exchange believes market demand including by retail investors, who generally prefer lower trading increments supports a lower trading increment for Nasdaq Bitcoin Index Options. The Exchange believes that more granular pricing creates narrower bid-ask spreads and increases the possible number of price points available to investors, which also lowers costs to investors. Finer increments also permit more precise pricing in line with the theoretical value of these options and thus more efficient hedging opportunities.

The Exchange believes that the rules applicable to trading in Nasdaq Bitcoin Index Options are consistent with the protection of investors and the public interest.

Permitting Nasdaq Bitcoin Index Options to be P.M.-settled whereby the exercise settlement value would be derived from closing prices on the day of expiration is consistent with the Act. The proposed rule change will provide investors with greater trading and hedging opportunities and flexibility. The size of the spot Bitcoin market,[114] and the high correlation of spot Bitcoin to Spot Bitcoin ETPs makes it unlikely the proposal would result in material impact on the underlying, the index value, or the broader market. Further, the Nasdaq Bitcoin Index Options would trade within a complex where there are multiple other highly correlated instruments that all hold Bitcoin available for hedging—such as Spot Bitcoin ETPs,[115] and options and futures on Bitcoin, in addition to the underlying—which reduces the risk that listing these options would strain liquidity providers or materially impact, the index value, or the broader market. The Exchange is unaware of any reason why trading Nasdaq Bitcoin Index Options as P.M.-settled options would create such concerns or impact. Particularly, the Exchange does not believe allowing Nasdaq Bitcoin Index Options to transact as P.M.-settled options will have any significant adverse economic impact on the index, or underlying. Today, options on the CBTX and MBTX are P.M.-settled.[116] In a recent proposal, Cboe noted that it had not experienced any adverse impact on fair and orderly markets in connection

[111] The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.,* spoofing, marking the close, pinging, phishing).

[112] For a list of the current members and affiliate members of ISG, see *https://www.isgportal.com/.*

[113] *See* proposed Supplementary Material .06 to Options 3, Section 3 and proposed Options 4D, Section 5.

[114] As of April 29, 2026, the approximate market capitalization of the spot Bitcoin market is 1,521,520,000,000. This figure utilizes a price of $76,000.

[115] Today, the BRRNY constitutes the reference index for the following products: iShares Bitcoin Trust ETF, Franklin Bitcoin ETF, Bitwise Bitcoin ETF, Valkyrie Bitcoin Fund and ARK 21Shares Bitcoin ETF.

[116] CBTX and MBTX options have P.M.-settlement and expirations on the last calendar day of the month or quarter pursuant to Cboe Rule 4.13(a)(2)(C) and (B), respectively; and P.M.-settled Weeklys and Expiration Friday expirations pursuant to Cboe Rule 4.13(e) and Rule 4.13, Interpretation and Policy .13.

with the listing of CBTX and MBTX options that are P.M.-settled and expire on the last calendar day of the month and quarter.[117] Further, the Exchange believes that providing P.M.-settlement will make this product more attractive to market participants and help garner additional support for this new index options product. In particular, retail investors, prefer P.M.-settled index options. P.M.-settlement is preferred by retail investors as it allows market participants to hedge their exposure for the full week. A.M.-settled options by contrast are based on opening prices on the day of expiration and therefore stop trading on the day prior, leaving residual risk on the day of expiration. P.M.-settled Weekly and Expiration Friday expirations for the Nasdaq Bitcoin Index Options will provide investors with expanded hedging tools and greater trading opportunities and flexibility providing investors with additional means to manage their risk exposures and carry out their investment objectives. The Exchange does not believe that permitting Nasdaq Bitcoin Index Options to trade as P.M.-settled Index Options will raise any prohibitive regulatory concerns, nor adversely impact fair and orderly markets on expiration days. The Exchange has not experienced any meaningful regulatory concerns, nor adverse impact on fair and orderly markets, in connection with these programs on its Nonstandard Expirations.[118]

The Exchange believes that permitting Weekly expirations and EOMs should create greater trading and hedging opportunities and flexibility, and provide customers with the ability to tailor their investment objectives more closely. This is comparable to the manner in which all index options trade on Phlx.

Additionally, a position and exercise limit for Nasdaq Bitcoin Index Options of 24,000 contracts is consistent with the Act because the limits are in line with options on the Cboe CBTX and MBTX that have position limits of 24,000 contracts. CBTX was trading at 1,775.00 as of April 29, 2026. The notional value of one CBTX options contract was $177,500 (index * $100) as of April 29, 2026. The notional value of one Nasdaq Bitcoin Index Options contract was $76,000 (index * $100) as of April 29, 2026. Therefore, the proposed 24,000 position and exercise limits for Nasdaq Bitcoin Index Options are appropriate because the limits represent less than half of the notional value of CBTX. If a position limit of 24,000 contracts were considered, the equivalent risk would represent 0.12% [119] of the outstanding supply of Bitcoin. This analysis demonstrates that the proposed 24,000 per same side position and exercise limit is appropriate for Nasdaq Bitcoin Index Options.

Finally, the Exchange represents that it and OPRA have the necessary system capacity to support additional quotations and messages that will result from the listing and trading Nasdaq Bitcoin Index Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an index option product with a novel structure that will enhance competition among market participants, to the benefit of investors and the marketplace.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as Nasdaq Bitcoin Index Options would be subject to Exchange rules that currently govern the listing and trading of index options, including permissible expirations, strike prices, minimum increments, position and exercise limits, and margin requirements. Nasdaq Bitcoin Index Options will be equally available to all market participants who wish to trade such options.

The Exchange does not believe the proposal will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that permitting Nasdaq Bitcoin Index Options to trade on the Exchange may make Phlx a more attractive marketplace to market participants, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their rules, as applicable, to permit them to list and trade index options that track the value of Bitcoin. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a relatively low-cost means to hedge their portfolios and meet their investment needs in connection with spot Bitcoin prices and Bitcoin-related products and positions, in a cash-settled product. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products.

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.

IV. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[120] In particular, the Commission finds that the proposal, as amended, is consistent with Section 6(b)(5) of the Act,[121] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

As described more fully above, the Exchange proposes to amend its rules to permit the listing and trading of cash-settled, European-style options on the Nasdaq Bitcoin Index. The Nasdaq Bitcoin Index is based on the BRTI, divided by100, and will be calculated and disseminated by CF Benchmarks every 200 milliseconds throughout the trading day as the CF NQBTC Options Indicative Settlement Value.[122] The

[117] *See* Securities and Exchange Act Release No. 103997 (September 17, 2025, 90 FR 45431 at 45434 (September 22, 2025) (SR–Cboe–2025–004) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Add P.M.-Settled Options on the Cboe Bitcoin U.S. ETF Index and the Mini-Cboe Bitcoin U.S. ETF Index With Third Friday Expirations, Nonstandard Expirations, and Quarterly Index Expirations).

[118] Options trading in the Exchange's Non-Standard Program are p.m.-settled. *See* Options 4A, Section 12(b)(6).

[119] This percentage is arrived at with this equation: (24,000 contract limit * (BTC/100 Bitcoin Index) * ($100 OCC Contract Multiplier)/BTC * 20,020,000 number of BTC outstanding).

[120] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[121] 15 U.S.C. 78f(b)(5).

[122] *See* proposed Exchange Options 4D, Sections 2(b) and 7(c). Proposed Exchange Options 4D, Section 9 includes a disclaimer for CF Benchmarks, the reporting authority for the proposed Nasdaq

BRTI is a benchmark index that measures the U.S. dollar price of one bitcoin and is calculated using aggregated order data from bitcoin-U.S. dollar markets operated by cryptocurrency platforms that meet certain criteria.[123] The final settlement value of Nasdaq Bitcoin Index options will be the BRRNY on the expiration date divided by 100, which will be disseminated by CF Benchmarks as the CF NQBTC Options Settlement Value.[124] The BRRNY is calculated daily using aggregated bitcoin-U.S. dollar transaction data for trades occurring between 15:00 and 16:00 New York Time on cryptocurrency platforms that meet certain criteria.[125] The Exchange states that the proposed Nasdaq Bitcoin Index options will be used for a range of activities, including hedging cash portfolio risk and creating tailored or structured products that allow investor risk-mitigated participation in bitcoin.[126] The Exchange further states that the proposed Nasdaq Bitcoin Index options would allow market participants that hold shares of spot bitcoin-based ETPs to hedge or modify their exposure on a national securities exchange.[127] The Commission finds that the proposed Nasdaq Bitcoin Index options are designed to remove impediments and perfect the mechanism of a free and open market by providing investors with an additional means to implement trading strategies or to hedge or modify their exposure to spot bitcoin and spot bitcoin-based ETPs.

P.M. Settlement

The proposed Nasdaq Bitcoin Index options will be p.m.-settled.[128] In support of p.m.-settlement for Nasdaq Bitcoin Index options, the Exchange states that the size of the spot bitcoin market,[129] and the high correlation of spot bitcoin to the Spot Bitcoin ETPs make it unlikely the proposal would result in material impact on the underlying, the index value, or the broader market.[130] The Exchange states that Nasdaq Bitcoin Index options would trade within a complex where there are multiple other highly correlated instruments available for hedging—such as the Spot Bitcoin ETPs, and options and futures on bitcoin, in addition to the underlying—and this reduces the risk that listing the proposed Nasdaq Bitcoin Index options would strain liquidity providers or materially impact the index value or the broader market.[131] The Exchange states that it does not believe that permitting Nasdaq Bitcoin Index options to trade as p.m.-settled index options will raise any prohibitive regulatory concerns or adversely impact fair and orderly markets on expiration days.[132] The Exchange states that it has not experienced any meaningful regulatory concerns, nor adverse impact on fair and orderly markets, in connection with its Nonstandard Expirations Program.[133]

In evaluating whether proposals to permit the listing and trading of p.m.-settled index options are consistent with Section 6(b)(5), and, in particular, whether they are designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest, the Commission has evaluated the potential for negative impacts on options market quality and on the underlying component securities of the indexes, and, in particular, the potential for added market volatility and sharp price movements near the close on expiration days.[134] The Exchange states that Nasdaq Bitcoin Index options would trade within a complex where there are multiple highly correlated instruments available for hedging—such as the Spot Bitcoin ETPs, and options and futures on bitcoin—which reduces the risk that listing the Nasdaq Bitcoin Index options would strain liquidity providers or materially impact the index value or the broader market.[135] Further, the underlying component of the index—bitcoin—has significant market capitalization.[136] As a result, it would be unlikely for p.m.-settled options on the Nasdaq Bitcoin Index to increase market and price volatility in bitcoin or in the Nasdaq Bitcoin Index options market. In addition, the Commission has approved the listing and trading of p.m.-settled options on the CBTX and MBTX Indexes,[137] which are designed to reflect the price return performance of spot bitcoin-based ETPs listed on U.S. exchanges.[138]

Position and Exercise Limits

The Exchange proposes to adopt position and exercise limits for Nasdaq Bitcoin Index options of 24,000 contracts on the same side of the market.[139] The Commission has stated previously that rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.[140] The Commission believes that the proposed position and exercise limits for Nasdaq Bitcoin Index options are consistent with these objectives. The Exchange states, and the Commission has confirmed through publicly available information, that, as of April 29, 2026, the approximate market capitalization of the spot bitcoin market was $1,521,520,000,000, and that the proposed position and exercise limits would represent 0.12% of the outstanding supply of bitcoin.[141] Given the market capitalization of bitcoin, the Commission does not believe that the proposed position and exercise limits for Nasdaq Bitcoin Index options would permit the establishment of options positions that could be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In addition, the proposed position and exercise

Bitcoin Index, that is substantively identical to the disclaimer in ISE Options 4A, Section 14. Proposed Exchange Options 4D, Section 8(c) includes a disclaimer for the Exchange that is similar to the disclaimer in Exchange Options 4A, Section 19.

[123] *See* Amendment No. 1 at 5.

[124] *See* proposed Exchange Options 4D, Sections 7(c) and 8(b).

[125] *See* proposed Exchange Options 4D, Section 8(b).

[126] *See* Amendment No. 1 at 3–4.

[127] *See* Amendment No. 1 at 52. The Exchange states that the proposal would allow investors in spot bitcoin-based ETPs to carry positions in the proposed Nasdaq Bitcoin Index options in the same account and subject to the same margin regime that applies to the asset through which they take long exposure to bitcoin. *See* Amendment No. 1 at 26, footnote 30.

[128] *See* proposed Exchange Options 4D, Section 7(a)(6).

[129] The Exchange states that, as of April 29, 2026, the approximate market capitalization of the spot bitcoin market was $1,521,520,000,000. *See* Amendment No. 1 at 67, footnote 105.

[130] *See* Amendment No. 1 at 67.

[131] *See* Amendment No. 1 at 67.

[132] *See* Amendment No. 1 at 68.

[133] *See* Amendment No. 1 at 68–69. The Exchange's Nonstandard Expiration Program allows the Exchange to list weekly and end of month p.m.-settled expirations for broad-based index options. *See* Exchange Options 4A, Section 12(b)(6).

[134] *See, e.g.,* Securities Exchange Act Release No. 103997 (Sept. 15, 2025), 90 FR 45431, 45434 (Sept. 22, 2025) (order approving File No. SR–Cboe–2025–004) (''P.M. Settlement Order'').

[135] *See* Amendment No. 1 at 67.

[136] *See supra* note 129.

[137] *See* P.M. Settlement Order, *supra* note 134.

[138] *See* P.M. Settlement Order, *supra* note 134, and *https://cdn.cboe.com/api/global/us_indices/governance/Cboe_Bitcoin_US_ETF_Index_Methodology.pdf.*

[139] *See* proposed Exchange Options 4D, Section 6. Proposed Exchange Options 4D, Section 6(b) states that positions in Short Term Option Series, Monthly Options Series, and Quarterly Options Series in Nasdaq Bitcoin Index options shall be aggregated with positions in other options contracts on the Nasdaq Bitcoin Index and be subject to the overall position limit. This aggregation is consistent with the treatment of positions in other index options under Exchange Options 4A, Section 6(e).

[140] *See, e.g.,* Securities Exchange Act Release Nos.101128 (Sept. 20, 2024), 89 FR 78942, 78945 (Sept. 26, 2024) (order approving File No. SR–ISE–2024–03); and 39489 (Dec. 24, 1997), 63 FR 276, 279 (Jan 5. 1998) (order approving File No. SR–Cboe–97–11).

[141] *See* Amendment No. 1 at 69.

limits for Nasdaq Bitcoin Index options are the same as the 24,000-contract position and exercise limits for CBTX and MBTX options.[142]

Trading and Sales Practice Rules

The proposed Nasdaq Bitcoin Index options would be permitted to trade in $0.01 increments as long as options on the iShares Bitcoin Trust ETF (''IBIT'') participate in the Penny Interval Program.[143] This is consistent with treatment of Nasdaq 100 Micro Index (''XND'') options, which have a minimum increment of $0.01 as long as options on the Invesco QQQ Trust (''QQQ'') participate in the Penny Interval Program.[144] Allowing the proposed Nasdaq Bitcoin Index options to trade with a minimum increment of $0.01 could result in narrower spreads and potentially reduce costs for investors.[145]

The strike prices for Nasdaq Bitcoin Index options in proposed Phlx Options 4D, Section 7(a)(3) and (4) are consistent with the strike prices for other index options listed on the Exchange.[146] The proposed strike prices should provide investors with flexibility in the trading of the proposed Nasdaq Bitcoin Index options and allow investors to establish positions that are tailored to meet their investment objectives. The proposed Nasdaq Bitcoin Index options will be subject to the rules that govern the trading of index options on the Exchange, including rules addressing trading, margin requirements, and sales practice rules.[147] The Exchange's sales practices rules are designed to protect investors and require, among other things, that the Exchange's members ''exercise due diligence to learn the essential facts as to the Customer and his investment objectives and financial situation.'' [148] A member must consider, among other things, a customer's investment objectives; employment status; estimated annual income; estimated net worth; and investment experience and knowledge.[149] In addition, a member may not recommend an opening transaction to a customer ''unless the person making the recommendation has a reasonable basis for believing, at the time of making the recommendation, that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction, and is financially able to bear the risks of the recommended position in the option contract.'' [150] Each customer that transacts in the proposed Nasdaq Bitcoin Index options will receive a copy of the ODD that describes the risks associated with the proposed Nasdaq Bitcoin Index options.[151]

Surveillance and System Capacity

The Exchange states that it has an adequate surveillance program in place for the proposed Nasdaq Bitcoin Index options, which will be subject to the same surveillance program procedures that apply to other index options products traded on the Exchange.[152] In addition, the Exchange states that it will monitor for any potential manipulation of the Nasdaq Bitcoin Index options settlement value according to the Exchange's current procedures.[153] The Exchange states that it believes that its current surveillance procedures will allow it to adequately surveil for any potential manipulation in the trading of Nasdaq Bitcoin Index options.[154] The Exchange further states that the CME lists and trades bitcoin futures, and that the Exchange has a comprehensive surveillance-sharing agreement with the CME through the Exchange's and CME's common membership in ISG, which would facilitate the sharing of information that is available to the CME through its surveillance of its bitcoin futures market.[155] The Exchange states that its ability to obtain information regarding trading in bitcoin futures from CME would assist the Exchange in detecting and deterring misconduct. In addition, the Exchange states that the exchanges that list Spot Bitcoin ETPs, which reference the same underlying market for spot bitcoin as the proposed Nasdaq Bitcoin Index options, comprehensively surveil market conditions and price movements on a real time and ongoing basis to detect and prevent price distortions, including price distortions caused by manipulative efforts.[156] The Exchange states that the Exchange and the equity exchanges that list and trade the Spot Bitcoin ETPs are members of ISG, which would facilitate the sharing of information with respect to the Spot Bitcoin ETPs.[157] Together, these surveillance procedures should allow the Exchange to investigate suspected manipulations or other trading abuses in the proposed Nasdaq Bitcoin Index options.

Consistent with the protection of investors and the public interest, the Exchange represents that it has the necessary system capacity to support the additional quotations and messages that would result from listing and trading the proposed Nasdaq Bitcoin Index options, and that OPRA has the necessary systems capacity to handle the additional traffic that would be associated with the listing of the proposed Nasdaq Bitcoin Index options.[158]

Jurisdiction

A commenter states that the proposed Nasdaq Bitcoin Index options are commodity option swaps subject to the exclusive jurisdiction of the CFTC

[142] *See* Amendment No. 1 at 32. *See also* P.M. Settlement Order, *supra* note 134, and Cboe Rules 8.32(a) and 8.42(b). The CBTX and MBTX are designed to reflect the price return performance of spot bitcoin ETPs listed on U.S. exchanges. *See https://cdn.cboe.com/api/global/us_indices/governance/Cboe_Bitcoin_US_ETF_Index_Methodology.pdf.*

[143] *See* proposed Exchange Options 3, Section 3, Supplementary Material .06 and proposed Exchange Options 4D, Section 5(a). In January 2007, the Commission approved rules that allowed the registered options exchanges to begin quoting certain multiply listed options classes in penny increments pursuant to a six-month Penny Pilot. In April 2020, the Commission approved a permanent program (the ''Penny Program''). *See* Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (''Penny Program Approval Order'').

[144] *See* Exchange Options 3, Section 3, Supplementary Material .04.

[145] In its order permanently approving the Penny Pilot, the Commission stated that the evidence presented indicated that the Penny Pilot had benefitted investors in the form of narrower spreads and, further, that the ''Penny Program is designed to facilitate a permanent environment where investors can continue to enjoy reduced spreads, and concomitantly potentially reduced costs . . . .'' *See* Penny Program Approval Order, *supra* note 143, 85 FR at 19548.

[146] *See* Exchange Options 4A, Section 12(a)(3), Options 4A, Section 12(a)(3)(A), Exchange Options 4A, Section 12(a)(4), Phlx Options 12, Section 4A(c)(1)(A), Phlx Options 12, Section 4A(g)(3), and Exchange Options 4A, Supplementary Material .02, Phlx Options 4A, Supplementary Material .03,

[147] *See* Amendment No. 1 at 46. The Exchange will apply the margin requirements for narrow-based index options to the proposed Nasdaq Bitcoin Index options. *See id.*

[148] *See* Exchange Options 10, Section 6(b).

[149] *See* Exchange Options 10, Section 6, Supplementary Material .01.

[150] *See* Exchange Options 10, Section 8(b).

[151] *See* Exchange Option 10, Section 13 and Amendment No. 1 at 47. As discussed below, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index Options until the Options Clearing Corporation (''OCC'') receives approval to update the ODD to reflect the risks attendant to trading Nasdaq Bitcoin Index Options. *See* Amendment No. 1 at 27–28.

[152] The Exchange states that its surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.,* spoofing, marking the close, pinging, and phishing). *See* Amendment No. 1 at 50 and footnote 79.

[153] *See* Amendment No. 1 at 50.

[154] *See* Amendment No. 1 at 50.

[155] The Exchange states that ISG members work together to coordinate surveillance and investigative information sharing in the stock, futures, and options markets. *See* Amendment No. 1 at 50.

[156] *See* Amendment No. 1 at 64.

[157] *See* Amendment No. 1 at 64–65.

[158] *See* Amendment No. 1 at 69.

under the CEA.[159] The commenter further states that because the proposed Nasdaq Bitcoin Index options are swaps and therefore subject to the requirements of the CEA, the Exchange must register as a DCM and the transactions must be cleared by a Derivatives Clearing Organization (''DCO''), subject to the CFTC's exclusive jurisdiction.[160]

In its proposal, the Exchange acknowledges that Section 2(a)(1)(A) of the CEA provides the CFTC with exclusive jurisdiction over options on commodities traded on a designated contract market, swap execution facility, or other board of trade, exchange, or market.[161] The Exchange states that the proposed Nasdaq Bitcoin Index options should be permitted to trade on the Exchange provided that the Exchange requests and obtains exemptive relief from the CFTC that would (1) provide the Exchange with an exemption from any applicable requirements of the CEA and the CFTC's rules and regulations, including the requirements applicable to a DCM under Section 5 of the CEA and Part 38 of the CFTC's regulations; (2) provide the Commission, in addition to the CFTC, with jurisdiction over the proposed Nasdaq Bitcoin Index options; and (3) provide exemptive relief to allow the proposed Nasdaq Bitcoin Index options to clear through OCC in its capacity as a clearing agency registered with the Commission pursuant to Section 17A of the Act.[162] In addition, the Exchange acknowledges that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index options until OCC receives approval to update the ODD to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.[163]

The Commission acknowledges that the CFTC currently has exclusive jurisdiction over commodity options. Accordingly, the proposed Nasdaq Bitcoin Index options could not trade on the Exchange absent appropriate exemptive relief from the CFTC. However, the Exchange has conditioned its proposed rule change on it seeking and receiving exemptive relief from the CFTC, as described above, that, among other things, would provide the Commission with jurisdiction over the proposed Nasdaq Bitcoin Index options. The Exchange further acknowledges that it is not permitted to list and trade the proposed Nasdaq Bitcoin Index Options unless and until the CFTC grants all necessary exemptive relief from the requirements of the CEA and the rules and regulations thereunder, with the condition that the SEC exercise jurisdiction with the CFTC over the proposed Nasdaq Bitcoin Index options.[164] Should the CFTC grant such relief, allowing the proposed Nasdaq Bitcoin Index Options to be deemed securities pursuant to Section 717 of the Dodd-Frank Act, the Commission would have jurisdiction and the Exchange would be permitted to list the proposed Nasdaq Bitcoin Index options. Although it is currently unknown whether the CFTC will ultimately grant the necessary relief, the question before us is whether the proposal, conditioned as it is on the grant of such relief, meets the standard for approval under Section 19 of the Act.

The commenter states that the Exchange recognizes that the proposed Nasdaq Bitcoin Index options are commodity options and that the Exchange seeks to avoid the requirements of the CEA by pointing to the exemptive authority in Section 717 of the Dodd-Frank Act, which added Section 3B to the Exchange Act.[165] The commenter states that the Exchange relies on ''Dodd-Frank's novel derivative product provision'' but fails to explain how the proposed Nasdaq Bitcoin Index options are novel given that the CFTC has recognized that bitcoin is a commodity and commodity options are not novel.[166] The commenter further states that providing ''exemptive relief on the theory that an option on a commodity is 'novel' would serve only to reduce regulatory clarity further and encourage regulatory arbitrage.'' [167] In addition, the commenter questions whether exemptive relief that provides both agencies with jurisdiction would allow exchanges to ''choose the regulatory regime they wish to live under.'' [168]

Section 717 of the Dodd-Frank Act, by its terms, is not limited to ''novel derivative products.'' [169] Section 717 of the Dodd-Frank Act provides that ''*[a]ny* agreement, contract, or transaction'' exempted by the CFTC pursuant to its exemptive authority under section 4(c)(1) of the CEA ''shall be deemed a security'' for purposes of the securities laws.[170] Accordingly, nothing in Section 717 would seem to prohibit the CFTC from providing exemptive relief with respect to the proposed Nasdaq Bitcoin Index options.[171] Rather than allowing regulatory arbitrage or exchanges' ability to ''choose the regulatory regime they wish to live under,'' as the commenter suggested, Section 717 of the Dodd-Frank Act provides for *concurrent jurisdiction* of the SEC and the CFTC (together, the ''Commissions'') over certain derivative products.[172] The legislative history of the Dodd-Frank Act indicates that Section 717 was intended to enable the Commissions to provide legal certainty with respect to products and to ''ensure that if either agency grants an exemption, the product will be subject to the other's jurisdiction so that there will be no regulatory gaps.'' [173]

In addition, the concept of shared jurisdiction between the Commission and the CFTC is not new. For example, the Commissions share jurisdiction over mixed swaps and security futures and that jurisdiction does not implicate either Commission's jurisdiction over the underlying instruments or

[159] *See* letter from Jonathan Marcus, Senior Managing Director and General Counsel, CME Group Inc., dated October 22, 2025 (''CME Letter'') at 1. The Exchange responded to the CME Letter. *See* letter from Angela Dunn, Principal Associate General Counsel, dated Dec. 12, 2025.

[160] *See* CME Letter at 3.

[161] *See* Amendment No. 1 at 26.

[162] *See* Amendment No. 1 at 26–27.

[163] *See* Amendment No. 1 at 27–28. Rule 9b–1(b)(2)(i) under the Act, 17 CFR 240.9b1(b)(2)(i), requires an options market to file five copies of an amendment or supplement to the ODD with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of the information disclosed and the public interest and protection of investors. In addition, five copies of the definitive ODD, as amended or supplemented, must be filed with the Commission not later than the date the amendment or supplement, or the amended ODD, is furnished to customers.

[164] *See* Amendment No. 1 at 27.

[165] *See* CME Letter at 3. Section 3B(a) of the Exchange Act states that ''Any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof) shall be deemed a security for purposes of the securities laws.''

[166] *See* CME Letter at 4. The CME states that several DCMs and swap execution facilities have listed bitcoin options as swaps. *See id.* at footnote 15.

[167] CME Letter at 4. In Amendment No. 1, the Exchange eliminates references to ''novel derivative products.''

[168] CME Letter at 5.

[169] *See supra* note 165. The commenter acknowledges that Section 717 of the Dodd-Frank Act does not use the term ''novel,'' and that the term instead appears in the ''adjacent and related Section 718.'' CME Letter at 4.

[170] See 15 U.S. Code 78c–2(a) (emphasis added).

[171] As discussed above, the Exchange amended its proposal on May 15, 2026. The proposal, as modified by Amendment No. 1, does not specify the form of exemptive or other relief that the CFTC would provide with respect to the proposed Nasdaq Bitcoin Index options. The Exchange will not list the proposed Nasdaq Bitcoin Index Options until it obtains an exemption from the CFTC such that the Commission has jurisdiction with the CFTC over the proposed Nasdaq Bitcoin Index Options. *See* Amendment No. 1 at 28.

[172] See 15 U.S. Code 78c–2(b).

[173] 156 Cong. Rec. CONG REC, Vol. No. 105 at S5923 (daily Jul 15, 2010) (statement of Sen. Lincoln).

references. Similarly, even if the CFTC determines to grant the necessary exemptions for the proposed Nasdaq Bitcoin Index options to trade on the Exchange, the CFTC would retain concurrent jurisdiction over the proposed Nasdaq Bitcoin Index options, as well as its anti-fraud authority over the bitcoin spot market.

The commenter suggests additional issues that the CFTC should consider before granting any exemptive relief with respect to the proposed Nasdaq Bitcoin Index options, including any implications for customers, bankruptcy implications, the CFTC's ability to assure fair competition among DCMs and national securities exchanges listing identical CEA-regulated products, and potential compromises to the CFTC's enforcement authority.[174] The issues that the CFTC may need to consider to grant any exemptive relief are beyond the scope of this order. As discussed above, the Exchange has acknowledged that the Exchange will not be permitted to list and trade Nasdaq Bitcoin Index options until the Exchange requests and obtains exemptive relief from the CFTC that would (1) provide the Exchange with an exemption from any applicable requirements of the CEA and the CFTC's rules and regulations, including the requirements applicable to a DCM under Section 5 of the CEA and Part 38 of the CFTC's regulations; (2) provide the Commission, in addition to the CFTC, with jurisdiction over the proposed Nasdaq Bitcoin Index options; and (3) provide exemptive relief to allow the proposed Nasdaq Bitcoin Index options to clear through OCC in its capacity as a clearing agency registered with the Commission pursuant to Section 17A of the Act.[175] In addition, the Exchange has acknowledged that it will not be permitted to list and trade the proposed Nasdaq Bitcoin Index options until OCC receives approval to update the ODD to reflect the risks attendant to trading Nasdaq Bitcoin Index Options.[176] In approving the proposal, the Commission has considered and addressed the issues relevant to trading Nasdaq Bitcoin Index options on a national securities exchange, consistent with the requirements of Section 19 of the Act.

V. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether the proposed rule change, as modified by Amendment No. 1, 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–2025–50 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–2025–50. 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–2025–50, and should be submitted on or before June 18, 2026.

VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. Amendment No. 1 revises the proposed rule change to update several defined terms, correct an error in the delisting provision in proposed Options 4D, Section 7(a)(3)(D), revise Exchange Options 4D, Section 7(c) to describe the intra-day and settlement value information that CF Benchmarks will disseminate with respect to the Nasdaq Bitcoin Index, indicate that CF Benchmarks will calculate and publish the BRTI every 200 milliseconds, identify the Spot Bitcoin ETPs, and describe the potential uses of Nasdaq Bitcoin Index options. These changes provide additional clarity and support for the proposal and help to ensure the accuracy of the Exchange's rules. In addition, Amendment No. 1 revises the proposed rule change to provide that the trading increment for Nasdaq Bitcoin Index options will be $0.01 as long as IBIT options participate in the Penny Interval Program and to provide additional analysis and support for the proposed trading increment. Amendment No. 1 also provides additional analysis supporting the proposed position and exercise limits. The additional discussion and analysis supporting the proposed minimum increments and the proposed position and exercise limits assist the Commission in evaluating the proposal and determining that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange. The proposed changes in Amendment No. 1 raise no new or novel regulatory issues that have not previously been subject to comment. For these reasons, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[177] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[178] that the proposed rule change (SR–Phlx–2025–50), as modified by Amendment No. 1, is approved on an accelerated basis.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10537 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

[174] *See* CME Letter at 5.

[175] *See* Amendment No. 1 at 26–27.

[176] *See* Amendment No. 1 at 27–28. Rule 9b–1(b)(2)(i) under the Act, 17 CFR 240.9b1(b)(2)(i), requires an options market to file five copies of an amendment or supplement to the ODD with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of the information disclosed and the public interest and protection of investors. In addition, five copies of the definitive ODD, as amended or supplemented, must be filed with the Commission not later than the date the amendment or supplement, or the amended ODD, is furnished to customers.

[177] 15 U.S.C. 78s(b)(2).

[178] 15 U.S.C. 78s(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0196]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a–22

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for an extension of the proposed collection of information. Rule 17a–22 requires all registered clearing agencies to prominently post on their internet websites all supplementary materials they issue or make generally available to their participants or other entities with whom they have a significant relationship. The supplementary materials must be posted within two days after they are issued or made generally available. When the Commission is not the clearing agency's appropriate regulatory agency, the clearing agency must file one copy of the material with its appropriate regulatory agency.

The Commission is responsible for overseeing clearing agencies and uses the information posted pursuant to Rule 17a–22 to determine whether a clearing agency is implementing procedural or policy changes. The information aides the Commission in determining whether such changes are consistent with the purposes of Section 17A of the Exchange Act. Also, the Commission uses the information to determine whether a clearing agency has changed its rules without reporting the actual or prospective change to the Commission as required under Section 19(b) of the Exchange Act.

The respondents to Rule 17a–22 are registered clearing agencies. The frequency of postings made by clearing agencies pursuant to Rule 17a–22 varies but on average there are approximately 120 postings per year per active clearing agency. There are nine clearing agencies, but only seven active registered clearing agencies that are expected to make postings pursuant to Rule 17a–22. The Commission staff estimates that each response requires approximately .25 hours (fifteen minutes), which represents the time it takes for a staff person at the clearing agency to properly identify a document subject to the rule and post the material prominently on the clearing agency's internet website. Thus, the total annual burden for all active clearing agencies is approximately 210 hours (7 clearing agencies multiplied by 120 filings per clearing agency multiplied by .25 hours).

The required **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published. The Commission received one comment letter which was unrelated to the collection of information. The comment objects to the extension of 17Ad–22 because ''current collection methods lack 'practical utility' and actively facilitate transnational securities fraud by allowing clearing agencies to operate within transparency blackouts.'' The letter, however, does not explain how the collection of information lacks practical utility or facilitates transnational securities fraud. Rather, Rule 17a–22 requires registered clearing agencies to post on their websites all supplementary material that they issue or make available to their participants, such as material that supplements a proposed rule changes filed pursuant to Section 19 of the Exchange Act and Rule 19b–4 thereunder. The collection of information helps improve transparency related to information supplementary to proposed rule changes or other information provided by registered clearing agencies to their participants. The objections in the comment later relate to private data, data collected or used by federal agencies other than the Commission, or general matters not relevant to clearing agencies.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-015* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by June 29, 2026.

Dated: May 26, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10601 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105543; File No. SR–CboeBYX–2026–021]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter 8 of the Exchange's Rulebook Relating To Investigative and Disciplinary Matters

May 22, 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 May 13, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') proposed rule changes to amend Chapter 8 of the Exchange's Rulebook relating to investigative and disciplinary matters. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 rules concerning investigative and disciplinary matters involving Exchange

[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).

Members [5] and persons associated with Members (''associated persons''). Specifically, the Exchange proposes to update its Rules relating to (1) disciplinary jurisdiction; (2) complaints and investigations; (3) expedited proceedings; (4) charges; (5) answers; (6) hearings; (7) offers of settlement; (8) decisions; (9) reviews; (10) judgments and sanctions; (11) service of notice; (12) agency review and reporting; (13) imposition of fines for minor rule violations; (14) ex parte communications; and (15) release of disciplinary complaints, decisions, and other information. The Exchange proposes these updates in an effort to increase efficiency and fairness by harmonizing the Exchange's Rules concerning investigative and disciplinary matters with those of the Exchange's affiliate exchanges: Cboe Exchange, Inc. (''C1'' or ''Cboe Options'') [6] and Cboe C2 Exchange, Inc. (''C2'') [7] (collectively, and hereinafter, referred to as the ''Affiliated Exchanges''). [8] In doing so, the Exchange proposes rules changes to adopt new roles for the Exchange's Business Conduct Committee (''BCC''). [9] As part of the harmonization process between the Exchange and Affiliated Exchanges, the Exchange proposes to align the Exchange's hearing process and timeliness requirements with those of the Affiliated Exchanges. Additionally, the Exchange proposes to remove Rule 8.14, Agency Review, in its entirety because the Act provides for a statutory right to review [10] and the Affiliated Exchanges do not contain a similar provision. In place of the removed Rule 8.14, the Exchange proposes to add a rule regarding reporting to the Central Registration Depository (''CRD''). The Exchange also proposes to remove Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, because the Rules of the Affiliated Exchanges do not contain a similar provision. Finally, the Exchange proposes to update certain Rules contained in Chapter 8 of the Exchange's Rulebook to correct minor errors and update obsolete and outdated language.

By way of background, the Exchange Rules currently divide responsibility for the adjudication of its Rules into two categories: (1) rules for which the Chief Regulatory Officer (''CRO'') and Hearing Panels are responsible for adjudicating through formal disciplinary proceedings; and (2) rules under which fines may be assessed in lieu of formal disciplinary action. With respect to violations that are adjudicated by the CRO and Hearing Panels, Rule 8.4(b) requires the CRO to prepare a statement of charges whenever it appears that there is probable cause for finding a violation within the disciplinary jurisdiction of the Exchange has occurred and formal disciplinary action is warranted. Alternatively, in lieu of conducting a formal disciplinary proceeding, Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, provides for disposition of specific violations through assessment of fines. In sum, the current application of the Rules provides for the CRO to determine whether to initiate charges in a regulatory matter and to determine appropriate sanctions for rule violations.

The Exchange believes that harmonizing the composition of the disciplinary Rules between the Exchange and the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder [11] (''TPH'') on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business. The Exchange notes that the CRO will continue to supervise the regulatory functions of the Exchange, separate from that of the Exchange's business interest, reporting directly to the Regulatory Oversight Committee of the Board of Directors (''ROC''). Below is a summary of the Exchange's Rules and their proposed changes concerning investigations and disciplinary matters.

Summary of Proposed Rule Changes

The Exchange proposes the following rule changes, including proposed changes to:

(1) Amend Rule 8.1, Disciplinary Jurisdiction, to reflect the Affiliated Exchanges' Rule 13.1, including adding a provision that Members or associated persons continue to be subject to the disciplinary jurisdiction of the Exchange with respect to the failure to honor arbitration awards and removing the provision specifying that the Exchange may contract with another self-regulatory organization to perform some or all of the Exchange's disciplinary functions;

(2) Amend Rule 8.2, Complaint and Investigation, to reflect the layout and content of Affiliated Exchanges' Rule 13.2 by:

a. Updating Rule 8.2(a) to place the responsibility of initiating an investigation with the Exchange's regulatory staff whenever the regulatory staff determines a reasonable basis exists to do so or upon receipt of a complaint by any person or entity including the Board,[12] Exchange employees, and Members;

b. Updating Rule 8.2(b) to specify the appropriate action when the regulatory staff finds reasonable grounds to believe a violation occurred, but no formal regulatory action is warranted in lieu of a statement of charges;

c. Updating Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information as requested by the Exchange in connection with an inquiry resulting from agreement pursuant to Exchange Rules 8.2(f), 8.2(g), or 13.7;

d. Updating Rule 8.2(d) to extend the time in which a Subject [13] has to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and make

[5] *See* Exchange Rule 1.5(n). ''The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.''

[6] *See* Rules of Cboe Exchange, Inc., specifically Rules 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.8, 13.9, 13.10, 13.11, 13.12, 13.13, 13.14, 13.15, and 13.16.

[7] *See* Rules of Cboe C2 Exchange, Inc., specifically Chapter 13, which incorporates by reference the rules contained in Cboe Exchange, Inc. Chapter 13.

[8] The rules under Chapter 13 of the Affiliated Exchanges are the same in number, form and substance. Therefore, the Exchange refers singularly to the corresponding rule of the ''Affiliated Exchanges'' throughout this proposed rule filing.

[9] *See* proposed Rule 8.2(m). The BCC has decision-making authority concerning possible violations within the disciplinary jurisdiction of the Exchange. The BCC is comprised of one or more Members or associated persons, one or more public representatives, and may also include other individuals affiliated with the securities, futures or derivatives industry, all as appointed by the Exchange's Nominating and Governance Committee with the approval of the Exchange's Board of Directors.

[10] 15 U.S.C. 78s(d).

[11] *See* Bylaws of Cboe Exchange, Inc. Section 1.1 Definitions. ''The term ''Trading Permit Holder'' means any individual, corporation, partnership, limited liability company or other entity authorized by the Rules that holds a Trading Permit. . . . A Trading Permit Holder is a ''member'' solely for purposes of the Act; however, one's status as a Trading Permit Holder does not confer on that Person any ownership interest in the Exchange.''

[12] *See* Rule 1.5(f). The terms ''Board'' and ''Board of Directors'' shall mean the Board of Directors of the Exchange.

[13] *See* Rule 8.2(d). The term ''Subject'' means the ''person(s) who is the subject of the report'' issued pursuance to Rule 8.2.

other non-substantive conforming changes;

e. Updating Rule 8.2(h) to extend the time in which a Subject has to submit a videotaped response to a notification from 15 to 25 days and to specify the length and format of videotaped responses submitted pursuant to the Rule;

f. Adding Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 as Exchange Rules 8.2(i)–(k) to specify the format of complaints and form of materials to be submitted upon request, and define the term ''Regulatory staff'' as it is used in Chapter 8 of the Exchange Rules; and

g. Adding Proposed Rule 8.2(m) defining the BCC and outlining the composition of the BCC;

(3) Amend Rule 8.3, Expedited Proceeding, to extend the time a Subject has to submit written responses to notices from the Regulatory staff from 15 to 25 days and to make other non-substantive conforming changes to the Rule text;

(4) Amend Rule 8.4, Charges, to remove the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a), add that a Complainant [14] shall be notified if further proceedings are warranted to Rule 8.4(b), and add Rule 8.4(c) specifying the terms of a Respondent's [15] access to requested documents;

(5) Amend Rule 8.5, Answer, to extend the time that a Subject has to submit an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending;

(6) Update Rule 8.6, Hearing, by:

a. Specifying that hearings on charges shall be held before a Hearing Panel comprised of three or five members of the BCC, rather than appointed by the Chief Executive Officer; and that BCC Counsel may assist the Hearing Panel in preparing its written recommendations or judgments;

b. Replacing the current text of Rule 8.6(a)(1) by adopting the Affiliated Exchanges' Rule 13.6(a)(1) regarding the impartiality of Hearing Panel members and deleting Rules 8.6(a)(1)(A)–(B);

c. Adopting the Affiliated Exchanges' Rule 13.6(a)(2) regarding motions for disqualification of Hearing Panel members as Rule 8.6(a)(2) and the Affiliated Exchanges' Rule 13.6(a)(3) regarding rulings on motions for disqualification of Hearing Panel members as Rule 8.6(a)(3);

d. Replacing the current text of Rule 8.6(b) by adopting the Affiliated Exchanges' Rule 13.6(b) regarding prehearing procedures;

e. Removing current Rule 8.6(c) and renumbering current Rule 8.6(d) as Rule 8.6(c);

f. Adopting the Affiliated Exchanges' Rule 13.6(d) regarding documents and witnesses as Rule 8.6(d); and

g. Adopting the Affiliated Exchanges' Rule 13.6(d), Interpretations and Policies .01–.03 regarding interventions as Rule 8.6(e);

(7) Amend Rule 8.8, Offers of Settlement, to clarify that the staff may also appear before the CRO to make an oral statement if the Respondent elects to make an oral statement before the CRO, and that a Respondent may submit an offer during the course of any proceeding under Chapter 8 of the Exchange Rules;

(8) Amend Rule 8.9, Decision, to add that a decision shall also include a statement of the sanctions imposed and reasons for the sanctions, that the regulatory division of the Exchange shall also receive a copy of statements, and that the Exchange shall post the complete decision on the appropriate BYX website once the decision is considered final;

(9) Update Rule 8.10, Review, by:

a. Extending the time for a Respondent to petition for review of a decision from 10 days to 15 days, specify the process of petitioning for review of a decision, and clarify that other parties to a hearing may also submit petitions for review and responses to petitions for review;

b. Allowing the Board or a committee of the Board to ratify a review, clarify that new issues may be raised by the parties involved in the review, and clarify that the Board may affirm, reverse or modify the decision, and that the decision must be served upon the Respondent and the regulatory division of the Exchange;

c. Extending the time the Board has to review a decision from 20 days to 30 days; and

d. Eliminating Rule 8.10(d);

(10) Amend Rule 8.11, Judgment and Sanctions, to remove a committee of the Board as an applicable body that may determine penalties and impose discipline upon Members and associated persons and remove Interpretations and Policies .01 to Rule 8.11;

(11) Amend Rule 8.12, Miscellaneous Provisions, to clarify that the address a Respondent may be served at is the last known place of business as it appears on the books and records of the Exchange, and to provide an additional three days to the prescribed period a Respondent has to respond in the case of service by certified mail;

(12) Remove Rule 8.14, Agency Review, in its entirety and replace it with the text of Rule 13.14 of the Affiliated Exchanges regarding reporting to the CRD;

(13) Revise Rule 8.15, Imposition of Fines for Minor Rule Violations, to include additional details about the Minor Rule Violation program and align the Exchange's rule with corresponding Rule 13.15 of the Affiliated Exchanges;

(14) Update Rule 8.16. *Ex Parte* Communications, to clarify that the provisions of the Rule apply to all Members and associated persons, amend the definition of Adjudicator [16] under the Rule, add subparagraphs (e), (f), and (g) to define ex parte communication, and add clarifying provisions regarding what may not be considered a violation of Rule 8.16; and

(15) Remove Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, in its entirety.

Detailed descriptions of the proposed changes to specific rules within Chapter 8 are outlined below.

Exchange Rule 8.1, Disciplinary Jurisdiction

(1) Current Rule 8.1

In its current form, Exchange Rule 8.1 sets forth the Exchange's jurisdiction regarding disciplinary matters involving its Members and associated persons. Members and associated persons are subject to the disciplinary jurisdiction of the Exchange pursuant to Chapter 8 of the Exchange's Rulebook and, after notice and opportunity for a hearing may be appropriately disciplined by: expulsion; suspension; limitation of activities, functions and operation; fine; censure; suspension or bar from association with a Member or any other fitting sanction.[17] An individual Member or associated person may be charged with a violation committed by an employee under the Member's supervision or by the Member or associated person, as though such violation was their own.[18] Similarly, a Member organization may be charged with any violation committed by its employees or by any other person who

[14] *See* Proposed Rule 8.2(a). The term ''Complainant'' means ''any person or entity, including the Board, Exchange employees, and Members'' that submits a complaint pursuant to Rule 8.2.

[15] *See* Proposed Rule 8.2(b). The term ''Respondent'' means ''the person or organization alleged to have committed a violation.''

[16] *See* Proposed Rule 8.16 (defining ''Adjudicator'' as ''any member of the Hearing Panel, Business Conduct Committee, Board or committee of the Board'' participating in a decision with respect to the proceeding at issue).

[17] *See* Rule 8.1(a).

[18] *Id.*

is associated with such Member organization, as though such violation was their own.[19] Members and associated persons continue to be subject to the Exchange's disciplinary jurisdiction following termination of such person's association with a Member with respect to matters that occurred prior to such termination provided that the Exchange gave written notice to the former Member or former associated person within one year of the Exchange's receipt of written notice of termination of such former Member or such former associated person.[20] Chapter 8 does not apply to summary suspensions or other action taken pursuant to Chapter 7 of the Rules of the Exchange and action taken pursuant to Chapter 7 shall not be deemed disciplinary action under Chapter 8.[21] Rule 8.1(d) provides that Exchange is permitted to contract with another self-regulatory organization (''SRO'') to perform some or all of the Exchange's disciplinary functions and allows the Exchange to retain ultimate legal responsibility for and control of such functions.[22]

(2) Proposed Changes to Rule 8.1

The Exchange first proposes to amend Rule 8.1(b) to clarify that former Members or associated people continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award pursuant to Chapter 9 of the Exchange Rules. Chapter 9 of the Exchange's Rules governs the BYX arbitration process. Rule 9.5 states that failing to honor a BYX arbitration award may be deemed conduct inconsistent with just and equitable principles of trade. Conduct inconsistent with just and equitable principles of trade is a violation of Rule 3.1 and is thus subject to the disciplinary jurisdiction of the Exchange and should be codified as such.[23] Currently, however, such failure to honor a BYX arbitration award by a *former* Member, or *former* person associated with a Member, may not always be subject to the Exchange's disciplinary jurisdiction.

Current Rule 8.1(b) provides that a Member or associated person shall continue to be subject to the disciplinary jurisdiction of the Exchange following such Member's or associated person's termination of membership, or termination of association with such Member, with respect to matters that occurred prior to such termination, provided that written notice of the commencement of an inquiry into such matters is given by the Exchange to such former Member or associated person within one year of the Exchange's receipt of notice of such termination.[24] This provision allows for certain anomalies in the context of failure to pay arbitration awards. For example, consider the following scenario: A customer is involved in a trading dispute with a BYX Member. Months later, the Member terminates its membership on the Exchange. Weeks after the membership termination, the customer properly files an arbitration claim with BYX.[25] One and a half years after the membership termination, the customer prevails in the arbitration proceeding, and a monetary award is imposed against the former Member. Nevertheless, the former Member subsequently fails to honor the arbitration award. Because more than one year has passed since the former Member's termination of membership and the Exchange did not provide written notice of the commencement of an inquiry into the failure to pay the award, the Exchange could not assert disciplinary jurisdiction over the former Member. The Exchange believes this is problematic given the fact that the dispute concerned Exchange-related business, and that the award was pursuant to an Exchange arbitration proceeding. While the Exchange notes that the customer in the above example would be able to seek enforcement of the award through the judicial system, the inability of the Exchange to potentially take disciplinary measures undermines the credibility of the Exchange's arbitration forum.

The Exchange also proposes to remove current Rule 8.1(d) in its entirety to remove obsolete and duplicative language regarding the ability of the Exchange to contract with another self-regulatory organization to perform disciplinary functions and replace this text with text found in Rule 13.1, Interpretations and Policies .02 of the Affiliated Exchanges describing when the notice requirement found in current Rule 8.1(b) shall not apply. Rule 8.1(d) currently states that the Exchange may contract with another self-regulatory organization to perform some or all of the Exchange's disciplinary functions, allows the Exchange to specify the extent to which the Rules of Chapter 8 govern disciplinary functions when contracting with an SRO, and allows the Exchange to retail ultimate legal responsibility and control over the Exchange's disciplinary functions. The Exchange proposes to remove the current language of 8.1(d) because its contents are duplicative of Exchange Rule 13.7, Regulatory Services Agreements.[26] The text added to Rule 8.1(d) would eliminate the notice requirement in Rule 8.1(b) solely with respect to instances where the Exchange seeks to take disciplinary measures with respect to a former Member or associated person for failure to honor an arbitration award pursuant to Chapter 9. Accordingly, the Exchange proposes to delete the text of current Rule 8.1(d) and replace this text with the text of Rule 13.1, Interpretations and Policies. 02 of the Affiliated Exchanges in its entirety.[27]

Together, the proposed changes to Rule 8.1(b) and Rule 8.1(d) would provide that failing to pay arbitration awards would remain under the disciplinary jurisdiction of the Exchange. The proposed change to Rule 8.1(b) seeks to clarify that former Members or associated persons continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award pursuant to Chapter 9 of the Exchange Rules while the proposed change to Rule 8.1(d) would seek to eliminate the notice requirement in Rule 8.1(b) solely with respect to instances where the Exchange seeks to take disciplinary measures with respect to a former Member or associated person for failure to honor an arbitration award pursuant

[19] *Id.*

[20] *See* Rule 8.1(b).

[21] *See* Rule 8.1(c).

[22] *See* Rule 8.1(d).

[23] *See* Rule 9.5.

[24] *See* Rule 8.1(b).

[25] Rule 9.1 states that Members shall comply with any FINRA rules and interpretations thereof incorporated by reference as if such rules and interpretations were part of the Exchange's Rules. FINRA Rule 12202 states that claims by or against a member or an associated person who is inactive at the time the claim is filed is ineligible for arbitration under the FINRA Code of Arbitration unless the customer agrees in writing to arbitrate after the claim arises.

[26] *See* Affiliated Exchanges' Rule 13.7. ''The Exchange may enter into one or more agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Exchange Act. Any action taken by another self-regulatory organization, or its employees or authorized agents, acting on behalf of the Exchange pursuant to a regulatory services agreement shall be deemed to be an action taken by the Exchange; provided, however, that nothing in this provision shall affect the oversight of such other self-regulatory organization by the Commission. . . . the Exchange shall retain ultimate legal responsibility for, and control of, its self-regulatory responsibilities, and any such regulatory services agreement shall so provide.''

[27] The proposed change is substantially similar to SR–CBOE–2001–14, with minor differences for terminology and outdated rule references. Additionally, the Affiliated Exchanges' current arbitration rule (Chapter 14) explicitly states that former TPHs and associated persons of TPHs are considered to be encompassed by Chapter 14.

to Chapter 9. The proposed amendments to Rule 8.1(b) and 8.1(d) will result in Rule 8.1 aligning with Rule 13.1 of the Affiliated Exchanges.

Exchange Rule 8.2, Complaint and Investigation

(1) Current Rule 8.2

Current Rule 8.2 states that staff investigates and examines possible violations within the disciplinary jurisdiction of the Exchange (''violations'') whenever possible violations are brought to its attention in any manner, including upon order of the Board, the CRO or other Exchange officials designated by the CRO, or upon receipt of a complaint alleging such violation.[28] Members and associated persons are required to cooperate with staff inquiries and to furnish information requested in connection with investigations and examinations.[29] Members and associated persons are entitled to be represented by counsel during any such Exchange investigation, proceeding or inquiry.[30] Failure to furnish information requested by the Exchange in the course of an inquiry, investigation, hearing or appeal, or in the course of preparation by the Exchange in anticipation of such hearing or appeal on the date or within the time period specified by the Exchange shall be deemed to be a violation of Rule 8.2.[31] In each instance where an investigation has been instituted as a result of a complaint, and in every other instance in which an investigation finds that there are reasonable grounds to believe that a violation has been committed, the staff (or when appropriate, the designated self-regulatory organization) submits a written report (''report'') of the investigation to the CRO.[32]

Prior to submitting a report to the CRO, staff must notify the subject of the report (''Subject'') of the nature of the alleged violations.[33] Unless the CRO decides expeditious action is required, the Subject has 15 days to submit a written statement to the CRO concerning why no disciplinary action should be taken.[34] The Subject may request access to documents in the investigative file, furnished by the Subject or the Subject's agents, to assist the Subject in preparing such a written statement.[35] The Subject may also submit a videotaped response in lieu of a written statement, the length and format of which is decided by the Exchange.[36]

The Exchange may enter into cooperative agreements with domestic and foreign self-regulatory organizations providing for the exchange of information and other forms of mutual assistance or for market surveillance, investigative, enforcement or other regulatory purposes.[37] No Member or associated person or entity subject to the jurisdiction of the Exchange shall refuse to appear and testify before another exchange or another self-regulatory organization in connection with a regulatory investigation, examination or disciplinary proceeding or refuse to furnish testimony, documentary materials or other information or otherwise impede or delay such investigation, examination or disciplinary proceeding if the Exchange requests such testimony, documentary materials or other information in connection with an inquiry resulting from a cooperative agreement entered into by the Exchange.[38]

(2) Proposed Changes to Rule 8.2

The Exchange proposes to reorganize and amend Rule 8.2 to align with and reflect the layout of the Affiliated Exchanges' Rule 13.2. The Exchange proposes these amendments to Rule 8.2 with the sole purpose of aligning the Rules of the Exchange with the Rules of the Affiliate Exchanges, thereby promoting consistency and efficiency for Members and TPHs.

First, the Exchange proposes to update Rule 8.2(a) to remove the Exchange's (or designated SRO's) and the Board's ability to initiate an investigation and place the responsibility to initiate an investigation with the Exchange's Regulatory staff, defined *infra,* upon receipt of a complaint. Specifically, Rule 8.2(a) currently provides that an investigation can be initiated in four different ways: (1) by the Exchange, (2) by the Board, (3) by the CRO, or (4) by receipt of a complaint. The Exchange proposes to amend Rule 8.2(a) to place the responsibility to initiate an investigation with the Exchange's Regulatory staff whenever the Regulatory staff determines a reasonable basis to do so exists or upon receipt of a complaint by any person or entity including the Board, Exchange employees, and Members (the ''Complainant''), provided that such complaint specifies in reasonable detail the facts constituting the alleged violation. The proposed amendment to Rule 8.2(a) will result in Rule 8.2(a) aligning with Rule 13.2(a) of the Affiliated Exchanges.

Second, the Exchange proposes to replace Rule 8.2(b) with the equivalent Rule 13.2(c) of the Affiliated Exchanges, which specifies the appropriate procedure in circumstances in which the Regulatory staff finds reasonable grounds to believe a violation occurred, but no formal regulatory action is warranted in lieu of a statement of charges. Currently, Rule 8.2(b) provides that a written report of an investigation shall be submitted to the CRO in every instance where an investigation has been instituted and an investigation results in a finding that a violation was committed. Notably, current Rule 8.2(b) does not contemplate the appropriate procedures for when the Regulatory staff determines that a violation occurred, but a non-formal regulatory action is warranted in lieu of issuing a statement of charges or when the Regulatory staff determines no reasonable grounds to believe a violation occurred exist. The Exchange proposes to amend 8.2(b) to provide that when the Regulatory staff determines that a violation occurred, but a non-formal regulatory action is warranted, in lieu of issuing a statement of charges, the Regulatory staff may impose a non-formal regulatory action without the submission of a written report of its investigation to the CRO. Additionally, the Exchange proposes to amend Rule 8.2(b) to provide that when the Regulatory staff determines no reasonable grounds to believe a violation occurred exist, the Regulatory staff may close the investigation without submission of a written report to the CRO. The proposed Rule 8.2(b) reflects the language and procedures described Affiliated Exchanges' Rule 13.2(c) and differs only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Third, the Exchange proposes to amend Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information requested by the Exchange in connection with an inquiry resulting from an agreement pursuant to

[28] *See* Rule 8.2(a).
[29] *See* Rule 8.2(c).
[30] *Id.*
[31] *See* Rule 8.2(e).
[32] *See* Rule 8.2(b).
[33] *See* Rule 8.2(d).
[34] *Id.*
[35] *Id.*
[36] *See* Rule 8.2(h).
[37] *See* Rule 8.2(g).
[38] *See* Rule 8.2(f).

Exchange Rules 8.2(f),[39] 8.2(g),[40] or 13.7.[41] Currently, Exchange Rule 8.2(c) provides for circumstances in which a Member or associated person is obligated to appear and testify, respond in writing to interrogatories, and furnish documentary materials and other information requested by the Exchange including in connection with a an investigation initiated pursuant to the Rule or a hearing or appeal conducted or anticipated to be conducted pursuant to Chapter 8 of the Exchange Rules. Current Rule 8.2(c) does not obligate a Member or associated person to perform the specified actions in connection with an Exchange inquiry resulting from an agreement entered in connection with regulatory cooperation, a cooperative agreement, or a regulatory services agreement. The Exchange proposes to amend Rule 8.2(c) to add that a Member or associated person is obligated to appear and testify, respond to interrogatories, and furnish information requested by the Exchange in connection with an inquiry resulting from agreement pursuant to Exchange Rules 8.2(f), Regulatory Cooperation, 8.2(g), Cooperative Agreements, or 13.7, Regulatory Services Agreements. The proposed change to Rule 8.2(c) reflects the language of Affiliated Exchanges' Rule 13.2(b) and differs only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Fourth, the Exchange proposes to amend Rule 8.2(d) to extend the time in which a Subject [42] has to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and add clarifying language to specify that the reference to any resolution of the Board in Rule 8.2(d) refers only to resolutions of the Board regulating the conduct of business on the Exchange. Currently, Rule 8.2(c) allows Subjects 15 days from the date of notification to submit a written statement to the CRO describing why no disciplinary action should be taken, whereas the Affiliated Exchanges allow for 25 days.[43] Additionally, current Rule 8.2(c) does not include a tolling provision for Subjects when they are awaiting access to the relevant investigative file, whereas the Affiliated Exchanges include a tolling provision.[44] Finally, unlike Rule 13.2(d) of the Affiliated Exchanges, current Exchange Rule 8.2(c) refers to resolutions of the Board without specifying that the Rule only refers to resolutions of the Board regulating the conduct of business on the Exchange. To ensure consistency between the Exchange and the Affiliated Exchanges, the Exchange proposes to amend Rule 8.2(d) to extend the time for a Subject to submit a response to a notification from 15 to 25 days, add a 25-day tolling period while a request for access to the relevant investigative file is pending, and add clarifying language to specify that the reference to any resolution of the Board in Rule 8.2(d) refers only to resolutions of the Board regulating the conduct of business on the Exchange. The resulting Rule 8.2(d) will reflect the language of Rule 13.2(d) of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Fifth, the Exchange proposes to amend Rule 8.2(h) to extend the time in which a Subject may submit a videotaped response to a notification from 15 to 25 days and to specify the length and format of videotaped responses submitted pursuant to the Rule 8.2. Currently, Exchange Rule 8.2(h) allows Subjects 15 days to submit a videotaped response to a notification. The current Rule fails to specify the length and format of videotaped responses and states that the Exchange will establish these standards. The Exchange proposes to extend the time in which a Subject may submit a videotaped response to a notification from 15 to 25 days to align the Exchange's Rules with those of the Affiliated Exchanges and proposed Rule 8.2(d), discussed above. The Exchange also proposes to specify that submitted videotaped responses shall not exceed 12 minutes and must be accompanied by a written transcript to align the Exchange's Rules with those of the Affiliated Exchanges and provide clarity to its Members regarding the standards for videotaped responses submitted pursuant to Rule 8.2(h). The resulting Rule 8.2(d) will reflect the exact language of Interpretation and Policy .02 of the Affiliated Exchanges' Rule 13.2.

Sixth, the Exchange proposes to add Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 as Exchange Rule 8.2(i)–(k) to specify the format of complaints, specify the form of materials to be submitted upon request, and define the term ''Regulatory staff'' as it is used in Chapter 8 of the Exchange Rules. The Affiliated Exchanges have rules in place specifying (1) that Complainants should sign written complaints or identify themselves when making oral complaints; (2) that data should be furnished upon request in the manner and standard electronic format prescribed by the Exchange; and (3) that define the term ''Regulatory staff'' as used in the relevant chapter. Conversely, the Exchange currently has no rules making such specifications. As such, the Exchange proposes to amend Rule 8.2 to add the specifications related to identification, furnishing materials upon request, and the definition of Regulatory staff that are included in the Rules of the Affiliated Exchanges. The Exchange proposes to adopt Rule 8.2(i) requiring Complainants to sign written complaints or identify themselves when making oral complaints and identify the specific rules and regulations allegedly violated. The Exchange also proposes to adopt Rule 8.2(j) requiring each Member to furnish data concerning orders, transactions, and positions upon request in the manner and standard electronic format prescribed by the Exchange. Finally, the Exchange proposes to adopt Rule 8.2(k) to define the term ''Regulatory staff,'' as used in Chapter 8, to mean the Exchange's employees in the regulatory division, and, as applicable, employees of FINRA performing regulatory services for the Exchange. The resulting Rules 8.2(i), 8.2(j), and 8.2(k) will reflect

[39] *See* Rule 8.2(f). ''No Member or person associated with a Member or other person or entity subject to the jurisdiction of the Exchange shall refuse to appear and testify before another exchange or other self-regulatory organization in connection with a regulatory investigation, examination or disciplinary proceeding or refuse to furnish testimony, documentary materials or other information or otherwise impede or delay such investigation, examination or disciplinary proceeding if the Exchange requests such testimony, documentary materials or other information in connection with an inquiry resulting from an agreement entered into by the Exchange pursuant to subsection (g) of this Rule. . . .''

[40] *See* Rule 8.2(g). ''The Exchange may enter into agreements with domestic and foreign self-regulatory organizations providing for the exchange of information and other forms of mutual assistance or for market surveillance, investigative, enforcement or other regulatory purposes. . . .''

[41] *See* Rule 13.7. The Exchange may enter into one or more agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Exchange Act. . . .''

[42] *See* Rule 8.2(d). The term ''Subject'' refers to the person(s) who is the subject of the report.

[43] *See* Affiliated Exchanges' Rule 13.2(d). ''A subject shall have 25 days from the date of notification [ ] to submit a written statement to the CRO concerning why no disciplinary action should be taken.''

[44] *See* Affiliated Exchanges' Rule 13.2(d). ''The 25-day period to submit a written statement shall toll while any request for access to the investigative file pursuant to this section is pending.''

Interpretation and Policy .03–.05 of the Affiliated Exchanges' Rule 13.2 with the only difference between the rules being the corresponding Exchange Rules and defined terms referenced in each.

Finally, the Exchange proposes to add Rule 8.2(m) to the Rules of the Exchange defining the BCC and detailing is composition. Proposed Rule 8.2(m) will define the BCC as a committee of the Board with decision-making authority concerning possible violation within the discretionary jurisdiction of the Exchange. Further, the proposed rule will detail the composition of the BCC as being comprised of one or more Member or associated person, one or more public representatives, and may also include other individuals affiliated with the securities, futures or derivatives industry, all as appointed by the Exchange's Nominating and Governance Committee with the approval of the Exchange's Board of Directors. The resulting Rule 8.2(m) will set forth the definition and composition of the BCC in the Rules of the Exchange thereby adding clarity. The Exchange's proposed amendments to Rule 8.2 discussed above will result in clarifying the Rules of the Exchange and the terms therein and Rule 8.2 aligning with and reflecting the general format of the Affiliated Exchanges' Rule 13.2 with differences only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Exchange Rule 8.3, Expedited Processing

(1) Current Rule 8.3

Current Rule 8.3, Expedited Proceeding, states that when a Subject receives notice of a report, the Subject may seek to dispose of the matter through a letter of consent.[45] The Subject may submit notice to staff electing to proceed in an expedited manner and shall have 15 days to submit a written statement pursuant to Rule 8.2(d).[46] The Subject and staff may then negotiate a letter of consent outlining stipulations and findings regarding the violation(s) and the sanctions therefore.[47] Disposing of the matter via letter of consent occurs only if the Subject and staff agree on the terms and it is signed by the Subject.[48] The CRO may accept or reject the letter of consent.[49] If the CRO accepts the letter, the Exchange may adopt the letter as its decision.[50] If the CRO rejects the letter, the matter proceeds as if the letter had not been submitted. The CRO's decision to accept or reject the letter is final.[51] Upon rejection, the Subject shall have 15 days to submit a written statement pursuant to Rule 8.2(d).[52] At any time, the Subject or staff may terminate the negotiations via written declaration of an end to the negotiations.[53]

(2) Proposed Changes to Rule 8.3

The Exchange proposes to amend Rule 8.3, Expedited Proceeding, to extend the time for a Subject to submit written responses to notices from the Regulatory staff from 15 to 25 days and to make other non-substantive conforming changes to the rule text. Rule 8.3, Expedited Proceedings, references Rule 8.2(d), regarding notice and time to respond to a notice, multiple times. Currently, Rule 8.2(d) allows Subjects 15 days to respond to a notice from the Exchange's Regulatory staff. As discussed in detail above, the Exchange is proposing to extend time allotted in Rule 8.2(d) to 25 days to align the Rules of the Exchange with those of the Affiliated Exchanges. Similarly, current Rule 8.3 allows Subjects 15 days to submit a written notice in response a notification electing to proceed in an expedited manner, a declaration of an end to negotiations, or a rejection of a letter of consent. The Exchange now proposes to extend the time allotted to a Subject to submit a written response in each of these scenarios to 25 days.

Additionally, the Exchange proposes to make other non-substantive changes to Rule 8.3 to conform the language of the Rule with the language of Affiliated Exchanges' Rule 13.3, Expedited Proceeding. These non-substantive changes include changing references to ''Exchange staff'' to ''Regulatory staff,'' which the Exchange proposes to define in Rule 8.2(k), discussed above. The Exchange's proposed amendments to Rule 8.3 as discussed above will align Rule 8.3 with the general format and language of the Affiliated Exchanges' Rule 13.3.

Exchange Rule 8.4, Charges

(1) Current Rule 8.4

Current Rule 8.4 states that when it appears to the CRO from the staff's report pursuant to Rule 8.2(b) that no probable cause exists for finding a violation occurred or if the CRO otherwise determines that no further action is warranted, the CRO issues a written statement setting out its reasons for that finding.[54] When the CRO determines probable cause exists for finding a violation occurred and further proceedings are warranted, the CRO directs staff to prepare a statement of charges against the Respondent specifying the acts for which the Respondent is charged and setting forth the specific violations.[55] A copy of the statement of charges shall be served upon the Respondent in accordance with Rule 8.12.[56]

(2) Proposed Changes to Rule 8.4

The Exchange proposes to amend Rule 8.4. Charges, to delete the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a), amend Rule 8.4(b) to provide that a Complainant shall be notified if further proceedings are warranted, and add Rule 8.4(c) specifying the terms of a Respondent's access to requested documents.

First, the Exchange proposes to delete the current text of Rule 8.4(a) and replace it entirely with the text of the Affiliated Exchanges' Rule 13.4(a). Current Rule 8.4(a) describes the steps the CRO must take in the case he or she determines that no probable cause exists for finding a violation occurred or that no further proceedings are warranted. In both cases, current Rule 8.4(a) directs the CRO to issue a written statement setting forth the reasons for his or her finding. Rule 8.4(a) does not specify which materials the CRO must base his or her finding on and requires the CRO, rather than the Regulatory staff, to take the specified action. The Exchange proposes to amend Rule 8.4(a) to adopt the language of the Affiliated Exchange's Rule 13.4(a) in its entirety. As a result, Rule 8.4(a) will continue to describe the steps the CRO must take if he or she determines that no probable cause exists for finding a violation occurred or that no further proceedings are warranted. The amended Rule 8.4(a) will also specify that the CRO should base his or her finding on the report of the Regulatory staff, that the determination should be based on the whether a violation occurred within the disciplinary jurisdiction of the Exchange, and direct the Regulatory staff, rather than the CRO, to prepare and issue a written statement setting forth the reasons for the CRO's findings. The resulting Rule 8.4(a) will reflect the

[45] *See* Rule 8.3.

[46] *Id.*

[47] *Id.*

[48] *Id.*

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] Id.

[53] *Id.*

[54] *See* Rule 8.4(a).

[55] *See* Rule 8.4(b).

[56] *Id.*

exact language of the Affiliated Exchanges' Rule 13.4(a).

Second, the Exchange proposes to amend Rule 8.4(b) to specify that the CRO's finding should be based on the report of the Regulatory staff and that the Regulatory staff prepares and issues the statement of charges. Similar to current Rule 8.4(a), current Rule 8.4(b) does not specify that the CRO's finding should be based on a report from the Regulatory staff or that the Regulatory staff, rather than the CRO, should prepare and issue statements of charges. The Exchange proposes to amend Rule 8.4(b) to add these specifications. Additionally, the Exchange proposes to amend Rule 8.4(b) to specify that the term ''Respondent'' refers to the person or organization alleged to have committed a violation, and that the Complainant, if any, shall be notified if further proceedings are warranted. Current Rule 8.4(b) does not specifically define the term ''Respondent'' or whether Complainants will be contacted if further proceedings are warranted. The Exchange proposes to add to Rule 8.4(b) that the term ''Respondent'' refers to ''the person or organization alleged to have committed a violation.'' The Exchange also proposes to add that if further proceedings are warranted, the Complainant shall be notified. The resulting Rule 8.4(b) will reflect the exact language of Rules 13.4(b) of the Affiliated Exchanges.

Finally, the Exchange proposes to add subparagraph (c) to Rule 8.4 to specify the terms of the Respondent's access to requested documents. Currently, neither Rule 8.4, nor any provision in Chapter 8 of the Exchange's Rulebook, provides the terms of Respondent's access to documents relating to their investigation. The Exchange proposes to adopt Rule 8.4(c) to specify that Respondents who have made a request for documents shall have access to all documents concerning their case within 25 days after a statement of charges has been properly served upon the Respondent. If a Respondent requests such documentation, the Regulatory staff may protect the identity of the Complainant. The Exchange seeks to add clarity to the process by which Respondents may obtain all relevant documentation and ensure that procedures for obtaining such information are transparently communicated to all Members of the Exchange. The resulting Rule 8.4(c) will reflect the language of Rules 13.4(c) of the Affiliated Exchanges, with differences only to account for the Exchange Rules referenced therein.

Exchange Rule 8.5, Answer

(1) Current Rule 8.5

Currently, Rule 8.5, Answer, states that a Respondent has 15 days after service of the statement of charges to file a written answer to the statement of charges (''Answer'').[57] The Answer must specifically admit or deny any allegation contained in the statement of charges and may be accompanies by supporting documentation.[58]

(2) Proposed Changes to Rule 8.5

The Exchange proposes to amend Rule 8.5, Answer, to extend the time for a Subject to submit an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending. Similar to Rule 8.2, discussed above, Rule 8.5 currently allows Respondents 15 days after service of the charges to file an answer, whereas the Affiliated Exchanges allow for 25 days.[59] Additionally, current Rule 8.5 does not include a tolling provision for Respondents when they are awaiting access to the relevant investigative file, whereas the Affiliated Exchanges include a tolling provision.[60] To ensure consistency between the Exchange and its Affiliated Exchanges, the Exchange proposes to amend Rule 8.5 to extend the time that a Respondent has to file an answer from 15 to 25 days and add a 25-day tolling period while a request for access to the relevant investigative file is pending, The resulting Rule 8.5 will reflect the language of Rule 13.5 of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

Exchange Rule 8.6, Hearings

(1) Current Rule 8.6

Current Rule 8.6, Hearings, states that subject to Rule 8.7[61] regarding summary proceedings, hearings on charges are held before a panel of three hearing officers (the ''Hearing Panel'') appointed by the Chief Executive Officer.[62] Each Hearing Panel shall be comprised of the following: (i) a professional hearing officer, who shall serve as Chairman; (ii) a hearing officer who is an Industry member;[63] and (iii) a hearing officer who is a Member Representative.[64] [65] Exchange counsel may assist the Hearing Panel in preparing its written recommendations or judgments.[66] Within 15 days of the appointment of the Hearing Panel, the Respondent may move, in writing, to disqualify any Hearing Officer sitting on such Hearing Panel based upon bias or conflict of interest.[67] The Exchange may file a brief in opposition to the Respondent's motion within 15 days of service thereof.[68] The Hearing Panel shall rule upon such motion no later than 30 days from filing by the Respondent.[69]

Participants shall be given at least 15 business days' notice of the time and place of the hearing and a statement of the matters to be considered therein.[70] Not less than 8 days in advance of the hearing date, the parties much furnish copies of all documentary evidence they wish to present at the hearing, and the parties shall furnish a list of all documents submitted for the record not less than four business days in advance of the hearing.[71] These documents shall be made available to the parties for inspection and copying.[72] The Hearing Panel shall determine all questions concerning the admissibility of evidence and shall otherwise regulate the conduct at the hearing.[73] The charges shall be presented by a representative of the Exchange or the designated SRO who, along with the Respondent, may present

[57] *See* Rule 8.5.

[58] *Id.*

[59] *See* Affiliated Exchanges' Rule 13.5. ''The Respondent shall have 25 business days after service of the charges to file a written answer thereto.''

[60] *See* Affiliated Exchanges' Rule 13.5. ''The 25-day period to submit a written answer shall toll while any request for access to the investigative file pursuant to Rule 13.4(c) is pending.''

[61] *See* Rule 8.7. ''Notwithstanding the provisions of Rule 8.6 of this Chapter, the CRO may make a determination without a hearing and may impose a penalty as to violations which the Respondent has admitted or charges which the Respondent has failed to answer or which otherwise are not in dispute. Notice of such summary determination, specifying the violations and penalty, shall be served upon the Respondent, who shall have ten (10) business days from the date of service to notify the CRO that he desires a hearing upon all or a portion of any charges not previously admitted or upon the penalty. Failure to so notify the CRO shall constitute an admission of the violations and acceptance of the penalty as determined by the CRO and a waiver of all rights of review. If the Respondent requests a hearing, the matters which are the subject of the hearing shall be handled in accordance with the hearing and review procedures of this Chapter.''

[62] *See* Rule 8.6(a)(2).

[63] *See* Rule 8.6(a)(1)(A). An ''Industry member'' is generally defined as a person having significant involvement with a broker or dealer, a person who provides professional services to a broker or dealer, or a person who has an employment relationship or consults for or provides professional services to the Exchange or any affiliate thereof.

[64] *See* Rule 8.6(a)(1)(B). The term ''Member Representative'' means a member of any hearing panel who is an office, director, employee or agent of an Exchange Member.

[65] *See* Rule 8.6(a)(2).

[66] *See* Rule 8.6(b).

[67] *Id.*

[68] *Id.*

[69] *Id.*

[70] *See* Rule 8.6(c).

[71] *Id.*

[72] *Id.*

[73] *See* Rule 8.6(d).

evidence and produce witnesses who shall testify under oath and are subject to being questioned by the Hearing Panel and opposing parties.[74] The Responded is entitled to be represented by counsel who may participate fully in the hearing.[75] A transcript of the hearing shall be made and shall become part of the record.[76]

(2) Proposed Changes to Rule 8.6

The Exchange proposes to remove current text of Rule 8.6, Hearings, and replace it entirely with the language of Rule 13.6 of the Affiliated Exchanges, which describes the process of conducting hearings for the Affiliated Exchanges. Proposed changes to Rule 8.6 include amending Rule 8.6(a) to change the composition of the panel overseeing hearings from three hearing officers appointed by the CEO to three to five members of the BCC selected by the Chairperson of the BCC; reorganizing the contents of the Rule to reflect the format of Rule 13.6 of the Affiliated Exchanges, and adding subparagraphs (d) and (e) to Rule 8.6.

The Exchange proposes to amend Rule 8.6(a) to remove the current rule text and replace it entirely with the text of Rule 13.6(a) of the Affiliated Exchanges. Current Rule 8.6(a) defines the terms ''Industry Member'' and ''Member Representative member,'' and then specifies the composition of Hearing Panels that conduct hearings pursuant to the Rule as three hearing officers appointed by the CRO. The amended Rule 8.6(a) will define the term ''Hearing Panel'' as the selected members of the BCC that shall exercise the authority of the BCC with respect to matters pertaining to the hearing. The proposed rule change will transform the composition of the Hearing Panel from a panel of three hearing officers appointed by the Chief Executive Officer to three to five members of the BCC selected by the Chairperson of the BCC. Proposed Rule 8.6(a) will also provide that the Exchange and the Respondent shall be the parties to the hearing and where a Member organization is a is a party, it shall be represented at the hearing by one if its Principals or nominees. Additionally, the rule will provide that Hearing Panel members shall remain impartial and function independently from Exchange staff.

Current Rule 8.6(b) imposes the requirement that members of the Hearing Panel must remain impartial and provides the procedures for which a Respondent may move to disqualify a member of the Hearing Panel based on bias or a conflict of interest. The Exchange proposes to remove subparagraph (b) of Rule 8.6 and replace it with a provision describing hearing procedures, discussed in detail *infra.* The Exchange proposes to amend subparagraph (1) of Rule 8.6(a) to set forth the requirement that members of the Hearing Panel remain impartial throughout the proceeding and the procedures for, if at any point in time, a member of the Hearing Panel determines they have a conflict of interest. These provisions were previously contained in subparagraph (b) of Rule 8.6. If a conflict of interest arises, the Hearing Panel member shall notify the Chairperson of the BCC who shall notify all Parties that the Hearing Panel member withdrawals from the hearing and then appoint a replacement. Finally, subparagraph (2) of proposed Rule 8.6(a) will provide for an avenue by which a Respondent may motion for the disqualification of a Hearing Penal member based on bias or a conflict of interest within 15 days of the appointment of the Hearing Panel member. This provision was also previously contained in subparagraph (b) of Rule 8.6. Similar to the requirements of current Rule 8.6(b), motions for disqualification of a Hearing Panel member will be required to be in writing and must state the facts and circumstances giving rise to the alleged bias or conflict. Then, the Exchange will have 15 days to file a brief in opposition to the Respondent's motion. The resulting Rule 8.6(a) will reflect the requirements and format set forth in Affiliated Exchanges' Rule 13.6(a) and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Next, the Exchange proposes to amend current Rule 8.6(b) to remove the existing text and replace it entirely with the text of Rule 13.6(b) of the Affiliated Exchanges. Current Rule 8.6(b) imposes the requirement that members of the Hearing Panel must remain impartial and provides the procedures for which a Respondent may move to disqualify a member of the Hearing Panel based on bias or a conflict of interest. As discussed above, the Exchange proposes to move the requirement of impartiality of Hearing Panel members and the procedures for addressing a Hearing Panel member's conflict of interest to subparagraph (a) of Rule 8.6. The Exchange proposes to replace current Rule 8.6(b) with a provision specifying prehearing procedures, which are currently found in Rule 8.6(c). As discussed in greater detail *infra,* the Exchange proposes to remove the text of current Rule 8.6(c) and renumber current Rule 8.6(d) as Rule 8.6(c).

The Exchange proposes to amend Rule 8.6(b) to specify the terms of notice before a hearing, location of a hearing, pre-hearing furnishing of documents, and pre-hearing conference requirements. First, the amended Rule 8.6(b) will specify that notice shall be served upon all Parties to a hearing at least 15 days before the hearing specifying the time and location of the hearing which is typically held in Chicago, but may be held outside of Chicago to accommodate hearing participants. Similar to current Rule 8.6(c), proposed Rule 8.6(b) will require 15 business days' notice of a hearing to all parties and require that all evidence each party intends to furnish to the Hearing Panel shall be furnished within 10 business days prior to the hearing. Next, proposed Rule 8.6(b) will specify that each party to a hearing must furnish all documentary evidence it intends to present at the hearing to the Hearing Panel and all other parties to the hearing within 10 days prior to the scheduled hearing. Proposed Rule 8.6(b) will also provide that where time and the nature of a proceeding permit, the parties shall meet in a prehearing conference to clarify and simplify issues and otherwise expediate the hearing process. The Rule will specify that at such pre-hearing conference the parties shall attempt to reach an agreement regarding the authenticity of documents and facts not in dispute, and that either party may request that the Hearing Panel or Chairperson thereof decide any unresolved prehearing issue. Finally, proposed Rule 8.6(b) will set forth the situations in which interlocutory Board review of a decision by the Hearing Panel is permitted. Generally, proposed Rule 8.6(b) will prohibit any interlocutory review by the Board unless the Hearing Panel agrees to review after determining that the issue is a controlling issue of rule or policy and that immediate Board review would materially advance the ultimate resolution of the case. The resulting Rule 8.6(b) will reflect the language and organization of Rule 13.6(b) of the Affiliated Exchanges.

Next, the Exchange proposes to remove the existing text of Rule 8.6(c) as this text has been incorporated into proposed Rule 8.6(b). The Exchange also proposes to renumber current Rule 8.6(d) concerning the conduct of hearing as Rule 8.6(c) and proposes additional

[74] *Id.*

[75] Id.

[76] Id.

non-substantive changes to reflect the language of the Affiliated Exchanges' Rule 13.6(c). Proposed Rule 8.6(c) will impose the same requirements upon the Hearing Panel at a hearing as current Rule 8.6(d) does and add the opportunity for intervening parties to present evidence at a hearing be represented by counsel. The resulting Rule 8.6(c) will reflect the exact language of Rule 13.6(c) of the Affiliated Exchanges.

Next, the Exchange proposes to adopt Rule 13.6(d) of the Affiliated Exchanges regarding documents and witnesses as Exchange Rule 8.6(d). Proposed Rule 8.6(d) will provide the process by which the Hearing Panel may compel the production of evidence from the Exchange, a Member, or associated person. Proposed Rule 8.6(d) will allow a Respondent to submit a written request to the Hearing Panel asking the Hearing Panel to enter an order compelling the production of non-privileged documents by the Exchange, a Member, or associated person. Before entering an order under proposed Rule 8.6(d), the Hearing Panel will be required to hear any objections raised and weigh the probative value of the requested evidence against considerations including undue delay, waste of time, confusion, and unfair prejudice. As a result of compelled production under proposed Rule 8.6(d), the Hearing Panel may require the Respondent to pay the costs of producing the requested evidence and no Member or associated person may refuse to furnish relevant evidence requested or ordered by the Hearing Panel. The resulting Rule 8.6(d) will reflect the language and procedures outlined in Rule 13.6(f) of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Finally, the Exchange proposes to adopt the Affiliated Exchanges' Rule 13.6 Interpretations and Policies .01–.03 regarding parties intervening in a hearing as Rule 8.6(e). Proposed Rule 8.6(e) will set forth the process by which a third party may intervene as a party to a hearing. Under proposed Rule 8.6(e), a party may only intervene in a hearing if (1) the party satisfactorily demonstrates to the Hearing Panel that the party has an interest in the subject of the hearing and that disposition of the matter before the Hearing Panel may impair or impede the party's ability to protect that interest; or (2) the Hearing Panel, in its discretion, permits a party to intervene when the party's claim or defense and the main action have questions of fact or law in common. Proposed Rule 8.6(e) will require any party seeking to intervene in a hearing to file a notice requesting to intervene with the Hearing Panel stating the grounds for intervention. The Exchange proposes to add subparagraphs (1) and (2) to proposed Rule 8.6(d) including specifying that the Hearing Panel has discretion to take into consideration whether intervention will unduly delay a hearing and that the CRO shall have authority to direct that a hearing to be scheduled at any time after the period to answer, specified in Rule 8.5, discussed above, has elapsed. The resulting Rule 8.6(f) will reflect the exact language of Affiliated Exchanges' Rule 13.6 Interpretations and Policies .01–.03 with the only difference between the Rules being the Rules referenced therein.

The Exchanges proposes the aforementioned changes to Rule 8.6, Hearings, with the broader purpose of harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges. The changes to Rule 8.6 propose to adopt new roles for the Exchange's Business Conduct Committee similar to the functions of the relevant BCC of the Affiliated Exchanges. The Exchange believes that harmonizing the composition of the disciplinary rules between the Exchange and the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business.

Rule 8.8, Offers of Settlement

(1) Current Rule 8.8

Current Rule 8.8, Offers of Settlement, states that a Respondent may submit an offer of settlement (''offer'') to the CRO at any time during the course of any proceeding.[77] If the CRO accepts the offer, it issues a decision consistent with the terms of the offer.[78] If the CRO rejects the offer, it notifies the Respondent and the matter proceeds as if the offer had not been made.[79] In addition, the Respondent is notified if staff will not recommend acceptance of an offer, and the Respondent may then appear before the CRO to make an oral statement in support of the offer.[80] If the CRO rejects an offer that the staff supports, the Respondent may also appear before the CRO to make an oral statement concerning why the CRO should consider changing its decision.[81] A Respondent must make a request for such an appearance within 5 days of being notified that the offer was rejected or that the staff will not recommend acceptance.[82] Unless otherwise ordered by the CRO, a Respondent shall be entitled to submit a maximum of two written offers of settlement in connection with the statement of charges issued pursuant to Rule 8.4(b).[83]

(2) Proposed Changes to Rule 8.8

The Exchange proposes to amend Rule 8.8, Offers of Settlement, to remove the provision that the staff may also appear before the CRO to make an oral statement if the Respondent elects to make an oral statement before the CRO. Additionally, the Exchange proposes to amend Rule 8.8 to provide that a Respondent may submit an offer during the course of any proceeding under Chapter 8 of the Exchange Rules. Currently, Rule 8.8(b) allows a Respondent to appear before the CRO to make an oral statement in support of an offer. If the CRO rejects the offer, the Respondent may appear in front of the CRO to make an oral statement in support of their offer and the Exchange staff may appear to make an oral statement in support of it position.[84] The Exchange proposes to remove the language in Rule 8.8(b) stating that the staff may also make an oral statement in support of its position. Rule 13.8 of the Affiliated Exchanges contains a similar provision to Exchange Rule 8.8(b), but does not contain a provision allowing the staff to also appear in front of the CRO. The Exchange proposes to remove this provision of Rule 8.8(b) to ensure consistency across the Rules of the Exchange and the Affiliated Exchanges.

The Exchange also proposes to add subparagraph (d) to Rule 8.8 regarding presentment of offers of settlement. The Exchange proposes to add language taken from Affiliated Exchanges' Rule 13.8 Interpretations and Policies .02 which clarifies when a Respondent may propose a written offer and that the Hearing Panel shall grant parties leave from a hearing if an offer of settlement is submitted subsequent to a hearing. The Exchange proposes to adopt similar language to Affiliated Exchanges' Rule

[77] *See* Rule 8.8(a).

[78] *Id.*

[79] *Id.*

[80] *See* Rule 8.8(b).

[81] *Id.*

[82] *Id.*

[83] See Rule 8.8(c).

[84] See Rule 8.8(a).

13.8 Interpretations and Policies .02. The resulting Rule 8.8(d) will ensure the granting of leave from hearings when an offer is submitted subsequent to a hearing and clarify that a Respondent may submit a written offer at any time during a proceeding under Chapter 8 of the Exchange Rules, subject to Rule 8.8(c).[85]

Rule 8.9, Decision

(1) Current Rule 8.9

Currently, Rule 8.9, Decision, states that following a hearing, the Hearing Panel issues a decision, in writing, determining whether the Respondent has committed a violation.[86] The decision shall include a statement of findings and conclusions upon all material issues presented on the record.[87] Where a penalty is imposed, the decision shall include a statement specifying the acts or practices in which the Respondent has been found to have engaged and setting forth the specific provisions of authority of which the acts are deemed to be in violation.[88] The Respondent shall promptly be sent a copy of the decision.[89]

(2) Proposed Changes to Rule 8.9

The Exchange proposes to amend Rule 8.9, Decision, to add that a decision shall also include a statement of the penalties imposed and reasons for the penalties, that the regulatory division shall also receive a copy of the statements, and that the Exchange shall post the complete decision on the appropriate BYX website once the decision is considered final. Current Rule 8.9 sets out the required contents of a decision where a penalty is imposed but does not include that the decision must include a statement of the sanctions and the reasons for their imposition. The Exchange proposes to add to Rule 8.9 that where a penalty is imposed, the decision of the Hearing Panel shall also include a statement of the penalties imposed and the reasons therefor. Additionally, current Rule 8.9 states that a Respondent shall receive a copy of a decision but does not provide that the regulatory division of the Exchange shall receive a copy as well. The Exchange proposes to amend Rule 8.9 to include that the regulatory division shall also receive a copy of the decision. Finally, the Exchange proposes to add to Rule 8.9 that after review of a decision is complete and considered final, the Exchange shall post the complete decision on the appropriate BYX website. The Rules of the Affiliated Exchanges include a similar provision [90] that is currently not contained in the Rules of the Exchange. The Exchange proposes this addition to ensure consistency across the Rules of the Exchange and Affiliated Exchanges and to ensure that Members and Trading Permit Holders of each do not perceive the Rules of one exchange as stricter than the other. The resulting Rule 8.9 will closely reflect Rule 13.9 of the Affiliated Exchanges, with the only difference being the Exchange Rules referenced therein.

Rule 8.10, Review

(1) Current Rule 8.10

Current Rule 8.10, Review, states that a Respondent has 10 days after service of a decision to petition for review of the decision by submitting a petition, in writing, and specifying the findings and conclusions to which exceptions are taken together with reasons for such exceptions.[91] The review shall be conducted by the Appeals Committee of the Board (the ''Committee'').[92] The review shall be based solely upon the record and the written exceptions filed by the parties unless the Committee decides to open the record for introduction of evidence or to hear arguments.[93] The Committee's decision shall be in writing and shall be final.[94]

The Board may order review of a decision made pursuant to Rule 8.7 [95] or 8.9, discussed above, within 20 business days after issuance of the decision.[96] Such review shall be conducted in accordance with the Committee review procedure described above.[97] Within 30 days of a decision made to not initiate charges pursuant to Rule 8.4(a), described above, the Board may order review of such decision upon application made by the Chief Executive Officer (''CEO'').[98] Such review shall be conducted in accordance with the Committee review procedure described above.[99]

(2) Proposed Changes to Rule 8.10

The Exchange proposes amend Rule 8.10(a) to reflect the content and format of Rule 13.10 of the Affiliated Exchanges. In doing so, the Exchange proposes to extend the time for a Respondent to petition for review of a decision from 10 days to 15 days, to specify the process of petitioning for review of a decision, and to clarify that other parties to a hearing may also submit a petition for review and a response to petitions for review. The Exchange also proposes to amend Rule 8.10(b) to allow the Board or a committee of the Board, excluding any Board member who participated in the review, to ratify a review, and to clarify that new issues may be raised by the parties involved in the review, but all parties must be given notice and opportunity to address them. Additionally, the Exchange proposes to amend Rule 8.10(b) to further clarify that the Board may affirm, reverse or modify the decision, and that the decision must be served upon the Respondent and the regulatory division of the Exchange. Next, the Exchange proposes to amend Rule 8.10(c) to extend the time allotted for the Board to review a decision from 20 days to 30 days. Finally, the Exchange proposes to remove subparagraph (d) of Rule 8.10 entirely to eliminate the CEO's role from the disciplinary issues of the Exchange all together.

The Exchange proposes to amend Rule 8.10(a) to allow both the Respondent and the regulatory division the opportunity to petition for review of a decision, extend the period of time allotted to both parties to file such a review from 10 days to 15 days, and specify the process by which the parties may petition for review. Current Rule 8.10(a) allows only the Respondent to petition for review of a decision within 10 days of service of notice of a decision and fails to specify the process for filing a petition for review. The Exchange proposes to extend this time to 15 days, include the regulatory division of the Exchange as a party who many petition

[85] *See* Rule 8.8(c). ''Unless the CRO shall otherwise order, a Respondent shall be entitled to submit to the CRO a maximum of two written offers of settlement in connection with the statement of charges issued to that Respondent pursuant to Rule 8.4(b).''

[86] *See* Rule 8.9.

[87] *Id.*

[88] *Id.*

[89] *Id.*

[90] *See* Affiliated Exchange Rule 13.9.

[91] *See* Rule 8.10(a).

[92] *See* Rule 8.10(b).

[93] *Id.*

[94] *Id.*

[95] *See* Rule 8.7. ''Notwithstanding the provisions of Rule 8.6 of this Chapter, the CRO may make a determination without a hearing and may impose a penalty as to violations which the Respondent has admitted or charges which the Respondent has failed to answer or which otherwise are not in dispute. Notice of such summary determination, specifying the violations and penalty, shall be served upon the Respondent, who shall have ten (10) business days from the date of service to notify the CRO that he desires a hearing upon all or a portion of any charges not previously admitted or upon the penalty. Failure to so notify the CRO shall constitute an admission of the violations and acceptance of the penalty as determined by the CRO and a waiver of all rights of review. If the Respondent requests a hearing, the matters which are the subject of the hearing shall be handled in accordance with the hearing and review procedures of this Chapter.''

[96] *See* Rule 8.10(c).

[97] *Id.*

[98] *See* Rule 8.10(d).

[99] *Id.*

for review, and specify that a petitioning party must file a copy of the written petition with the Secretary of the Exchange (''Secretary'') shared with all other parties to the hearing. In response to a petition for review all other parties to the hearing shall have 15 days to respond to the petition by serving a written response upon the Secretary and all other parties to the hearing. The resulting Rule 8.10(a) will clarify the processes for submitting petitions for review for all parties to a hearing and closely reflect the language of Rule 13.10(a) of the Affiliated Exchanges. The resulting Rule 8.10(a) will differ from Rule 13.10(a) of the Affiliated Exchanges only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

The Exchange proposes to amend Rule 8.10(b) to reflect the language of the Rule 13.10(b) of the Affiliated Exchanges. Current Rule 8.10(b) provides that the review of a decision shall be conducted by the Appeals Committee of the Board and based solely on the record and written exceptions filed by the parties. The Exchange proposes to allow the Board or any subcommittee thereof, excluding any Director who took part in the Hearing Panel, to review a decision. The Exchange proposes to allow the reviewing Committee to open the record to introduce additional evidence if it chooses, in which case parties to the hearing shall be given notice and opportunity to address any additional issues. Finally, the Exchange proposes to clarify that the decision of the Board shall be made in writing and served upon the Respondent and the Regulatory Division. The resulting Rule 8.10(b) will closely reflect Rule 13.10(b) of the Affiliated Exchanges with differences to account for the Exchange's existing Rule text and details and descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

The Exchange proposes to amend Rule 8.10(c) to extend the time the Board which the Board can review an order of a decision from 20 days to 30 days and to specify that the 30 period begins at the time service of the decision upon the Respondent and the Regulatory Division. Current Rule 8.10(c) allows the Board to review an order of a decision made pursuant to Rule 8.7 or Rule 8.9, described above, within 20 business days after issuance of the decision. The Exchange proposes to extend the time allotted to the Board to review an o order of a decision to 30 days. The resulting Rule 8.10(c) will closely reflect Rule 13.10(c) of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

Finally, the Exchange proposes to remove current subparagraph (d) from Rule 8.10, which allows the CEO to apply for, and the Board to order for, the review of decisions made pursuant to Rule 8.4(a), discussed above. The Exchange proposes to eliminate subparagraph (d) of Rule 8.10 with the broader purpose of removing the CEO from disciplinary matters within the Exchange. As discussed above, the Exchange seeks to align its Rules with those of the Affiliated Exchanges, which do not include the CEO as a stakeholder in disciplinary actions taken by the Affiliated Exchanges. The resulting Rule 8.10 will closely reflect the language and processes prescribed by Rule 13.10 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Rule 8.11, Judgment and Sanction

(1) Current Rule 8.11

Current Rule 8.11, Judgment and Sanction, provides that the CRO, Hearing Panel, or committee of the Board appropriately discipline Members and associated persons for violations by expulsion, suspension, limitation of activities, fine, censure, suspension of association with a Member, suspension or revocation of membership, or any other fitting sanction.[100] Under this Rule, the CRO, Hearing Panel, or a committee of the Board, as applicable, considers several factors when determining sanctions including, but not limited to, deterrence, remediation, precedent and the appropriateness of disgorgement and/or restitution.[101] Penalties imposed under this Rule shall not become effective until the review process is completed or the decision otherwise becomes final.[102] The CRO, Hearing Panel, or committee of the Board, as applicable, may impose such conditions and restrictions on the activities of the Respondent pending effectiveness of a decision imposing a penalty on the Respondent as necessary for the protection of investors, creditors, and the Exchange.[103] The current Rule 8.11 also states that Exchange staff shall make all necessary findings under the Exchange Act and comply with all other applicable laws and regulations.[104]

(2) Proposed Changes to Rule 8.11

The Exchange proposes to amend Rule 8.11, Judgment and Sanctions, to remove a committee of the Board as an applicable body that may determine penalties and impose discipline upon Members and associated persons. Current Rule 8.11(a) lists the CRO, Hearing Panel, and a committee of the Board as persons who may impose appropriate disciplinary actions for violations by expulsion, suspension, limitation of activities, fine, censure, suspension of association with a Member, suspension or revocation of membership, or any other fitting sanction. Current Rule 8.11(b) also includes a committee of the Board as an applicable body that may impose conditions or restrictions upon Members or associated persons for the protection of investors, creditors, and the Exchange pending the effectiveness of a decision imposing a penalty. Similarly, Rule 8.11(c) sets forth the appropriate considerations of the CRO, Hearing Panel, and committee of the Board in determining the imposition of sanctions. The Exchange proposes to remove a committee of the Board as a party that may determine and impose sanctions as described in the Rule. The resulting Rule 8.11 will contain the process for imposing disciplinary actions, but with a committee of the Board removed as a party that may take the actions described in Rule 8.11. The resulting Rule 8.11 will closely reflect Rule 13.11 of the Affiliated Exchanges with differences only to account for the Exchange Rules referenced therein.

The Exchange also proposes to remove Interpretations and Policies .01 to Rule 8.11. Interpretations and Policies .01 to Rule 8.11 currently states that Exchange staff shall make all necessary findings under the Exchange Act and comply with all other applicable laws and regulations. The Exchange proposes to remove this portion of Rule 8.11 because it is duplicative of the duties already imposed on the Exchange by the Exchange Act and other laws and regulations. Additionally, the corresponding Rule 13.11 of the Affiliated Exchanges does not contain a similar provision. Accordingly, the Exchange proposes to remove the duplicative language of Interpretations and Policies .01 to Rule 8.11 to align the

[100] *See* Rule 8.11(a).

[101] *See* Rule 8.11(c).

[102] *See* Rule 8.11(b).

[103] *Id.*

[104] *See* Rule 8.11, *Interpretations and Policies .01* to Rule 8.11.

Rules of the Exchange with those of the Affiliate Exchanges.

Rule 8.12, Miscellaneous Provisions

(1) Current Rule 8.12

Current Rule 8.12, Miscellaneous Provisions, states that service may be effected by personally delivering any charges, notices or other documents upon the Respondent, by leaving such charges, notices or other documents at his place of business, or by registered and certified mail addressed to the Respondent at his last known place of business.[105] The Exchange may grant an extension of time limits for the submission of answers, petitions or other materials if the authority to whom such materials are to be submitted grants permission for the extension.[106]

The Exchange's staff, CRO, Board, or designated SRO shall have the right (1) to require any Member to report orally or in writing with regard to any matter involved in any such investigation or hearing, and (2) to investigate the books, records and accounts of any such Member with relation to any matter involved in any such investigation or hearing.[107] Members shall comply with requests to make any report as required by Rule 8.12(c) and shall comply with any inspection of books, records and accounts as may be validly called for under Rule 8.12(c).[108]

(2) Proposed Changes to Rule 8.12

The Exchange proposes to amend Rule 8.12, Miscellaneous Provisions, to clarify that the address the Respondent may be served at is the last known place of business as it appears on the books and records of the Exchange, and to provide an additional three days to the prescribed period a Respondent has to respond in the case of service by certified mail. Additionally, the Exchange proposes to clarify all references to Respondent within Rule 8.12. Current Rule 8.12(a) describes where a Respondent may be served, including by mail to his last known place of business. However, the current Rule does not provide the source of the address that may be used in the case of service by certified mail and does not allow for additional time to respond to service in the case of service by certified mail. The Exchange proposes to amend Rule 8.12(a) to clarify that service by mail shall be addressed to the Respondent at the Respondent's last know place of business as it appears on the books and records of the Exchange. The Exchange also proposes to add a provision to Rule 8.12(a) to allow the Respondent three additional days to respond to service delivered by certified mail. Finally, the Exchange proposes to add non-substantive changes to Rule 8.12(a) to clearly use the term ''Respondent'' instead of ''his'' when referring to the Respondent in the Rule text. The resulting Rule 8.12(a) will clearly state the address to be used in the case of service by certified mail. The resulting Rule 8.12 will closely reflect the language and processes prescribed by Rule 13.12 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

8.14, Agency Review

(1) Current Rule 8.14

Current Rule 8.14, Agency Review, states that actions taken by the Exchange pursuant to Chapter 8 shall be subject to the review and action of any appropriate regulatory agency under the Act.[109]

(2) Proposed Changes to Rule 8.14

The Exchange proposes to remove current Rule 8.14, Agency Review, in its entirety and replace it with the text of Rule 13.14 of the Affiliated Exchanges. Current Rule 8.14 states that actions taken by the Exchange shall be subject to review by the appropriate regulatory agency under the Act. The Exchange believes this provision is duplicative of rules and restrictions already imposed on disciplinary actions under the Exchange Act.[110] Thus, the Exchange proposes to remove the text of current Rule 8.14 because it is duplicative.

In place of current Rule 8.14, the Exchange proposes adopt language regarding reporting to the CRD using similar language to that of Rule 13.14 of the Affiliated Exchanges. Subparagraph (a) of proposed Rule 8.14, Reporting to the Central Registration Depository, will require the Exchange to report any issuance of a statement of charges concerning formal Exchange disciplinary proceedings pursuant to Rule 8.4(b), described above, and all significant changes in the status of pending proceedings to the CRD.

The Exchange also proposes to add clarifying descriptions of the terms used in Rule 8.14(a) to subparagraph (b) of proposed Rule 8.14. Proposed subparagraph (b)(1) of proposed Rule 8.14 will clarify that formal Exchange disciplinary proceedings are considered pending from the time the statement of charges is issued pursuant to Exchange Rule 8.4(b), as described above, until the proceeding becomes final. Subparagraph (b)(2) of proposed Rule 8.14 will clarify that an Exchange disciplinary proceeding shall be considered formal if it is initiated by the Exchange pursuant to Exchange Rule 8.1 through 8.13. Finally, subparagraph (b)(3) of proposed Rule 8.14 will list examples of significant changes that shall be reported to the CRD including the scheduling of a disciplinary hearing, the issuance of a decision by the CRO or Hearing Panel, the filing of an appeal to the Board, and the issuance of a decision by the Board. The resulting Rule 8.14 will reflect the language of Rule 13.14 of the Affiliated Exchanges with the only differences between the rules being the references to the Exchange specific rules within them. The Exchange proposes the aforementioned changes to Rule 8.14 with the purpose of clarifying which instances the Exchange reports disciplinary proceedings to the CRD and aligning the Rules of the Exchange with those of the Affiliated Exchanges.

Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules

(1) Current Rule 8.15

Current Rule 8.15, Imposition of Fines for Minor Rule Violations, states that in lieu of commencing disciplinary proceedings, the Exchange may impose fines on Members and associated persons for specified Rule violations that the Exchange has deemed minor in nature.[111] In any action taken by the Exchange pursuant to Rule 8.15, the person against whom a fine is imposed shall be served, as provided in Rule 8.12 discussed above, with a written statement setting forth the details of each violation, the associated fine for each violation, the date by which the determination becomes final, and the fine due and payable to the Exchange.[112] The person against whom a fine is imposed shall not have less than 15 business days after the date of service to contest the Exchange's determination.[113] Payment of the fine shall be deemed to be a waiver by such person of the right to a disciplinary proceeding under Rule 8.1–8.13, discussed above, and any review of the matter by the appeals committee or by

[105] *See* Rule 8.12(a).

[106] *See* Rule 8.12(b).

[107] *See* Rule 8.12(c).

[108] *Id.*

[109] *See* Rule 8.14.

[110] *See* 15 U.S.C. 78s.

[111] *See* Rule 8.15(a).

[112] *See* Rule 8.15(b).

[113] *Id.*

the Board.[114] If the person against whom a fine is imposed contests the Exchange's determination through a written response meeting the requirements of an Answer, described in Rule 8.5 above, the matter shall become a disciplinary proceeding subject to the provisions of Rules 8.1–8.13, described above.[115] The Exchange periodically announces a listing of Exchange Rules as to which fines may be imposed and the specific dollar amount that may be imposed or the minimum and maximum dollar amounts that may be imposed with respect to such violations.[116] The Exchange is not required to impose a fine pursuant to Rule 8.15 with respect to a violation of any Rule included in such listing.[117]

(2) Proposed Changes to Rule 8.15

The Exchange proposes to amend Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, to reflect the content and layout of Rule 13.15 of the Affiliated Exchanges, which provides the guidelines for imposing fines for minor rule violations on the Affiliated Exchanges. The Exchange proposes to amend Rule 8.15(a) to limit fines imposed under the Rule to $5,000, specify the actions constituting minor rule violations, describe the Exchange's treatment of separate and similar offenses for purposes of the Rule, and provide that reporting of uncontested violations to the Commission not exceeding $2,500 shall be reported on a periodic basis. The Exchange proposes to amend Rule 8.15(b) to extend the time that a determination becomes final or a determination must be contested under the Rule from no less than 15 days to no less than 30 days after service of the written statement and to specify that failure to contest, submission, and/or acceptance of a fine by a member does not constitute admission. The Exchange proposes to remove current rule 8.15(c) in its entirety and replace it with revised Rule 8.15(c). The Exchange proposes revised Rule 8.15(c) with subparagraphs (1)–(4), which will describe the process of contesting a fine. Finally, the Exchange proposes to amend current Rule 8.15(e) to become revised Rule 8.15(d) and make conforming non-substantive changes, authorize the Exchange to impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies,*[118] and clarify the Exchange's authority to take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15 when warranted by the egregiousness of the violation.

The Exchange proposes to amend Rule 8.15(a) to limit fines imposed under the Rule from $2,500 to $5,000, specify the actions constituting minor rule violations, describe the Exchange's treatment of separate and similar offenses for purposes of the Rule, and provide that reporting of uncontested violations to the Commission not exceeding $2,500 shall be reported on a periodic basis. Currently, Rule 8.15(a) contains a limitation on the fine that may be imposed under the Rule of $2,500 and does not specify the character of rule violations that constitute minor violations within the meaning of Rule 8.15. The Exchange proposes to amend the limit of fines that may be imposed under the Rule to $5,000. Additionally, the Exchange proposes to specify, within Rule 8.15(a), that minor rule violations within the meaning of the Rule are contained in *Interpretations and Policies* .01 to Rule 8.15 and Rule 25.3, Penalty for Minor Rule Violations.[119] Currently, Rule 8.15(a) also does not contain a provision, such as the one contained in Rule 13.15(a) of the Affiliated Exchanges, allowing the Exchange to aggregate particular violations based on a comprehensive automated surveillance program. The Exchange proposes to amend Rule 8.15 to contain a similar provision providing that the Exchange may aggregate individual violations and treat these violations as a single offense, provided that the aggregation is based on a comprehensive automated surveillance program. Finally, current Rule 8.15(a) provides that uncontested violations shall not be publicly reported, except as may be required by Rule 19d–1 under the Act or as may be required by any other regulatory authority. Currently, the Exchange does not publicly report uncontested violations not exceeding $2,500, but does notify the Commission on a periodic basis of all fines imposed pursuant to Rule 8.15. The Exchange proposes to amend Rule 8.15(a) to provide that it shall report uncontested fines not exceeding $2,500 to the Commission on a periodic basis.

Next, the Exchange proposes to amend Rule 8.15(b) to extend the time that a determination becomes final or a determination must be contested under the Rule from no less than 15 days to no less than 30 days after service of the written statement and to specify that failure to contest, submission, and/or acceptance of a fine by a Member does not constitute admission. Currently, Rule 8.15 states that the date that a determination becomes final or a determination must be contested shall be no less than 15 days. The Exchange proposes to amend Rule 8.15(b) to set the date a determination becomes final or a determination must be contested to not less than 30 days, which is the time provided in Rule 13.15(b) of the Rules of the Affiliated Exchanges. Additionally, current Rule 8.15(b) fails to specify the meaning of a Member's failure to contest a fine or a Member's submission of and/or the Exchange's acceptance of an offer of settlement. The Exchange proposes to amend Rule 8.15(b) to specify that such actions do not constitute admission of the violation the fine is issued for.

Additionally, the Exchange proposes to remove the current text of Rule 8.15(c) and Rule 8.15(d) in their entirety. Current Rule 8.15(c) states that payment of a fine by a person whom a fine is imposed against pursuant to Rule 8.15 constitutes waiver of the person's right to disciplinary proceedings under Rule 8.1 through 8.13, discussed above and any review of the matter thereof. Current Rule 8.15(d) states that if the person against whom a fine is imposed contests the Exchange's determination through a written response meeting the requirements of an Answer, described in Rule 8.5 above, the matter shall become a disciplinary proceeding subject to the provisions of Rules 8.1 through 8.13. The Exchange proposes to remove the text of Rule 8.15(c) and Rule 8.15(d) in their entirety because the corresponding Rule 13.15 of the Affiliated Exchanges does not contain a similar provision.

Next, the Exchange proposes to add revised Rule 8.15(c) with language taken from the text of Rule 13.15(c) of the Affiliated Exchanges, including subparagraphs (1)–(4), which describe the process of contesting a fine. The resulting subparagraph (1) of revised Rule 8.15(c) will provide that any person against whom a fine is imposed may contest the fine by filing a written Answer, as described in Rule 8.5, with the Secretary of the Exchange. Then the Rule will provide that the Answer will become subject to review by a Hearing Panel and hearings, if requested, will be conducted in accordance with Rule 8.6, discussed above. Next, the resulting subparagraph (2) of revised Rule 8.15(c) will provide that if the Hearing Panel

[114] *See* Rule 8.15(c).

[115] *See* Rule 8.15(d).

[116] *See* Rule 8.15(e). *See also* Rule 8.15, *Interpretations and Polices* .01 (List of Exchange Rule Violations and Recommended Fine Schedule Pursuant to Rule 8.15).

[117] *Id.*

[118] *See Interpretations and Policies* .01 to Rule 8.15 (List of Exchange Rule Violations and Recommended Fine Schedule Pursuant to Rule 8.15).

[119] *See* Rule 25.3 (Penalty for Minor Rule Violations).

determines that the conduct for which the fine was imposed is a violation of the Rules of the Exchange, then the Hearing Panel may impose applicable disciplinary sanctions and impose a forum fee of $100, if no hearing is conducted, or $300, if a hearing is conducted. Additionally, the Rule will provide that the Hearing Panel has discretion to waive the forum fee if it determines that a rule violation occurred but the disciplinary sanction imposed for such rule violation(s) is a fine less than the total fine initially imposed by the Exchange. The resulting subparagraph (3) of revised Rule 8.15(c) will provide that the party that commenced the action, the person charged, or the Board may require a review by the Board of a determination by a Hearing Panel as described in Rule 8.10, discussed above, and that the party who commenced the action shall have the same rights as a Respondent under Rule 8.10. Finally, resulting subparagraph (4) of revised Rule 8.15(c) shall provide that if a fine is upheld after contestation, the party responsible for paying the fine must pay the fine, all interest accrued, and any forum fee imposed immediately. The proposed amendment to current Rule 8.15(c) will result in the text of the Rule reflecting that of the corresponding Rule 13.15(c) of the Affiliated Exchanges.

Finally, the Exchange proposes to re-number current subparagraph (e) as revised subparagraph (d) and amend revised Rule 8.15(d) to make conforming non-substantive changes, clarify that the Exchange may impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies,* and clarify that the Exchange may take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15, when warranted by the egregiousness of the violation. With the Exchange's proposal to remove the current text found in Rule 8.15(c) and proposed re-numbering of Rule 8.15(d) to Rule 8.15(c), the Exchange also proposes to re-number current subparagraph (e) as subparagraph (d). Current Rule 8.15(e) requires the Exchange to periodically announce Exchange Rules under which fines may be imposed and the specific dollar amount that may be imposed thereunder. The Exchange proposes to amend the language of current Rule 8.15(e) (proposed Rule 8.15(d)) to reflect the language of Rule 13.15(f) of the Affiliated Exchanges. As a result, revised Rule 8.15(d) will allow the Exchange to impose fines for first or second offenses when warranted under the circumstances as set forth in the Rule's *Interpretations and Policies* and authorize the Exchange to take formal disciplinary action under Rule 8.2 *et seq.,* rather than Rule 8.15, when warranted by the egregiousness of the violation. The resulting Rule 8.15(d) will also clarify that the Exchange shall issue regulatory circulars to its Members and Member organizations containing a list of Exchange Rules and Bylaws for which the Exchange may impose fines as provided in Rule 8.15. The Exchanges proposes all of the changes to Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, with the broader purpose of clarifying the process by which the Exchange may impose fines for minor violations and harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges. The Exchange notes that the proposed changes include language taken solely from the Rules of the Affiliated Exchanges and do not substantively alter the Exchange's Rules regarding minor rule violations. As such, the proposed changes do not pose any novel legal or regulatory issues for the Commission's consideration.

Rule 8.16, Ex Parte Communications)

(1) Current Rule 8.16

Current Rule 8.16, *Ex Parte* Communications, states that the Exchange has in place rules prohibiting ex parte communications relevant to the merits of a proceeding between Respondents and Exchange staff members and any Hearing Officer, any member of the Board, or a member of a committee of the Board who is participating in a decision with respect to that proceeding (an ''Adjudicator'') unless all parties are on notice and have an opportunity to participate in the communication.[120] If an ex parte communication occurs in violation of Rule 8.16, an Adjudicator shall place in the record: (1) all such written communications; (2) memoranda stating the substance of all such oral communications; and (3) all written responses and memoranda stating the substance of all oral responses to all such communications.[121] Further, the Board or a committee thereof may take whatever action it deems appropriate if a prohibited ex parte communication has occurred.[122] Participants to a proceeding may respond to any allegations relating to a prohibited ex parte communication placed in the record.[123] The prohibitions of Rule 8.16 apply beginning with the initiation of an investigation pursuant to Rule 8.2(a) (described above), unless the person responsible for the communication knows that an investigation shall be initiated.[124] In such instances, the prohibition on ex parte communication shall apply beginning at the time such person knows the investigation shall be initiated.[125]

(2) Proposed Changes to Rule 8.16

The Exchange proposes to amend Rule 8.16, *Ex Parte* Communications, to clarify that the provisions of the Rule apply to all Members and associated persons, amend the definition of Adjudicator under the Rule, add subparagraph (e) to define *ex parte* communication, and add subparagraphs (f) and (g) which provide guidance regarding what may not be considered a violation of Rule 8.16. Current Rule 8.16(a) provides that no Respondent or Exchange staff member may make an *ex parte* communication in violation of the Rule. Additionally, the Rule currently includes in the definition of ''Adjudicator'' any Officer or member of the Board or a committee of the Board who is participating in the decision in a proceeding.

The Exchange proposes to amend Rule 8.16(a) to clarify that the prohibition against *ex parte* communications under the Rule applies to all members and associated persons and Exchange staff members. The Exchange also proposes to amend the definition of Adjudicator provided in subparagraph (a) to include any member of the Hearing Panel, Business Conduct Committee, Board or committee of the Board who is participating in a decision. The proposed definition will eliminate Officers and add the Hearing Panel and Business Conduct Committee members to the definition of Adjudicator as it is used in Rule 8.16.

Next, the Exchange proposes to add subparagraphs (e), (f), and (g) to Rule 8.16 closely resembling the language of subparagraphs (e), (f), and (g) of Rule 13.16 of the Affiliated Exchanges. Proposed Rule 8.16(e) will include a definition of ''*ex parte* communication'' including that the term means an oral or written communication made without notice to all parties, unless a copy has been delivered to all interested parties or it is made in the presence of all interested parties except those who, on adequate prior notice, declined to be present. Proposed Rule 8.16(f) will clarify that *ex parte* communications solely regarding procedural matters are not a violation of the Rule. Proposed

[120] *See* Rule 8.16(a)(1) and Rule 8.16(a)(2).

[121] *See* Rule 8.16(b).

[122] *See* Rule 8.16(c).

[123] *Id.*

[124] *See* Rule 8.16(d).

[125] *Id.*

Rule 8.16(g) will add an exception to the Rule if a person refuses an attempted *ex parte* communication once it becomes apparent that communication concerns the merits of the proceeding at issue. Proposed rule 8.16(g) will also specify that for the exception contained therein to apply, the person refusing the attempted communication must notify the Regulatory staff of the attempted communication and how the person responded. The resulting Rule 8.16 will and conform the definition of Adjudicator as it is used in Rule 8.16 with the language of proposed Rule 8.6, discussed above. Additionally, the resulting Rule 8.16 will closely resemble Rule 13.16 of the Affiliated Exchanges and differ only where necessary to conform to the Exchange's existing Rule text and to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information

(1) Current Rule 8.18

Current Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, states that the Exchange shall release a copy to the public of, subject to the Exchange's discretion, any disciplinary complaint,[126] disciplinary decision,[127] or any client suspension order issued by the Exchange.[128] Any release to the public of a disciplinary complaint must indicate that the complaint represents the initiation of a formal proceeding by the Exchange and does not represent a final decision at to any of the allegations contained in the complaint.[129] Copies of any disciplinary decision provided to the public prior to the expiration of the time period for appeal or review, or while such appeal or review is pending, shall indicate that the findings and sanctions imposed therein are subject to review and modification by the Exchange or the Commission.[130] The Exchange reserves the right to redact information that contains confidential customer information and, in extraordinary circumstances, may decline to release a copy of or information related to a disciplinary complaint or a disciplinary decision.[131] The Exchange shall provide notice to the public in the event that a disciplinary decision is appealed to the Commission and whether the effectiveness of such decision has been stayed pending the outcome of the proceedings before the Commission.[132]

(2) Proposed Changes to Rule 8.18

The Exchange proposes to eliminate current Rule 8.18, Release of Disciplinary Complaints, Decisions and Other Information, in its entirety. Current Rule 8.18 sets out the procedures for releasing to the public disciplinary complaints and disciplinary decisions issued by the Exchange. The Exchange proposes to eliminate Rule 8.18 because the Rules of the Affiliated Exchanges do not contain a similar provision and proposed amendments to the Exchange's rulebook, including the proposed amendment to Rule 8.9, discussed above, include provisions for the release of complete decisions on the appropriate BYX website. Thus, the specifications included in current Rule 8.18 are no longer necessary.

The Exchange proposes all amendments discussed about with the broader purpose of aligning the Rules of the Exchange with the Rules of the Affiliated Exchanges. The Exchange believes that harmonizing the Rules of the Exchange with the Rules of the Affiliated Exchanges benefits Members because those parties who maintain status as both a Member of the Exchange and a Trading Permit Holder on the Affiliated Exchanges will be subject to substantially similar disciplinary rules and not perceive one set of disciplinary rules to be more lenient or harsh depending on the Exchange's core business.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[133] Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [134] requirements that the rules of an exchange be designed to present fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [135] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In addition, the Exchange believes that the proposed rule changes further the objectives of Section 6(b)(7) of the Act,[136] in that they provides fair procedures for the disciplining of Members and associated persons, the denial of Member status to any person, the barring of any person from becoming associated with a Member thereof, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a Member thereof.

In particular, the Exchange believes the proposed rule changes will contribute to the protection of investor and public by having rules related to all disciplinary matters consistent among Cboe BYX Exchange and the Affiliated Exchanges, Cboe Exchange and Cboe C2 Exchange, as well as by bolstering participants' collective understanding of the Exchange's Rules and the Rules of the Affiliated Exchanges. All proposed rule changes are intended to provide clarification and alignment with the Rules of the Affiliated Exchanges, Further, the proposed changes are derived from the Rules of the Affiliated Exchanges, which have been previously reviewed by the Commission.

In particular, the Exchange proposes to amend Rule 8.6, Hearings, to adopt new roles for the Exchange's Business Conduct Committee to compose the Hearing Panel to hear and decide applicable matters under Chapter 8 of the Exchange's Rules. The Exchange proposes to adopt new roles for the Exchange's Business Conduct Committee, which will perform a substantially similar function to the current panel overseeing disciplinary hearings. A Hearing Panel consisting of impartial members will continue to be available to Members and associated persons. Thus, the Exchange believes the proposed changes to Rule 8.6

[126] *See* Rule 8.18(e)(1). A disciplinary complaint shall mean any statement of charges issued pursuant to Rule 8.4 or any notice served pursuant to Rule 8.17.

[127] *See* Rule 8.18(e)(2). A disciplinary decision shall mean any decision issued pursuant to Chapter 8, including, decisions issued by a Hearing Panel or the Appeals Committee, accepted offers of settlement, and suspension order pursuant to Rule 8.17; provided, however, minor rule violation plan letter issued pursuant to Rules 8.15 and 25.3 are not subject to this Rule.

[128] *See* Rule 8.18(a)(1) and Rule 8.18(a)(2).

[129] *See* Rule 8.18(b)(1).

[130] *See* Rule 8.18(b)(2).

[131] *See* Rule 8.18(c).

[132] *See* Rule 8.18(d).

[133] 15 U.S.C. 78f(b).

[134] 15 U.S.C. 78f(b)(5).

[135] *Id.*

[136] 15 U.S.C. 78f(b)(7).

regarding hearings will not impose any additional burden upon Members or associated persons and will ensure continued fairness in the Exchange's disciplinary procedures. The Exchange believes the proposed changes to Rule 8.6, Hearings, ensures the hearing process for disciplinary matters within the jurisdiction of the Exchange is clearly articulated and easily understandable for all Members and associated persons. The proposed changes to Rule 8.6 will align the structure of Chapter 8 with that of the corresponding Rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. The introduction of the proposed subparagraphs does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already approved by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text.

The proposed rule changes to Rule 8.1, Disciplinary Jurisdiction, Rule 8.2, Complaint and Investigation, Rule 8.3, Expediated Proceeding, Rule 8.4, Charges, Rule 8.5, Answer, Rule 8.8, Offers of Settlement, Rule 8.9, Decision, Rule 8.10, Petition, Rule 8.11, Judgment and Sanction, Rule 8.12, Miscellaneous Provisions, and Rule 8.16, *Ex Parte* Communications provide both clarification and alignment with the Rules of the Affiliated Exchanges. These proposed rule changes amend the language of the Exchange Rules using language taken from the Rules of the Affiliated Exchanges and does not raise any novel rule text that the Commission has not already reviewed. The additional proposal of adding Rule 8.2(m) defining the BCC and detailing its composition adds clarity to the Rules of the Exchange by adding a concrete definition of a term used in both the Rules of the Exchange and its Affiliated Exchanges. Each of these rules changes results in rules no more stringent for Members and associated persons than are currently in place. Therefore, the Exchange believes the proposed changes will not significantly alter the disciplinary standards imposed on Members and associated persons nor impose any significant additional burden. As such, the Exchange believes the proposed changes will continue to ensure the Exchange's disciplinary procedures remain fair to all Members and associated persons. Additionally, the Exchange believes the proposed changes will result in greater uniformity and less burdensome regulatory compliance for Members and associated persons. Greater uniformity in disciplinary rules across the Exchange and the Affiliated Exchanges will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

The proposed amendments to Rule 8.1, Disciplinary Jurisdiction seek to clarify that former Members or associated persons continue to be subject to the Exchange's jurisdiction with respect to their failure to honor an arbitration award. As discussed above, the proposed amendments to Rule 8.1 ensure that a failure to honor a BYX arbitration award by a former Member, or former person associated with a Member remains within the disciplinary jurisdiction of the Exchange. Thus, the proposed change to Rule 8.1 ensures the credibility of the Exchange's arbitration forum thereby protecting investors and the public interest. The Exchange also believes the proposed changes to Rule 8.1 will ensure fairness in the disciplinary procedures of the Exchange by ensuring that failures to pay arbitration awards by former Members and associated persons will remain under the disciplinary jurisdiction of the Exchange. Additionally, the proposed changes to Rule 8.1 will result in aligning the Rules of the Exchange with those of the Affiliated Exchanges, providing greater uniformity in disciplinary rules across the Exchange and the Affiliated Exchanges.

The proposed changes to Rule 8.2, Complaint and Investigation, clarify the contents of the Rule and extend the time a Subject or Respondent has to respond to an inquiry from the Exchange. The proposed addition of subparagraphs (i)–(k) regarding Identification, Furnishing Materials Upon Request, and the definition of the term ''Regulatory Staff'' to Rule 8.2 will offer clarity to Members and associated persons regarding the procedures and complaint process and terms used throughout the Rule. Additionally, the proposed changes to Rule 8.2 will align the structure of Chapter 8 with that of the corresponding Rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. The introduction of the proposed subparagraphs does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already approved by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text. None of the proposed changes to Rule 8.2 shortens the amount of time allotted to a Subject or Respondent to respond to an inquiry from the Exchange, but rather extends the amount of time that a Subject or Respondent has to respond to an inquiry from the Exchange. As such, the Exchange believes the proposed changes to Rule 8.2 ensure that the Exchange's disciplinary procedures remain fair to all Members and associated persons. Additionally, the Exchange believes that each of these proposed rule changes protects investors and the public by providing additional information regarding the disciplinary processes of the Exchange and by providing additional time for Subjects and Respondents to respond to an inquiry from the Exchange.

The proposed changes to Rule 8.3, Expedited Proceeding, Rule 8.4, Charges, Rule 8.5, Answer, Rule 8.8, Offers of Settlement, Rule 8.9, Decision, Rule 8.10, Review, Rule 8.11, Judgment and Sanction, Rule 8.12, Miscellaneous Provisions, and Rule 8.16, *Ex Parte* Communications are proposed in order to define terms used throughout the Rules and make other non-substantive conforming provisions with the purpose of clarifying the language of the Rules and aligning the contents of the Rules with Rules of the Affiliated Exchanges. The Exchange notes that none of these proposed rule changes shortens the amount of time allotted to a Subject or Respondent to respond to an inquiry from the Exchange, but rather extends the amount of time that a Subject or Respondent has to respond to an inquiry from the Exchange. The Exchange believes the proposed changes will not significantly alter the disciplinary procedures of the Exchange nor impose any significant additional burden thereby protecting investors and the public interest and ensuring fairness in the disciplinary procedures of the Exchange. Further, the proposed changes to these Rules are necessary to align the Answer, Decision, and Review sections of Chapter 8 with the proposed changes to Rule 8.6.

Additionally, the Exchange believes the proposed deletion of rule text in Rule 8.14, Agency Review, and Rule 8.18, Release of Disciplinary Complaints, Decisions, and Other Information, contribute to the protection of investors and the public interest by both aligning the Rules of the Exchange with the Rules of the Affiliate Exchanges and by removing duplicative language from the Rules of the Exchange. The Exchange proposes to remove the entire text of both current Rule 8.14, regarding the right to agency review of Exchange disciplinary actions,

and Rule 8.18, regarding the release of final disciplinary actions, because each of these rules are duplicative of the rights of Members under other Exchange Rules and the Exchange Act itself. The Exchange believes the proposed changes will continue to ensure fairness in the Exchange's disciplinary procedures because they do not remove or alter any of the rights of Members of associated persons. The Exchange believes that removing the text of each of these rules will provide clarity to investors regarding the disciplinary processes of the Exchange by eliminating duplicative, and potentially confusing, text from the Rules of the Exchange.

Further, the Exchange believes that revising current Rule 8.14, Agency Review, and replacing the existing text (which is proposed to be deleted) with rule text regarding reporting to the CRD that is substantially similar to Rule 13.4 of the Affiliated Exchanges, contributes to the protection of investors and the public interest by providing investors, the public, and Members with notice of the information the Exchange reports to the CRD regarding disciplinary matters. Together, these changes benefit investors and the public interest by providing additional clarity in the Exchange's rulebook and aligning the Exchange's Rules with that of its Affiliate Exchanges. The proposed addition of rule text regarding reporting to the CRD in proposed Rule 8.14 will also align the structure of Chapter 8 with that of the corresponding rulebooks of the Affiliate Exchanges, thus promoting consistency amongst the Exchange and its Affiliate Exchanges. Additionally, the introduction of the proposed rule text in Rule 8.14 following the deletion of existing rule text does not present any new or novel issues for the Commission to consider, as the proposed text is identical to text already reviewed by the Commission, however the Exchange notes that the proposed rule may differ slightly where necessary to conform to existing Exchange rule text.

Further, the Exchange believes the proposed changes to Rule 8.15, Imposition of Fines for Minor Violation(s) of Rules, contribute to the protection of investors and the public interest by both aligning the Rules and procedures of the Exchange with the Rules and procedures of the Affiliate Exchanges and by clearly setting forth the process and requirements of the imposition of fines for minor rule violations. The Exchange is not proposing to amend any of the rates associated with the imposition of fines for minor rule violations, but rather seeks to clarify only how and when a fine may be imposed. Further, the Exchange seeks to provide additional detail about how a Member may contest a fine imposed by the Exchange. These proposed changes do not impose additional regulatory burdens on Members but instead provide greater clarity and reduce confusion by aligning the process of imposing a fine for a minor rule violation across the Exchange and its Affiliated Exchanges. By clarifying rules and reducing confusion, the Exchange believes the proposed changes to Rule 8.15 collectively ensure fairness in the disciplinary procedures of the Exchange. The proposed amendments to Rule 8.15 are based solely on existing Rule 13.15 of the Affiliated Exchanges. However, the language of the Exchange Rules and the Rules of the Affiliated Exchanges may differ slightly where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges.

Additionally, the Exchange believes the proposed changes to align the language of the Rules of the Exchange with those of the Affiliated Exchanges promote consistency and improve understanding of the Rules across BYX Exchange and its Affiliated Exchanges. The proposed rule changes to Chapter 8 are based on the existing Rules of the Affiliated Exchanges. However, the language of the Exchange Rules and the Rules of the Affiliated Exchanges may differ slightly where necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable Rules of the Affiliated Exchanges. The Exchange believes aligning the Rules of the Exchange with the Rules of the Affiliated Exchanges will result in greater uniformity and less burdensome regulatory compliance for the Exchange and its Members. As such, the Exchange believes maintaining uniformity will foster cooperation and coordination with persons engaged in facilitating trading on the Exchange and its Affiliated Exchanges and will remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the proposed rule changes apply equally to all Members, persons associated with a Member, and former Members in that each of these parties are subject to the proposed disciplinary rules, thereby ensuring fairness in the disciplinary procedures of the Exchange. As such, the Exchange believes the proposed rule changes also promote the just and equitable principles of trade and are not unfairly discriminatory.

The Exchange also believes that the proposed amendments will collectively contribute to the protection of investors and the public interest by making the Exchange's Rules easier to understand, standing alone and collectively with the rules of its Affiliated Exchanges. In addition, the proposed rule changes include other non-substantive changes throughout the rules that will protect investors and benefit market participants, as these changes simplify or clarify rules, delete duplicative rule provisions, conform paragraph numbering and lettering throughout the rules, use plain English, and conform language to the corresponding rules of its Affiliated Exchanges where feasible. By simplifying and clarifying rules, the Exchange believes the proposed changes also collectively ensure fairness in the disciplinary procedures of the Exchange.

Finally, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and associated persons with the Act, the rules and regulations thereunder, and the Rules of the Exchange. As stated, the proposed rule changes conform the Exchange's disciplinary procedures and Rules to the disciplinary procedures and Rules of its Affiliated Exchanges. Thus, the Exchange believes these proposed changes create uniformity, which allows for the Exchange to organize consistently with the Affiliated Exchanges and to more easily apply its disciplinary rules to Members of the Exchange and Trading Permit Holders on the Affiliated Exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes do not create an unnecessary or inappropriate intra-market burden on competition because the proposed changes will apply uniformly to all Members of the Exchange. Thus, the Exchange believes this proposed rule changes will reduce the burden on Exchange participants by providing consistent and clear Rules among the Exchange and the Affiliated Exchanges. Further, the proposed

changes are not designed to address any competitive issues. Indeed, the proposed rule changes do not create an unnecessary or inappropriate inter-market burden on competition because the proposed rule changes are intended to harmonize the Exchange Rules with that of the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [137] and subparagraph (f)(6) of Rule 19b–4 thereunder.[138]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [139] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBYX–2026–021 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2026–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2026–021 and should be submitted on or before June 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[140]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10541 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105546; File No. SR–IEX–2026–15]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update the Options Opening Process

May 22, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 12, 2026, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule to replace the current price discovery auction opening process for option series with a simpler deterministic midpoint crossing process. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act [6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7]

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 22.160 [8] to replace the current price discovery auction opening

[137] 15 U.S.C. 78s(b)(3)(A)(iii).

[138] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[139] 15 U.S.C. 78s(b)(2)(B).

[140] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4.

[8] Conforming and related amendments are also proposed to Rules 22.250 and 22.260.

process [9] for option series with a simpler deterministic midpoint crossing process opening process. As proposed, the opening process would be based on sequential evaluations of market conditions. If there is a possible trade on IEX, the Exchange would determine a single opening price for the series as the midpoint of the NBBO,[10] rounded up if necessary. After the opening price has been established, the Exchange would match existing orders and quotes in the System [11] based on a pro-rata allocation at the opening price until there is no remaining volume or there is an imbalance of orders. Orders not matched, in whole or in part, will be handled at the conclusion of the Opening Process as specified in proposed Rule 22.160(d).

If no trade is possible on the Exchange (because there are no quotes or orders in the series that could be matched at any price), the Exchange would open the series without determining an opening price by disseminating the best bid and offer among quotes and orders that exist in the System at that time.

The Exchange believes the proposed opening process, which would apply to the opening of trading at the start of Regular Market Hours [12] and during the resumption of trading following a trading halt, will be less operationally complex than the current process, while providing a fair, neutral execution benchmark tied to the prevailing market.[13] As discussed below, the proposed process is based on MIAX Sapphire's opening process [14] with several minor differences to account for different rule structures and allocation methodologies.[15]

Proposal

Initiation of the Opening Process

The Exchange proposes to initiate the Opening Process when the ''Market for the Underlying Security'' [16] first disseminates, at or after 9:30 a.m. ET, both a two-sided quote on the underlying security and a trade of any size that is at or within the quote (*i.e.,* the ''Opening Trigger''). The proposed rule text defines ''Opening Trigger'' in substantially the same way as the definition of ''Auction Trigger'' in the current rule text, except that the Exchange proposes to replace the term ''Primary Market'' with the ''Market for the Underlying Security.'' The latter is a broader term that encompasses not just the listing exchange for the underlying security, but also the market with the most liquidity in the underlying security for the previous two months or the first market to open the underlying security.[17] In the case of opening following a trading halt, the Opening Trigger would be a resume message from the Market for the Underlying Security followed by a two-sided quote and a trade of any size that is at or within the quote in the underlying security.[18]

Following receipt of the Opening Trigger, the Exchange will disseminate a message to market participants indicating the initiation of the Opening Process and the System will pause for a period of time no longer than one-half second to allow the market to absorb the information.[19] However, under proposed Rule 22.160(c)(1), the opening process (or resumption of trading following a halt) would not proceed if the best bid(s) (offer(s)) disseminated by away options exchanges (the ''Away Best Bid or Offer'' or ''ABBO'') [20] is crossed.

As proposed, quotes, limit orders designated ''Day,'' and market orders (collectively defined as ''Eligible Interest'') may be entered into the System beginning at 8:00 a.m. ET, and will be eligible to participate in the Opening Process.[21] Quotes and limit orders with a time in force of Immediate or Cancel (''IOC'') are not included in the definition of Eligible Interest and may only be entered following the transition to continuous trading, as set forth in proposed Rule 22.160(d).

Opening Process Where There Is a Possible Trade on the Exchange

The Opening Process would initially determine whether there is locking or crossing interest in the option series on the Exchange or interest on the Exchange that locks or crosses the NBB [22] or NBO.[23] If so, the NBBO bid/ask differential must be within a specified range, *i.e.,* the ''Valid Width NBBO.'' [24] Under proposed Rule 22.160(a)(5), Valid Width NBBO means the combination of all away market quotes and any combination of Market Maker [25] orders and quotes received from a minimum number of Away Markets and a minimum number of Market Makers within a specified bid/ask differential.[26] However, away markets that are crossed would void all Valid Width NBBO calculations, and the Exchange would exclude from the Valid Width NBBO calculation any Market Maker orders or quotes on the Exchange that are crossed internally. The Exchange would consider any IEX Market Maker orders or quotes that lock or cross the ABBO to be at the locked or crossed ABBO price for purposes of calculating the Valid Width NBBO. The Exchange proposes to determine the bid/ask differentials for the Valid Width NBBO based on the underlying security and publish them on the IEX Options website.

In either scenario described above (locking or crossing interest on the Exchange or interest on the Exchange that locks or crosses the NBB or NBO), provided that a Valid Width NBBO is present, the Exchange will determine a single price at which the option series will be opened (the ''Opening Price'') which will be the midpoint of the Valid Width NBBO (the ''NBBO Midpoint'').[27]

Opening Process Matching Methodology

Once the Exchange has established an Opening Price in the manner set forth above, the Exchange proposes to execute matches of Eligible Interest at the Opening Price and will continue to do so until there is no remaining volume or an imbalance of orders. The Exchange proposes to retain the existing ''Auction Ranking'' provision in current Rule 22.160(b), which it proposes to rename ''Opening Order Ranking'' and to make minor conforming and clarifying edits in the proposed rule text.[28] Accordingly,

[9] Currently Rule 22.160—Market Opening Procedures—provides for the determination of an opening price for an option series based on a price discovery auction of quotes and orders from liquidity providers on the Exchange's order book that results in the determination of an opening price. See Rule 22.160.

[10] *See* Rule 17.100.

[11] ''System'' means the automated trading system used by IEX Options for the trading of options contracts. *See* Rule 22.100(a).

[12] ''Regular Market Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time (''ET''). *See* Rule 1.160(gg).

[13] IEX anticipates launching its options market in October 2026. On September 18, 2025, the Commission approved IEX's proposed rules to govern the trading of options contracts on IEX. *See* Securities Exchange Act Release No. 103998 (September 18, 2025), 90 FR 45861 (September 23, 2025).

[14] *See* MIAX Sapphire Rule 503.

[15] *See* Rule 22.170(b) (pro rata allocation) and MIAX Sapphire Rule 514(b) (price-time allocation).

[16] *See* proposed Rule 22.160(a)(3); MIAX Sapphire Rule 503(a)(3). The Exchange proposes to determine the Market for the Underlying Security on a class-by-class basis and will publish this information on the Exchange's website.

[17] The Exchange would determine the Market for the Underlying Security on a class-by-class basis, announced to Members on the IEX website.

[18] *See* proposed Rule 22.160(a)(4)(B).

[19] *See* proposed Rule 22.160(c).

[20] *See* proposed Rule 17.100.

[21] *See* proposed Rule 22.160(a)(2).

[22] *See* Rule 17.100.

[23] *See* Rule 17.100.

[24] *See* proposed Rule 22.160(c)(1)(A).

[25] *See* Rule 17.100.

[26] *See* proposed Rule 22.160(c)(1)(5).

[27] *See* proposed Rule 22.160(c)(2)(A).

[28] The Exchange proposes to add a clarifying preamble to the first sentence: ''[i]f there is an

market orders will be ranked ahead of limit orders; limit orders and quotes will be ranked by their limit price; and orders and quotes at the same price will be allocated pursuant to Rule 22.170,[29] but without Market Maker or Specialist entitlements.[30] The Exchange notes that this provision differs from MIAX Sapphire's opening process because IEX will use a pro rata allocation method, whereas MIAX Sapphire uses a price-time allocation method.[31]

Any unexecuted contracts at the conclusion of the Opening Process will be handled as set forth in the ''Transition to Continuous Trading'' section in proposed Rule 22.160(d), as described below.[32] The Exchange will report all executions in the Opening Process at the Opening Price, trade reported anonymously, and disseminated via a national market system plan.[33] In addition, the Exchange proposes new rule text providing that if a Market Maker using the same MPID submits orders that lock or cross each other during the Opening Process, the System would cancel the oldest order or quote before execution.[34]

Opening Process Where There Is No Possible Trade on the Exchange

If there is no locking or crossing interest on the Exchange or interest on the Exchange that locks or crosses the NBB or NBO, the Exchange would open the series without determining an opening price [35] based on one of the following: (i) a Valid Width NBBO is present; (ii) a certain minimum number of exchanges have disseminated a firm quote on OPRA; or (iii) after a configured time out period has elapsed.[36] The Exchange would open the series for trading by disseminating the Exchange's best bid and offer among quotes and orders that exist in the System at that time to OPRA and proprietary data feeds. Any remaining orders in the System would be handled pursuant to proposed Rule 22.160(d), ''Transition to Continuous Trading,'' as described below. The Exchange is not proposing any changes to its order processing rule during a trading halt.[37]

Transition to Continuous Trading

After the Opening Process is completed, orders and quotes received prior to the Opening Process, and not executed in full during the Opening Process, will be transitioned to the continuous order book and handled in accordance with existing IEX rules, as applicable. Accordingly, IEX proposes conforming edits to Rule 22.160(f) (now re-lettered as (d)) to reflect this approach.

Deviations From the Standard Opening Process

The Exchange proposes to amend the existing provision in Rule 22.160(h) that provides that when in the judgment of the Exchange the interests of fair and orderly markets require the Exchange may adjust the timing of or suspend the Auctions. As proposed, new paragraph (e) to Rule 22.160 will provide that the Exchange's Market Operations personnel would be authorized to manually override the standard Opening Process, including to delay or compel the opening of any series in any option class, when necessary in the interests of commencing or maintaining a fair and orderly market, in the event of unusual market conditions or in the public interest.[38] This could be appropriate if, for example, a series would otherwise be unable to open because the Market Maker assigned to the option class is experiencing technical difficulties and not entering quotes on IEX. As a result, there would not be a Valid Width NBBO, which requires quotes from at least one IEX Market Maker.[39] In this situation, the deviation would enable locking or crossing interest on the IEX Options Book to execute at the Opening Price. The proposed rule text is based on MIAX Sapphire Rule 503(c).

* * * * *

Accordingly, as described above, the Exchange proposes to replace the current opening auction rule with proposed rule text that is substantially similar to MIAX Sapphire Rule 503, with certain differences, as discussed in the Statutory Basis section.

Terminology Changes

As proposed, IEX would replace the term ''Auction'' with ''Opening Process'' throughout current Rule 22.160, including replacing the terms ''Core Open Auction'' with ''Core Opening Process,'' ''Trading Halt Open Auction'' with ''Trading Halt Opening Process,'' and ''Auction Trigger'' with ''Opening Trigger''.

IEX also proposes to add the following terms to Rule 22.160(a), as described above: ''Eligible Interest'', ''Market for the Underlying Security'', ''Opening Trigger'', and ''Valid Width National Best Bid or Offer (or Valid Width NBBO)'', and Away Best Bid or Offer (or ABBO). Each of these terms are included in MIAX Sapphire Rule 503.[40] In addition, the Exchange proposes to delete certain terms and provisions from the current rule text of Rule 22.160, which are no longer applicable.[41]

Conforming Edits in Other IEX Rules

The Exchange proposes to amend Rule 22.100(h) (definition of Anti-Internalization Qualifier (''AIQ'') modifier), 22.250(c)(1)(A)(ii)

imbalance of orders and quotes that are potentially eligible to participate in the Opening Process.'' In addition, the Exchange proposes to change the order of the subparagraphs so that the current subparagraph (2) will be new subparagraph (1), also for clarifying purposes. The remaining edits are conforming edits to replace the term ''Auction'' with the term ''Opening Process.''

[29] Rule 22.170(b) sets forth the Exchange's pro rata allocation methodology: ''[R]esting quotes and orders on the IEX Options Book are prioritized according to price. If there are two or more quotes or orders at the best price, then the contracts are allocated proportionally according to size (in a pro-rata fashion), rounded down to the nearest whole contract. If there are residual contracts to be filled, the quote or order with the largest remaining size (based on the pro rata calculation) will receive the first contract, and each successive contract (if any) will be allocated to each subsequent quote or order based on size (largest to smallest). If there are two or more quotes or orders with the same remaining size, then the quote or order with the first time priority will be allocated [to] the next contract. Each successive contract (if any) will be allocated in the same manner.

[30] *See* proposed Rules 22.160(b) and 22.160(c)(2)(B).

[31] *See* MIAX Sapphire Rule 503(b)(2)(ii).

[32] *See* proposed Rule 22.160(c)(2)(C).

[33] *See* proposed Rule 22.160(c)(2)(D).

[34] *See* proposed Rule 22.160(f). The proposed rule text is based substantially on MIAX Sapphire Rule 503(d).

[35] *See* proposed Rule 22.160(c)(3).

[36] *See* proposed Rule 22.160(c)(1)(B)(i)–(iii). The Exchange would post the applicable period of time that will apply under proposed Rule 22.160(c)(1)(B)(iii) on its website.

[37] *See* Rule 22.160(g). During a trading halt, the Exchange would process new and existing orders and quotes by (i) canceling all resting Market Maker quotes in the series; (ii) re-pricing all other resting orders on the IEX Options Book to their limit price; (iii) accepting and processing all cancellations; (iv) rejecting incoming IOC Limit orders; (v) accepting all other incoming order and quote messages and instructions until the Trading Halt Opening Process, at which point the proposed Rule 22.160(c) of this Rule will govern the entry of incoming orders, quotes, and order instructions; and (vi) disseminating any zero bid and zero offer quote to OPRA and proprietary data feeds.

[38] The Exchange also proposes that it will make and maintain records to document and periodically review all determinations to deviate from the standard manner of the Opening Process.

[39] The opening process for when there is not a potential trade on IEX would not be applicable in this situation if there were locking or crossing interest on IEX.

[40] The Exchange proposes to retain the term ''Away Market'' in Rule 22.160.

[41] The Exchange proposes to delete: Auction Collar (Rule 22.160(a)(2)); Auction Imbalance Information (Rule 22.160(a)(3)); Auction Price (Rule 22.160(a)(4)); Auction Process (Rule 22.160(a)(5); Auction Processing Period (Rule 22.160(a)(6)); Calculated NBBO (Rule 22.160(a)(9)); Indicative Match Price (Rule 22.160(a)(10)); Legal Width Quote (Rule 22.160(a)(11)); Matched Volume (Rule 22.160(a)(12)); Rule 22.160(c)(2); Rule 22.160(c)(2)(5); Rule 22.160(c)(3) (Opening MMQ Timers); Rule 22.160(c)(4); Rule 22.160(e) (Order Processing during an Auction Processing Period); Rule 22.160(f)(1), (f)(2), and (f)(3)(B) (Transition to Continuous Trading); and Rule 22.160(h).

(Automated Breach Actions for Pre-Trade Risk Controls) and Rule 22.260(a)(1)(B) (Additional Price Protection Mechanisms and Risk Controls) to replace references to ''Auction'' and the pre-open state with ''Opening Process.''

The Exchange also proposes to amend Rule 22.250(c)(F)(ii) (Activity-Based Risk Controls) and Rule 22.250(c)(3)(D)(ii) (Global Risk Controls) to replace references to the ''Core Open Auction'' with ''Core Opening Process.''

In addition, the Exchange proposes conforming edits to Rules 22.260(a)(2) (Limit Order Price Protection) and (d)(3)(D)(ii) (Price Reasonability Checks—Intrinsic Value Checks) to replace the term ''Auction Price'' with ''Opening Price'', and the term ''Auction Collar'' with ''Valid Width NBBO.'' The Exchange also proposes to amend Rule 22.260(e)(1) (Drill-Through Protection) to replace ''Auction Process'' with ''Opening Process'', and ''Auction Collar'' with ''Valid Width NBBO.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [42] in general, and furthers the objectives of Section 6(b)(5) of the Act [43] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As described in the Purpose section, the proposed opening process is substantially similar to MIAX Sapphire's opening process set forth in its Rule 503, with several differences as follows:

First, the Exchange would execute matches of Eligible Interest at the Opening Price based on the pro rata allocation methodology set forth in Rule 22.170(b), whereas MIAX Sapphire uses a price-time allocation methodology.[44] This difference is consistent with the allocation methodologies reflected in each exchanges' rules. The Exchange notes that other options exchanges use a pro rata allocation methodology for their opening process.[45]

Second, while MIAX Sapphire's Opening Process may be triggered based solely on a quote *or* a trade in the underlying security,[46] the Exchange would only initiate an Opening Process after a quote *and* a trade have occurred in the underlying security. The Exchange believes that requiring a trade in addition to a quote to trigger the Opening Process would provide additional protections to confirm that trading in the underlying security reflects adequately stable pricing to support reasonably informed derivative pricing. The Exchange notes that other options exchanges also wait for both a quote and trade before initiating an opening process.[47]

Third, the Exchange would cancel resting Market Maker quotes during a trading halt in accordance with current Rule 22.160(g), while MIAX Sapphire does not. IEX believes that this approach is preferable because pricing when trading resumes after a halt can often be materially different, and notes that several other options exchanges also cancel resting market maker quotes during a trading halt.[48]

In sum, the Exchange believes the proposed rule change is consistent with the protection of investors and the public interest because it is designed to provide a robust opening process that would (i) result in an opening price based on a neutral execution benchmark (*i.e.,* the midpoint of the NBBO) tied to the prevailing market, and not based on potentially erroneous or stale reference prices (*i.e.,* when the ABBO or an away market is crossed) when there is a possible trade on IEX; (ii) provide for an appropriate fallback process when there is not a potential execution on IEX to enable the Exchange to open a series for trading; (iii) provide for a consistent, orderly transition to continuous trading at the conclusion of the Opening Process; and (iv) be less operationally complex and resource intensive for the Exchange and Options Members compared to the current auction process.

Moreover, and as discussed above, the proposed Opening Process is based on existing rules of MIAX Sapphire and other options exchanges that have already been considered by the Commission. Accordingly, the Exchange does not believe that the proposed rule change raises any new or novel issues.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is designed to enhance IEX's competitiveness with other options exchanges by providing a robust opening process that will be less operationally complex, less resource intensive, and simpler than the process reflected in the Exchange's current rules. Moreover, competing exchanges have and can continue to adopt comparable opening processes, subject to the SEC rule filing process, as discussed in the Purpose section.

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 Options Members will be eligible to submit orders to the Exchange for potential execution in the Opening Process. Further, all Members are eligible to become Options Market Makers, subject to meeting applicable requirements; [49] and could thereby submit quotes to the Exchange for potential execution in the Opening Process. Moreover, to the extent the proposed change increases the posting of liquidity for potential execution in IEX's opening process, it would thereby provide potential benefits to all Options Members and market participants by providing additional trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [50] of the Act and Rule 19b–4(f)(6) [51] thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii)

[42] 15 U.S.C. 78f(b).

[43] 15 U.S.C. 78f(b)(5).

[44] *See* proposed IEX Rule 22.160(b).

[45] *See, e.g.,* NYSE Amex Rules 952NYP(b) and 964NYP(c)–(g).

[46] *See* MIAX Sapphire Rule 503(b).

[47] *See* NYSE Amex Rule 952NYP(a)(7) and NYSE Arca Rule 6.64P–O(a)(7).

[48] *See* NYSE Amex Rule 952NYP(g) and NYSE Arca Rule 6.64P–O(g).

[49] *See* Rule 23.120.

[50] 15 U.S.C. 78s(b)(3)(A).

[51] 17 CFR 240.19b–4(f)(6).

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 and Rule 19b–4(f)(6) thereunder.

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b–4 [52] because it would not significantly affect the protection of investors or the public interest. Rather, the proposed rule change is designed to benefit investors and the public interest by providing for a simple deterministic midpoint crossing opening process that will provide a fair, neutral execution benchmark tied to the prevailing market. Moreover, as described in the Purpose and Statutory Basis sections, the proposed rule change is substantially similar to the opening process used by MIAX Sapphire, with differences based on existing rules of other options exchanges. Accordingly, the Exchange believes that this proposed rule change is non-controversial because it raises no new or novel issues not already considered by the Commission. Accordingly, the Exchange believes that the proposed rule change is eligible for immediate effectiveness.[53]

Furthermore, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule changes 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.[54]

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 under Section 19(b)(2)(B) [55] of the Act to determine whether the proposed rule change should be approved or disapproved.

[52] 17 CFR 240.19b–4(f)(6).

[53] *See* Securities Exchange Act Release No. 58092 (July 3, 2008), 73 FR 40144 (July 11, 2008) (concerning 17 CFR 200 and 241).

[54] 17 CFR 240.19b–4(f)(6)(iii).

[55] 15 U.S.C. 78s(b)(2)(B).

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–IEX–2026–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2026–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2026–15 and should be submitted on or before June 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[56]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10542 Filed 5–27–26; 8:45 am]

BILLING CODE 8011–01–P

[56] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 13024]

60-Day Notice of Proposed Information Collection: Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *July 27, 2026.*

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2026–0595'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov.*
- *Regular Mail:* Send written comments to: Andrea Battista, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522–0112.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522–0112, via phone at 202–992–0973, or via email at *battistaal@state.gov*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data.
- *OMB Control Number:* 1405–0022.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* PM/DDTC.
- *Form Number:* DSP–85.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 280.
- *Estimated Number of Responses:* 280.
- *Average Time per Response:* 30 minutes.

• *Total Estimated Burden Time:* 140 hours.

• *Frequency:* On occasion.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

In accordance with part 123 of the International Traffic in Arms Regulations (ITAR), any person who intends to permanently export, temporarily export, or temporarily import classified defense articles, including classified technical data must first obtain Directorate of Defense Trade Controls authorization. The ''Application for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data'' (Form DSP–85) is used to obtain permission for the permanent export, temporary export, or temporary import of classified defense articles, including classified technical data, covered by the U.S. Munitions List (USML). This form is an application that, when completed and approved by the Bureau of Political Military Affairs, Directorate of Defense Trade Controls (PM/DDTC), Department of State, constitutes the official record and authorization for all classified commercial defense trade transactions, pursuant to the Arms Export Control Act and the ITAR.

Methodology

This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: electronically or mail.

Michael J. Vaccaro,

Deputy Assistant Secretary, Bureau of Political and Military Affairs, Department of State.

[FR Doc. 2026–10575 Filed 5–27–26; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36932]

Channel Pacific Railroad—Operation Exemption—in West Sacramento, Yolo County, Cal.

Channel Pacific Railroad (CHPR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate a rail line located within a terminal facility (the Facility) in West Sacramento, Yolo County, Cal. (the Line). CHPR states that the Line is currently unregulated private track and that the Line and the Facility are owned by CHPR's corporate affiliate, Greencycle Properties, LLC (Greencycle), also a noncarrier.[1] The Line consists of two tracks that begin at a point of connection with a rail line owned by Union Pacific Railroad Company (UP) at the northern boundary of the Facility immediately south of Channel Drive and extend southward to ending points immediately north of the Sacramento River Deep Water Ship Channel for a combined total of approximately 2,132 linear feet.[2] The Line has no mileposts.

The verified notice states that CHPR and Greencycle have reached an agreement pursuant to which CHPR will acquire the right to provide common carrier service over the Line. CHPR states that, under the agreement, it will provide comprehensive, railroad-oriented transportation services within the Facility.

CHPR certifies that its agreement with Greencycle contains no restrictions on CHPR's ability to interchange with third-party connecting railroads.

CHPR also certifies that its expected projected annual revenues as a result of this transaction will qualify it as a Class III carrier and that its annual revenues may exceed $5 million. Pursuant to 49 CFR 1150.32(e), if a carrier's projected annual revenues will exceed $5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, CHPR argues that ''no such notice would be required here.'' (CHPR Notice 4–5.) CHPR's argument will be addressed in a separate decision, in which the Board will establish the effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 4, 2026.

All pleadings, referring to Docket No. FD 36932, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CHPR's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to CHPR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: May 22, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2026–10551 Filed 5–27–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementing Certain Tariff-Related Elements of a Trade and Security Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States

AGENCY: The International Trade Administration, U.S. Department of Commerce; the Office of the United States Trade Representative

[1] According to CHPR, it and Greencycle are both controlled by Teichert Inc. (Teichert), a noncarrier. CHPR states that Teichert does not own any other rail carriers.

[2] CHPR states that a third track, which is excluded from the linear footage of the Line, will be spur track pursuant to 49 U.S.C. 10906.

ACTION: Notice.

SUMMARY: On September 5, 2025, President Trump issued Executive Order 14346 (Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements). Executive Order 14346 directed and authorized the Secretary of Commerce (Secretary) and the United States Trade Representative (Trade Representative) to implement the terms of any framework trade and security agreement or final trade and security agreement concluded between the United States and a foreign trading partner that involve the national emergency declared in 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), or threats to the national security found pursuant to Section 232 of the Trade Expansion Act of 1962 (Section 232).

On January 15, 2026, the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO) signed the *Memorandum of Understanding Between the Taipei Economic and Cultural Representative Office in the United States and the American Institute in Taiwan Relating to Taiwan-U.S. Investment* (MOU). In the MOU, the United States committed to, among other things, modify tariffs imposed under Section 232 in certain respects. On February 12, 2026, AIT and TECRO signed the *Agreement Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States on Reciprocal Trade Between the United States of America and Taiwan* (ART or Agreement). Both the MOU and the ART qualify for implementation under Executive Order 14346. The Secretary and Trade Representative are taking necessary and appropriate action to implement the MOU at this time. The Secretary and Trade Representative are not implementing the ART at this time as it has not yet entered into force.

This notice amends the Harmonized Tariff Schedule of the United States (HTSUS) to implement the terms of the MOU pertaining to the modification of certain Section 232 tariffs applied to automobile parts, timber, lumber, and wood derivative products of Taiwan. In addition, the MOU states that the United States will remove derivative Section 232 steel, aluminum, and copper tariffs from aircraft components that are products of Taiwan.

DATES: This notice is effective May 28, 2026. The modifications to the HTSUS set forth in the Annex to this Notice are effective with respect to goods entered for consumption, or withdrawn from warehouse consumption, on or after 12:01 a.m. eastern time on May 1, 2026.

FOR FURTHER INFORMATION CONTACT: Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov;* Tim Wineland, Deputy Assistant U.S. Trade Representative for China, Mongolia, and Taiwan, Office of the U.S. Trade Representative, 202–395–6091, *twineland@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In Executive Order 14346 of September 5, 2025 (Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements), President Trump directed and authorized the Secretary and the Trade Representative to take all necessary actions to implement any framework trade and security agreement or final trade and security agreement concluded between the United States and a foreign trading partner involving the national emergency declared in 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), or a threat to the national security found by the President pursuant to Section 232. Executive Order 14346 further directed the Secretary and the Trade Representative, 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, to determine whether modifications to the HTSUS are necessary to effectuate that order, as well as actions taken under that order, and authorizes them to direct such modifications through notice in the **Federal Register**. These delegations in Executive Order 14346, as well as the declaration of a national emergency in Executive Order 14257 and the threatened impairments to the national security the President has found under Section 232, are unaffected by the Supreme Court's decision in *Learning Resources, Inc. et al.* v. *Trump et al.,* 607 U.S. ____ (2026), as *Learning Resources* concluded only that the President lacked the authority under the International Emergency Economic Powers Act (IEEPA) to impose additional tariffs on imports into the United States.[1]

On January 15, 2026, AIT and TECRO signed the MOU. On February 12, 2026, AIT and TECRO signed the ART. Both the MOU and ART qualify for implementation under Executive Order 14346. The Secretary and the Trade Representative are taking the necessary and appropriate action to implement the MOU. The Secretary and Trade Representative are not implementing the ART at this time as the ART has not yet entered into force.

The MOU establishes a strategic economic partnership between the United States and Taiwan to decisively strengthen U.S. domestic semiconductor supply chains and secure America's technological and industrial leadership. Under the MOU, Taiwan will facilitate U.S. investment in the Taiwanese semiconductor, artificial intelligence, defense technology, telecommunications, and biotechnology industries to expand market access for American companies, deepen technological collaboration, and strengthen U.S. leadership in critical and emerging industries. As part of the MOU, Taiwan will provide credit guarantees to support financial institutions in offering corporate credit lines of up to $250 billion to facilitate additional investment by Taiwanese enterprises, supporting the establishment and expansion of the semiconductor supply chain and ecosystem in the United States, and Taiwanese semiconductor and technology enterprises will make new, direct investments totaling $250 billion to build and expand advanced semiconductor, energy, and artificial

[1] *See, e.g.,* Executive Order 14389 of February 20, 2026, *Ending Certain Tariff Actions,* 91 FR 9437, 9437 (Feb. 25, 2026) (''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.''); *id.* at 9438 (''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.'').

intelligence production and innovation capacity in the United States. Finally, Taiwan committed to cooperate with U.S. counterparts to establish new industrial clusters in the United States.

Recent and future steps taken by Taiwan to implement the MOU and ART will have a direct and positive impact on U.S. production of steel, aluminum, copper, automobile parts, and wood products. Promised investment in the United States by Taiwanese enterprises will drive increased U.S. economic activity, including construction activity, raising demand for U.S.-produced steel, aluminum, copper, and wood products. These promised investments will also provide increased access to a secure supply of U.S.-fabricated semiconductors, reduce semiconductor-related supply chain risk for the U.S. automobile industry, and enable U.S. automobile parts producers to expand domestic production in light of the decreased risk of supply chain disruptions. In addition, Taiwan's commitments under the ART, once implemented, will create the conditions for expanded opportunities for U.S. exports of steel, aluminum, copper, automotive parts, and wood products to Taiwan, supporting U.S. domestic production in each of these sectors.

In the MOU, the United States committed, in part, to limit the Section 232 duties applied to certain automobile parts, timber, lumber, and wood derivative products of Taiwan to no more than 15 percent. For such products with a U.S. Column 1 Duty Rate in the HTSUS that is at least 15 percent, no Section 232 duty will apply. For such products with a Column 1 Duty Rate that is less than 15 percent, the sum of the Column 1 Duty Rate and the additional *ad valorem* tariff under Section 232 shall be 15 percent. The MOU also provides that the United States will no longer apply derivative Section 232 steel, aluminum, and copper tariffs to aircraft components that are products of Taiwan. The Annex to this notice modifies the HTSUS to provide tariff treatment for these articles consistent with the MOU. These changes to the HTSUS are effective for goods entered, or withdrawn from warehouse, for consumption, on or after May 1, 2026. To the extent that implementation of this notice requires a refund of duties collected, refunds shall be processed pursuant to applicable law and the standard procedures of CBP for such refunds.

Executive Order 14346 and other Presidential actions direct the Secretary or the Trade Representative, in consultation with other officials, to continue to monitor the conditions underlying the national emergency declared in Executive Order 14257, monitor imports with respect to national security threats found by the President under Section 232, update the President on the status of these conditions, inform the President of any circumstance that, in their opinion, might indicate the need for further action, and recommend additional action that, in their opinion, will more effectively deal with the national emergency declared in Executive Order 14257 or more effectively address the national security threats found by the President under Section 232. Accordingly, the Annex to this notice may be amended.

William Kimmitt,

Under Secretary for International Trade, United States Department of Commerce.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on May 1, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. U.S. note 33 is modified by inserting the following new subdivision (u):

''(u) Except as provided for in heading 9903.94.06, headings 9903.94.66, 9903.94.67, 9903.94.68, and 9903.94.69 set forth the ordinary customs duty treatment for certain parts of passenger vehicles and light trucks classifiable in the provisions of the HTSUS enumerated in subdivision (g) of this note or that meet the requirements of subdivision (r) of this note that are products of Taiwan.

Any automotive part, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, that is subject to the duty imposed by this subdivision and that is admitted into a United States foreign trade zone on or after 12:01 a.m. eastern time on May 1, 2026, must be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any *ad valorem* rates of duty related to the classification under these HTSUS headings.

Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (''CBP'') regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the automotive parts provided for in this subdivision under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

Entries of automotive parts described in this subdivision shall not be subject to the additional duties imposed on:

(1) articles of aluminum, of steel, or of copper or derivative aluminum, steel, or copper articles provided for in headings 9903.82.02 and 9903.82.04–9903.82.19.

(2) wood products provided for in headings 9903.76.01, 9903.76.02, 9903.76.03, and 9903.76.24.

2. U.S. note 37 is modified by inserting the following new subdivision (m):

''(m) Except for as provided by heading 9903.76.04, heading 9903.76.24 provides the ordinary customs duty treatment of wood products of Taiwan described in subdivisions (d) and (f) of this note.

For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.76.24 shall be collected in lieu of any special rate of duty otherwise applicable under the appropriate tariff subheading. Goods for which entry is claimed under a provision of chapter 98 and that are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP regulations. No claim for entry or for any duty exemption or reduction shall be allowed for wood products described in subdivisions (d) or (f) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.''

3. The following new headings are inserted in numerical sequence, with the material in the new headings 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	
''9903.76.24 ..	Wood products of Taiwan as provided for in subdivisions (d) and (f) of U.S. note 37 of this subchapter.	15%	15%	No change.
9903.94.66	Parts of passenger vehicles and light trucks that are products of Taiwan as provided for in subdivisions (g) and (u) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent as provided for in subdivision (m) of U.S. note 33 to this subchapter) rate of duty under column 1—General or column 1—Special equal to or greater than 15 percent.	No change	No change	No change.
9903.94.67	Parts of passenger vehicles and light trucks that are products of Taiwan as provided for in subdivisions (g) and (u) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent as provided for in subdivision (m) of U.S. note 33 to this subchapter) rate of duty under column 1—General or column 1—Special less than 15 percent.	15%	15%	No change.
9903.94.68	Parts of passenger vehicles and light trucks that are products of Taiwan as specified in subdivisions (r) and (u) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent as provided for in subdivision (m) of U.S. note 33 to this subchapter) rate of duty under column 1—General or column 1—Special equal to or greater than 15 percent.	No change	No change	No change.
9903.94.69	Parts of passenger vehicles and light trucks that are products of Taiwan as provided for in subdivisions (r) and (u) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent as provided for in subdivision (m) of U.S. note 33 to this subchapter) rate of duty under column 1—General or column 1—Special less than 15 percent.	15%	15%	No change''.

4. U.S. note 35 is modified by inserting the following new subdivision (c):

''As provided in heading 9903.96.03, the additional duties imposed by headings 9903.82.02 and 9903.82.04–9903.82.19 shall not apply to articles the product of Taiwan that are civil aircraft (all aircraft other than military aircraft and unmanned aircraft) components that otherwise meet the criteria of General Note 6 of 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:

7304.31.30	7304.31.60	7304.39.00	7304.41.30
7304.41.60	7304.49.00	7304.51.10	7304.51.50
7304.59.10	7304.59.20	7304.59.60	7304.59.80
7304.90.10	7304.90.30	7304.90.50	7304.90.70
7306.30.10	7306.30.30	7306.30.50	7306.40.10
7306.40.50	7306.50.10	7306.50.30	7306.50.50
7306.61.10	7306.61.30	7306.61.50	7306.61.70
7306.69.10	7306.69.30	7306.69.50	7306.69.70
7312.10.05	7312.10.10	7312.10.20	7312.10.30
7312.10.50	7312.10.60	7312.10.70	7312.10.80
7312.10.90	7312.90.00	7322.90.00	7324.10.00
7324.90.00	7326.20.00	7413.00.90	7608.10.00
7608.20.00	8302.10.60	8302.20.00	8302.42.30
8302.49.60	8302.60.30	8412.21.00	8412.29.80
8412.90.90	8413.81.00	8413.91.90	8414.30.40
8414.59.65	8414.80.16	8414.90.30	8414.90.41
8415.10.60	8415.10.90	8415.81.01	8415.82.01
8415.83.00	8415.90.40	8415.90.80	8418.10.00
8418.30.00	8418.40.00	8419.50.10	8419.50.50
8419.81.50	8419.90.10	8421.29.00	8425.42.00
8426.99.00	8428.33.00	8428.39.00	8428.90.03
8479.89.65	8479.89.95	8479.90.45	8479.90.55
8479.90.65	8479.90.75	8479.90.85	8479.90.95
8483.10.10	8483.10.50	8483.30.40	8483.30.80
8483.40.10	8483.40.50	8483.40.90	8483.50.60
8483.50.90	8483.60.40	8483.60.80	8483.90.20
8483.90.30	8483.90.50	8483.90.80	8501.53.60
8502.20.00	8502.31.00	8504.31.20	8504.31.40
8504.31.60	8504.32.00	8504.33.00	8514.20.40

8517.71.00 8529.90.73 8543.90.88''.

5. New heading 9903.96.03 is inserted in numerical sequence, with the material in the 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	
''9903.96.03 ..	Civil aircraft (all aircraft other than military aircraft and unmanned aircraft) components that are products of Taiwan, provided for in subdivision (c) of U.S. note 35 to this subchapter.	No change	No change	No change''.

6. U.S. note 2(aa)(v)(3) is modified by deleting ''9903.94.64 and 9903.94.65'' and inserting ''9903.94.64, 9903.94.65, 9903.94.66, 903.94.67, 9903.94.68 and 9903.94.69'' in lieu thereof.

7. U.S. note 2(aa)(v)(4) is modified by deleting ''9903.76.22 and 9903.76.23'' and inserting ''9903.76.22, 9903.76.23 and 9903.76.24'' in lieu thereof.

8. U.S. note 33(f) is modified by deleting ''9903.94.62, and 9903.94.63'' in each place it appears and inserting ''9903.94.62, 9903.94.63, 9903.94.66 and 9903.94.67'' in lieu thereof.

9. U.S. note 33(g) is modified by deleting ''9903.94.62, and 9903.94.63,'' and inserting ''9903.94.62, 9903.94.63, 9903.94.66 and 9903.94.67'' in lieu thereof.

10. U.S. Note 33(j) is modified by deleting ''the [date of publication of this **Federal Register** notice,'' and by inserting ''June 30, 2025,'' in lieu thereof.

11. U.S. note 33(m) is modified by deleting ''headings 9903.94.60–9903.94.65, for any good of Japan, the European Union, or South Korea'' and inserting ''headings 9903.94.60–9903.94.69 for any good of Japan, of the European Union, of South Korea or of Taiwan'' in lieu thereof.

12. U.S. note 33(p) is modified by deleting ''9903.94.64, and 9903.94.65'' and inserting ''9903.94.64, 9903.94.65, 9903.94.68 and 9903.94.69'' in lieu thereof.

13. U.S. note 33(r) is modified by:

a. deleting ''9903.94.64, and 9903.94.65'' in each place it appears and inserting ''9903.94.64, 9903.94.65, 9903.94.68 and 9903.94.69'' in lieu thereof;

b. deleting ''9903.94.64, or 9903.94.65'' and inserting ''9903.94.64, 9903.94.65, 9903.94.68, or 903.94.69'' in lieu thereof; and

c. deleting ''South Korea, and Japan'' and inserting ''South Korea, Japan, and Taiwan'' in lieu thereof.

14. U.S. note 33(s) is modified by deleting ''December [DATE OF **FEDERAL REGISTER** NOTICE PUBLICATION],'' and inserting ''December 4,'' in lieu thereof.

15. U.S. note 33(t) is modified by deleting ''December [DATE OF **FEDERAL REGISTER** NOTICE PUBLICATION],'' and inserting ''December 4,'' in lieu thereof.

16. U.S. note 37:

a. is modified by deleting ''provided by 9903.76.04'' in each place that it appears and inserting ''provided by heading 9903.76.04'' in lieu thereof;

b. subdivision (c) is modified by deleting ''South Korea and Japan'' and inserting ''South Korea, Japan, and Taiwan'' in lieu thereof;

c. subdivision (d) is modified by:

i. deleting ''9903.76.22, and 9903.76.23'' and inserting ''9903.76.22, 9903.76.23, and 9903.76.24'' in lieu thereof; and

ii. deleting ''(j), and (l)'' and inserting ''(j), (l), and (m)'' in lieu thereof;

d. subdivision (e) is modified by deleting ''South Korea, and Japan'' and inserting ''South Korea, Japan, and Taiwan'' in lieu thereof;

e. subdivision (f) is modified by:

i. deleting ''9903.76.22, and 9903.76.23'' and inserting ''9903.76.22, 9903.76.23, and 9903.76.24'' in lieu thereof; and

ii. deleting ''(j), and (l)'' and inserting ''(j), (l), and (m)'' in lieu thereof; and

f. subdivision (k) is modified by deleting ''9903.76.22, or 9903.76.23'' and inserting ''9903.76.22, 9903.76.23, or 9903.76.24'' in lieu thereof.

17. U.S. note 39(a) is modified by deleting ''9903.94.64 and 9903.94.65'' and inserting ''9903.94.64, 9903.94.65, 9903.94.66, 9903.94.67, 9903.94.68, and 9903.94.69'' in lieu thereof.

18. Heading 9903.94.05 is modified by deleting ''9903.94.62, and 9903.94.63'' from the article description and inserting ''9903.94.62, 9903.94.63, 9903.94.66 and 9903.94.67'' in lieu thereof.

19. Heading 9903.94.07 is modified by deleting ''9903.94.64, and 9903.94.65'' in the article description and inserting ''9903.94.64, 9903.94.65, 9903.94.68, and 9903.94.69'' in lieu thereof.

20. Heading 9903.94.31 is modified by deleting ''[ ]'' in the article description and inserting ''June 30, 2025'' in lieu thereof.

21. Heading 9903.94.32 is modified by deleting ''[ ]'' in the article description and inserting ''June 30, 2025'' in lieu thereof.

22. Heading 9903.96.01 is modified by deleting ''[ ]'' in the article description and inserting ''June 30, 2025'' in lieu thereof.

[FR Doc. 2026–10571 Filed 5–27–26; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0037]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 10 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0037 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0037) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of

Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0037), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0037.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0037) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) 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

[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.*

available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 10 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Billy Adams

Billy Adams is a 54-year-old class A commercial driver's license (CDL) holder in North Carolina. He has a history of idiopathic focal epilepsy and has been seizure free since June 2025. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2025. His physician states that they are supportive of him receiving an exemption.

Randall L. Boaz

Randall L. Boaz is a 43-year-old class A CDL holder in Tennessee. He has a history of focal epilepsy and has been seizure free since February 12, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2025. His physician states that they are supportive of him receiving an exemption.

Bradlee Croslin

Bradlee Croslin is a 26-year-old class D license holder in Illinois. He has a history of epilepsy and has been seizure free since 2015. He has been off anti-seizure medication since August 2025. His physician states that they are supportive of him receiving an exemption.

Ryan Johnston

Ryan Johnston is a 32-year-old class B CDL holder in Pennsylvania. He has a history of anaplastic oligodendroglioma and has been seizure free since July 20, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2024. His physician states that they are supportive of him receiving an exemption.

Jeffrey King

Jeffrey King is a 56-year-old class A CDL holder in North Carolina. He has a history of a single provoked seizure and has been seizure free since May 2025. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 21, 2025. His physician states that they are supportive of him receiving an exemption.

German Lungo

German Lungo is a 36-year-old class D license holder in New York. He has a history of seizure disorder and has been seizure free since December 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2022. His physician states that they are supportive of him receiving an exemption.

Russell Ochsner

Russell Ochsner is a 62-year-old class D license holder in Kentucky. He has a history of epilepsy and has been seizure free since August 14, 2023. He has been on an anti-seizure medication with the dosage and frequency remaining the same since November 2023. His physician states that they are supportive of him receiving an exemption.

Jose Rangel

Jose Rangel is a 30-year-old class A CDL holder in Pennsylvania. He has a history of a single provoked seizure and has been seizure free since October 2025. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 29, 2025. His physician states that they are supportive of him receiving an exemption.

Phillip Spivak

Phillip Spivak is a 75-year-old class B CDL holder in North Carolina. He has a history of idiopathic epilepsy and has been seizure free since November 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2005. His physician states that they are supportive of him receiving an exemption.

Matthew Yanney

Matthew Yanney is a 42-year-old enhanced license holder in Washington. He has a history of generalized idiopathic epilepsy and has been seizure free since May 15, 2020. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2020. His physician states that they are supportive of him receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–10582 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0038]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0038 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0038) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.

• *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0038), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0038.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0038) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) 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

[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.

guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 12 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Dylan Bickhart

Dylan Bickhart is a 28-year-old class C license holder in Pennsylvania. He has a history of remote seizure and has been seizure free since 2002. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

Adam Cutler

Adam Cutler is a 33-year-old class B commercial driver's license (CDL) holder in Maine. He has a history of seizure disorder and has been seizure free since April 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 2009. His physician states that they are supportive of him receiving an exemption.

David Edwards

David Edwards is a 52-year-old class D license holder in Oklahoma. He has a history of epilepsy and has been seizure free since November 2010. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that they are supportive of him receiving an exemption.

John Michael Fernandez

John Michael Fernandez is a 54-year-old class C license holder in California. He has a history of focal epilepsy and has been seizure free since 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2021. His physician states that they are supportive of him receiving an exemption.

Branndon Hoch

Branndon Hoch is a 34-year-old class CM license holder in Pennsylvania. He has a history of focal epilepsy and has been seizure free since October 8, 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 2023. His physician states that they are supportive of him receiving an exemption.

Duane Hoefer

Duane Hoefer is a 62-year-old class O license holder in Nebraska. He has a history of seizure disorder and has been seizure free since August 4, 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Jonathan Jaros

Jonathan Jaros is a 68-year-old class A CDL holder in Ohio. He has a history of seizure disorder and has been seizure free since January 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 2017. His physician states that they are supportive of him receiving an exemption.

Trevor Judd

Trevor Judd is a 26-year-old class DM license holder in Wisconsin. He has a history of juvenile myoclonic epilepsy and has been seizure free since March 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 2017. His physician states that they are supportive of him receiving an exemption.

Anthony Marino

Anthony Marino is a 28-year-old class E license holder in Florida. He has a history of generalized epilepsy and has been seizure free since 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

Geethma Perera

Geethma Perera is a 23-year-old class E license holder in New York. He has a history of single unprovoked seizure and has been seizure free since March 21, 2021. He has been off anti-seizure medication since January 21, 2022. His physician states that they are supportive of him receiving an exemption.

Tyler Westlake

Tyler Westlake is a 27-year-old class C license holder in Wyoming. He has a history of juvenile myoclonic epilepsy and has been seizure free since 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Joseph Zaehringer

Joseph Zaehringer is a 23-year-old class C license holder in Iowa. He has a history of generalized epilepsy and has been seizure free since July 24, 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–10583 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–EX–P

[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.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0389; FMCSA–2014–0381; FMCSA–2015–0119; FMCSA–2020–0047; 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 five 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 November 6, 2025. The exemptions expire on November 6, 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–2011–0389, FMCSA–2014–0381, FMCSA–2015–0119, FMCSA–2020–0047, 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 (ME) 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 January 20, 2026, FMCSA published a notice announcing its decision to renew exemptions for five 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 (91 FR 2418). The public comment period ended on February 19, 2026, and no comments were received.

The Agency has 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 five applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The five 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

[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.*

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 or greater than 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 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.

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 five renewal exemption applications and supporting materials, 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 November 6, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Brian Bommer (OH)
Alex Hunter (SD)
David Kietzman (WI)
Marion Franklin Legg (MD)
Willian Rainer (TX)

The drivers were included in docket numbers FMCSA–2011–0389, FMCSA–2014–0381, FMCSA–2015–0119, FMCSA–2020–0047, or FMCSA–2023–0036. Their exemptions were applicable as of November 6, 2025, and will expire on November 6, 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 in the initial renewal notice (*see* 91 FR 2418) and incorporated herein; (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. 2026–10580 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0039]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 11 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0039 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0039) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0039), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use

only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0039.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0039) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 11 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

David Boone

David Boone is a 56-year-old class D license holder in Oklahoma. He has a history of seizure disorder and has been seizure free since January 2003. He takes an anti-seizure medication with the dosage and frequency remaining the

[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.*

same since 2016. His physician states that they are supportive of him receiving an exemption.

Tyler Campbell

Tyler Campbell is a 26-year-old class C license holder in Georgia. He has a history of complex partial epilepsy and has been seizure free since 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Wyatt Chisamore

Wyatt Chisamore is a 20-year-old class D license holder in Vermont. He has a history of nocturnal left centro-temporo-parietal epilepsy and has been seizure free since July 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 17, 2024. His physician states that they are supportive of him receiving an exemption.

Matthew Davis

Matthew Davis is a 32-year-old class A commercial driver's license (CDL) holder in South Carolina. He has a history of seizure disorder and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 2015. His physician states that they are supportive of him receiving an exemption.

Jitwan Floyd

Jitwan Floyd is a 25-year-old class D license holder in South Carolina. He has a history of generalized epilepsy and has been seizure free since 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2019. His physician states that they are supportive of him receiving an exemption.

Ricky Loy

Ricky Loy is a 56-year-old class A CDL holder in Florida. He has a history of generalized epilepsy and has been seizure free since 2002. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states that they are supportive of him receiving an exemption.

Matthew May

Matthew May is a 27-year-old class D license holder in Connecticut. He has a history of focal epilepsy and has been seizure free since January 15, 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 15, 2018. His physician states that they are supportive of him receiving an exemption.

Kyle Ratliff

Kyle Ratliff is a 34-year-old class AV CDL holder in Alabama. He has a history of simple partial epilepsy and has been seizure free since March 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2016. His physician states that they are supportive of him receiving an exemption.

Joseph Shojaie

Joseph Shojaie is a 23-year-old class D license holder in South Carolina. He has a history of epilepsy and has been seizure free since June 25, 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2017. His physician states that they are supportive of him receiving an exemption.

Mark Stroney

Mark Stroney is a 49-year-old class A CDL holder in Missouri. He has a history of epilepsy and has been seizure free since March 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2008. His physician states that they are supportive of him receiving an exemption.

Jacob Utphall

Jacob Utphall is a 47-year-old class D license holder in Wisconsin. He has a history of single unprovoked seizure and has been seizure free since October 22, 2019. He has been off anti-seizure medication since 2022. His physician states that they are supportive of him receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–10584 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0107; FMCSA–2013–0108; FMCSA–2015–0119; FMCSA–2017–0254; FMCSA–2018–0052; FMCSA–2022–0046; FMCSA–2023–0036; FMCSA–2023–0038]

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 16 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–2013–0107, FMCSA–2013–0108, FMCSA–2015–0119, FMCSA–2017–0254, FMCSA–2018–0052, FMCSA–2022–0046, FMCSA–2023–0036, or FMCSA–2023–0038, 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 (ME) 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 January 20, 2026, FMCSA published a notice announcing its decision to renew exemptions for 16 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 (91 FR 2420). The public comment period ended on February 19, 2026, and no comments were received.

The Agency has 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 16 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 16 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 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.

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 16 renewal exemption applications and supporting materials, 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 December 5, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Francis Chiacchieri (MA)
Alan Glinsmann (KS)
Michelle Hughes (NC)
Michael Keys (PA)
Cecil Massey (MS)
Ryan McKnelly (SD)
Derick Pendergrass (NC)
James Phillips (NC)
Joshua Pike (ME)
Anthony Keith Pitzen (IA)
Alex Ramerth (MN)

The drivers were included in docket numbers FMCSA–2017–0254, FMCSA–2022–0046, FMCSA–2023–0036, or FMCSA–2023–0038. Their exemptions were applicable as of December 5, 2025, and will expire on December 5, 2027.

As of December 16, 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:

Christopher Bird (OH)
Scott DeJarnette (KY)
Curtis Alan Hartman (MD)
Wendell F. Headley (MO)

The drivers were included in docket numbers FMCSA–2013–0107, FMCSA–2015–0119, or FMCSA–2018–0052. Their exemptions were applicable as of December 16, 2025, and will expire on December 16, 2027.

As of December 23, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), David Kestner (VA) 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–2013–0108. The exemption was applicable as of December 23, 2025, and will expire on December 23, 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 in the initial renewal notice (*see* 91 FR 2420) and incorporated herein; (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. 2026–10581 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0859]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V JANA C

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before June 29, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0859 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs

vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–10607 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0861]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V ANDIAMO

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before June 29, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0861 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the

Continued

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–10608 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1156]

RIN 2127–ZA28

New Car Assessment Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (Department or DOT).

ACTION: Request for comments (RFC).

SUMMARY: This notice requests comment on a proposal to update the NHTSA's New Car Assessment Program (NCAP) by adding rear automatic braking (RAB) systems with pedestrian avoidance ability to the advanced driver assistance systems (ADAS) technologies NHTSA currently recommends. NHTSA proposes to identify and evaluate vehicles in the marketplace that offer systems that pass NCAP performance test criteria for RAB. The proposed updates to NCAP would give consumers important safety information about technologies designed to prevent crashes with pedestrians when the vehicle is moving in reverse.

DATES: Comments should be submitted no later than July 27, 2026.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by one of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, 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 202–366–9332 before coming.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov,* or the street address listed above. Follow the online instructions for accessing the dockets.

Privacy Act: Anyone can search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, or other entity). For information on DOT's compliance with the Privacy Act, see *https://www.transportation.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ian MacIntire, Office of Crashworthiness Standards by email at *ian.macintire@dot.gov,* or by phone at 202–366–1810. Address: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
II. Background
A. Rear Automatic Braking Systems
B. 2015 NCAP RFC
C. NCAP Roadmap
D. Euro NCAP
E. NHTSA Research
III. Purpose and Rationale
IV. Rear Automatic Braking Testing Program
A. Safety Need
B. Countermeasures Exist
C. Potential Safety Benefits
D. Objective Test Procedure Exists
V. NHTSA Research
A. Overview
B. NHTSA's 2026 Report

Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

C. Research Conclusions
VI. Proposal in Detail
A. Test Objects
B. Test Scenarios and Test Conditions
C. Pass-Fail Criteria
D. Number of Trials per Test Condition
E. Awarding Credit for RAB Systems
VII. Conclusion
VIII. Economic Analysis
IX. Public Participation
X. Appendices
A. Requests for Comment

I. Executive Summary

NCAP provides comparative information on the safety performance of new vehicles and the availability of new vehicle safety features to assist consumers with vehicle purchasing decisions. NCAP is one of several programs that NHTSA uses to fulfill its mission of reducing fatalities, injuries, and economic losses that occur on U.S. roadways. This RFC focuses on the inclusion of RAB systems with pedestrian avoidance capability in NCAP.

RAB is an advanced driver assistance technology designed to apply a vehicle's brakes automatically when reversing if an obstacle is detected in its path. The technology complements existing rear visibility systems such as mirrors and cameras by intervening automatically to prevent or mitigate backover crashes. Backover crashes are crashes where non-occupants of vehicles (such as pedestrians or cyclists) are struck by vehicles moving in reverse. While most current RAB systems are not designed to detect and avoid pedestrians, NHTSA's testing of RAB systems has shown the potential for pedestrian detection and avoidance of backover crashes.

Backover crashes often occur in parking lots or driveways where pedestrians are more likely to be present and vehicles are making backing maneuvers. Vehicle blind spots limit what drivers can see behind a vehicle, making backing maneuvers particularly dangerous for children who may be too small to be seen. According to data from the Fatality Analysis Reporting System (FARS) and the Crash Report Sampling System (CRSS) for the years 2017 through 2022, approximately 111,000 crashes occurred annually that involved a passenger vehicle backing into a pedestrian, cyclist, fixed object, parked vehicle, or moving object. These backing crashes resulted in an average of 69 fatalities each year, 36 of which involved pedestrians, and with a disproportionate number of small child victims.

In support of this proposal, NHTSA conducted research to evaluate various vehicles' RAB system performance in different test scenarios and test conditions. The testing demonstrated that while current RAB systems can prevent some backover crashes, their performance varies across vehicle models and test conditions. The research developed a standardized, objective procedure to assess RAB performance in scenarios involving pedestrians.

NHTSA proposes to assess RAB system performance in two test scenarios: (1) Reversing Vehicle—Stationary Pedestrian Test Mannequin and (2) Reversing Vehicle—Moving Pedestrian Test Mannequin. In each of these test scenarios, the vehicle is reversing at a speed of four km/h (2.5 mph) or eight km/h (5 mph).[1] All test scenarios are conducted in daylight conditions. Two test mannequins are utilized for each speed condition—the 4activePA-adult articulated pedestrian test mannequin (adult mannequin) and the 4activePS-child static two-year-old pedestrian test mannequin with posable but fixed arms and legs (two-year-old mannequin).[2]

In the stationary pedestrian scenario, the pedestrian test mannequin is stationary with articulation (if available) switched off, facing sideways (towards the driver's side of the test vehicle), and located at a 25, 50, or 75 percent ''overlap'' as the vehicle travels rearward at four km/h or eight km/h. The term ''overlap'' in the context of RAB testing is the location of the point on the rear of the vehicle that would make contact with the test mannequin if no braking occurred. For the stationary pedestrian scenario, overlap is expressed as a percentage of the subject vehicle's overall width measured from the vehicle's driver side outer edge.

In the moving pedestrian scenario, the pedestrian test mannequin moves perpendicular to the rearward motion of the vehicle. In this test scenario, the adult mannequin, moving at five km/h (3.1 mph), or the two-year-old mannequin, moving at 3.2 km/h (two mph), approaches the vehicle traveling rearward, from either the left or right side such that the potential point of impact is in the middle of the vehicle rear (*i.e.,* 50 percent overlap).

Collectively, the proposed two scenarios result in a total of 20 test conditions (12 test conditions in stationary pedestrian scenario and eight test conditions in moving pedestrian scenario) for evaluating RAB system performance in a vehicle. The proposed test matrix is presented in Table 1 below:

TABLE 1—PROPOSED TEST MATRIX FOR THE NCAP RAB EVALUATION

Test scenario	Approach direction	Test object and related speed	Test object overlap	Vehicle speed in reverse	
				4 km/h (2.5 mph)	8 km/h (5 mph)
Stationary Pedestrian in Resting Position[3] with Articulation (if any) Switched Off.	Facing Left	Adult	25 percent	1	1
			50 percent	1	1
			75 percent	1	1
		2-year-old child	25 percent	1	1
			50 percent	1	1
			75 percent	1	1
Test Conditions—Stationary Pedestrian Scenario				12	
Moving Pedestrian	From Right	Adult, 5 km/h (3.1 mph).	50 percent	1	1
		2-year-old child, 3.2 km/h (2 mph).	50 percent	1	1

[1] The test vehicle speeds of four and eight km/h were selected because they correspond to common real-world backing speeds in residential driveways and parking environments, and they align with the testing speeds used in the 2023 Euro NCAP protocol for Car-to-Pedestrian Reverse tests.

[2] The 4activePA-adult and the 4activePS-child pedestrian mannequins comply with ISO 19206–2:2018, ''Road vehicles—Test devices for target vehicles, vulnerable road users, and other objects, for assessment of active safety functions—Part 2: Requirements for pedestrian targets,'' and are compliant for use in Euro NCAP's assessment of RAB systems.

TABLE 1—PROPOSED TEST MATRIX FOR THE NCAP RAB EVALUATION—Continued

Test scenario	Approach direction	Test object and related speed	Test object overlap	Vehicle speed in reverse	
				4 km/h (2.5 mph)	8 km/h (5 mph)
	From Left	Adult, 5 km/h (3.1 mph). 2-year-old child, 3.2 km/h (2 mph).	50 percent ..... 50 percent	1 1	1 1
# Test Conditions—Moving Pedestrian Scenario			8		
# Total Test Conditions for RAB Evaluation			20		

The proposed performance criteria assessed in the tests for evaluating RAB performance are: (1) the vehicle shall not contact the test mannequin; (2) an auditory warning shall be provided prior to RAB system brake application onset; (3) the RAB system shall default to ''ON'' after each ignition/key cycle; and (4) after the vehicle comes to a complete stop, its brakes shall not be released unless test mannequin is no longer in the vehicle's path or the driver performs a deliberate override action.

NHTSA proposes to conduct only one trial per test condition, which results in a total of 20 tests for evaluating a vehicle's RAB system. NHTSA proposes that vehicles must pass (*i.e.,* meet the four proposed performance criteria) all 20 tests to receive RAB credit. NHTSA proposes to identify vehicles with RAB systems that receive RAB credit by way of a check mark on the NHTSA website. Until a crash avoidance rating system is developed and implemented, the check mark on the NHTSA website will remain the primary method of notifying consumers of available RAB systems meeting NHTSA's performance criteria.

This proposal aligns with NHTSA's NCAP Roadmap, which outlines mid-term and long-term updates to the program. RAB has been identified as a mid-term addition to NCAP's crash avoidance testing. The proposed tests and evaluation criteria for RAB are similar to those utilized in the 2023 European New Car Assessment Program protocol (2023 Euro NCAP protocol),[4] with some modifications to address better the safety concern in the United States. Specifically, while the 2023 Euro NCAP protocol utilizes a seven-year-old child test mannequin, NHTSA proposes to use the 4active-PS static two-year-old pedestrian test mannequin (two-year-old mannequin) because a large percentage of the pedestrian fatalities stemming from impacts with the rear of vehicles while they are backing are associated with children one to two years of age.

The implementation of this proposal would expand NCAP's consumer information offerings to cover a feature that addresses directly pedestrian and child safety in backing scenarios. Through this RFC, NHTSA seeks public comment on its proposal to include RAB in NCAP, including the test procedures and performance criteria under consideration. NHTSA includes requests for public comment in this notice on specific topics that are also numbered and compiled for the reader's convenience in Appendix A. To ensure that NHTSA addresses all comments, NHTSA requests that commenters provide the corresponding request for comment number(s) in their responses.

II. Background

A. Rear Automatic Braking Systems

RAB is an advanced driver assistance technology designed to apply brakes automatically when a vehicle is traveling in reverse and an object or person is detected in its path. Unlike traditional rear visibility systems such as mirrors or rearview cameras, which rely on the driver to observe and react, RAB intervenes directly by applying the vehicle's brakes. This is done automatically, independent of driver input, with the intent to prevent or mitigate a rearward collision. Manufacturers employ sensors or cameras to identify potential obstacles behind the vehicle and activate braking when needed. The rear automatic braking action is generally preceded by a warning to the driver notifying them of an impending collision with object(s) to the rear of the vehicle.

Though many RAB systems in current vehicles are intended mainly to prevent vehicle damage due to impact with inanimate objects while the vehicle is reversing, there is potential for RAB systems to enhance the protection of adult and child pedestrians, who are at risk in backover crashes. Backover crashes often occur at low speeds in residential driveways, parking lots, and other non-roadway environments where young children may be difficult for drivers to see. While technologies such as rear visibility cameras have improved driver awareness of their surroundings, this safety feature remains dependent on driver vigilance and reaction time. RAB extends protection beyond the driver's capability by providing automatic intervention when an adult or child pedestrian is present in a moving vehicle's rearward path.

B. 2015 NCAP RFC

In a 2015 RFC, NHTSA proposed including RAB as part of the NCAP program.[5] However, RAB systems and the test procedure[6] proposed were different at that time from what is now being considered. The 2015 RFC proposed a feature confirmation test in which the vehicle under test was placed in reverse and allowed to roll backward from rest by simply releasing the brake pedal. The RAB system was expected to detect a static child-sized mannequin behind the vehicle and automatically stop the vehicle before making contact. The test object in that draft procedure was limited to a stationary pedestrian test mannequin placed at three different degrees of overlap behind the vehicle, and the test ended either when the RAB system stopped the vehicle or when the vehicle contacted the mannequin. The system would need to avoid contacting the mannequin in all three overlap percentages (25 percent, 50 percent, and 75 percent) to receive credit for passing performance.

[3] Resting Position means the pedestrian mannequin is standing upright with relaxed arms positioned vertically along the sides of the mannequin.

[4] *See* Section 7.2 of *https://www.euroncap.com/media/80156/euro-ncap-aeb-lss-vru-test-protocol-v451.pdf.* Specifically, Car-to-Pedestrian-Reverse-Adult (CPRA) and Car-to-Pedestrian-Reverse-Child (CPRC) scenarios.

[5] *See* 80 FR 78522 (Dec. 16, 2015), *available at https://www.federalregister.gov/documents/2015/12/16/2015-31323/new-car-assessment-program.*

[6] *See https://www.regulations.gov/document/NHTSA-2015-0119-0030.*

In the 2015 RFC, NHTSA proposed to assess RAB performance using a rudimentary test procedure developed to reflect the state of RAB technology at the time. Then-current RAB systems were generally designed for object detection and were not widely capable of pedestrian detection. In contrast, modern RAB technology has expanded functionality and can be assessed under much more robust and realistic conditions. Accordingly, current procedures specify controlled reverse speeds rather than having the vehicle idle rearward, incorporate both stationary and moving pedestrian test mannequins, and require testing at different overlap percentages.

Because of the expanded capabilities of RAB systems in recent years, modifications and additions to the associated test procedures, and fundamental differences in system performance expectations since NHTSA first introduced the concept of RAB in its 2015 RFC notice, comments submitted in response to that notice are no longer considered relevant and are not addressed herein. NHTSA invites comment on the current RAB systems being considered for inclusion in NCAP.

C. NCAP Roadmap

The NCAP roadmap sets forth NHTSA's phased strategy for advancing the program over the coming years by incorporating new crash avoidance, crashworthiness, and vulnerable road user protection measures.[7] The roadmap is intended to provide transparency about how NCAP will evolve, giving consumers access to clearer information on vehicle safety and encouraging manufacturers to integrate emerging safety technologies into their new vehicle models. NHTSA explained that goals listed on the roadmap aim to protect both occupants and vulnerable road users.[8] Within this framework, RAB has been identified as a mid-term addition to NCAP. Its inclusion reflects NHTSA's recognition of the safety technologies designed to prevent backover crashes, particularly those involving pedestrians of all sizes, including children.

D. Euro NCAP

Euro NCAP has developed a protocol for evaluating RAB systems and has been testing RAB systems since January 2020.[9] Euro NCAP treats RAB as part of its vulnerable road user protection efforts. The Euro NCAP, ''TEST PROTOCOL—AEB/LSS VRU systems Implementation 2023, Version 4.5.1,'' [10] referred to in this RFC as the 2023 Euro NCAP protocol, contains test conditions for evaluating a vehicle's RAB system's ability to avoid contact with either a stationary or moving pedestrian test mannequin when reversing at low speeds. The vehicle test speeds are four km/h and eight km/h, representing common reversing speeds in parking areas. All test scenarios are conducted in daylight conditions. The evaluation uses two articulating pedestrian test mannequins: an adult male and a seven-year-old child. These adult and child pedestrian test mannequins used in the 2023 Euro NCAP protocol RAB tests are in accordance with the performance requirements, dimensions, and reflection properties for pedestrian test mannequins specified in the International Organization for Standardization (ISO) 19206–2.[11]

In the tests with a stationary pedestrian test mannequin, the vehicle travels rearwards at four km/h or eight km/h towards the pedestrian test mannequin (adult or child articulating pedestrian test mannequin with articulation switched off) facing sideways (left or right direction, selected by testing facility). In these tests, the stationary pedestrian test mannequin is positioned such that the rear of the vehicle could potentially strike the pedestrian at a location from the driver's side vehicle edge that is 25, 50, or 75 percent of the vehicle's width (25 percent, 50 percent, or 75 percent overlap).

In the tests with a moving pedestrian test mannequin, the articulating pedestrian test mannequin is initially located four meters left of the test vehicle's longitudinal centerline and travels at a speed of km/h perpendicular to the test vehicle's line of travel such that potential impact with the rear of the vehicle occurs when the mannequin is located at the vehicle's longitudinal centerline (50 percent overlap). The test matrix for evaluating RAB in the 2023 Euro NCAP protocol is shown in Table 2, and a schematic of the RAB test procedure with stationary pedestrian test mannequins and moving pedestrian test mannequins is shown in Figure 1. As shown in Table 2, EuroNCAP assessment of RAB system performance involves a total of 8 test conditions.

TABLE 2—2023 EURO NCAP PROTOCOL TEST MATRIX FOR RAB EVALUATION

Test scenario	Approach direction	Test object	Test object overlap	Vehicle speed in reverse	
				4 km/h (2.5 mph)	8 km/h (5 mph)
Stationary Pedestrian in Resting Position with Articulation Switched Off.	Facing Left or Right (Selected by Testing Facility).	Adult	25 percent		1
			50 percent	1	
			75 percent		1
		7-year-old child	25 percent	1	
			50 percent		1
			75 percent	1	
# Test Conditions—Stationary Pedestrian Scenario			6		
Moving Pedestrian	From Left	Adult, 5 km/h (3.1 mph)	50 percent	1	
		7-year-old child, 5 km/h (3.1 mph).	50 percent		1
# Test Conditions—Moving Pedestrian Scenario			2		
# Total Test Conditions for RAB Evaluation			8		

[7] *See https://www.nhtsa.gov/sites/nhtsa.gov/files/2024-11/NCAP-Roadmap-11182024-web.pdf.*

[8] *See* 89 FR 93000 (Nov. 25, 2024), *available at https://www.federalregister.gov/documents/2024/11/25/2024-27446/new-car-assessment-program-final-decision-notice-crashworthiness-pedestrian-protection.*

[9] *See https://www.euroncap.com/media/79885/euro-ncap-assessment-protocol-vru-v114.pdf.*

[10] *See https://www.euroncap.com/media/80156/euro-ncap-aeb-lss-vru-test-protocol-v451.pdf.*

[11] ISO 19206–2:2018, ''Road vehicles—Test devices for target vehicles, vulnerable road users, and other objects, for assessment of active safety functions—Part 2: Requirements for pedestrian targets.''

Articulation Switched Off	by Testing Facility)		50 percent		1
			75 percent	1	
# Test Conditions – Stationary Pedestrian Scenario				6	
Moving Pedestrian	From Left	Adult, 5 km/h (3.1 mph)	50 percent	1	
		7-year-old child, 5 km/h (3.1 mph)	50 percent		1
# Test Conditions – Moving Pedestrian Scenario				2	
# Total Test Conditions for RAB Evaluation				**8**	

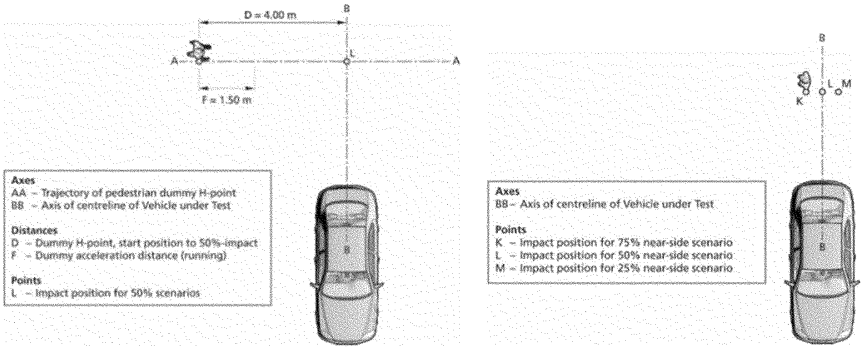


Figure 1. Schematic of the RAB Test Procedure in the 2023 Euro NCAP Protocol (adult and child pedestrian scenario: moving pedestrian (left) and stationary pedestrian (right).[12]

The performance criteria are that the vehicle must not contact the pedestrian test mannequin, and once the brakes are engaged, they must remain applied until the pedestrian is no longer in the vehicle's path. The 2023 Euro NCAP protocol also requires that the RAB system default to ''ON'' at each ignition cycle so drivers cannot disable the system by default. These procedures and performance criteria have become an important benchmark for evaluating RAB systems worldwide.

In October 2025, Euro NCAP released a new protocol, ''Crash Avoidance Low Speed Collisions Protocol, Version 1.1,'' [13] that contains updated RAB test procedures, which differ in multiple ways from the 2023 Euro NCAP protocol for evaluating RAB and from NHTSA's proposed RAB test protocol. NHTSA seeks information regarding the motivation for the changes in RAB test scenarios between the 2023 Euro NCAP Protocol (Test Protocol–AEB/LSS VRU Systems; Implementation 2023, Version 4.5.1, February 2024) and the October 2025 Euro NCAP Protocol, ''Crash Avoidance Low Speed Conditions Protocol, Version 1.1 October 2025, Implementation January 2026.''

E. NHTSA Research

NHTSA completed a research program to evaluate the performance of modern RAB systems and to develop an objective and repeatable test procedure suitable for use in NCAP.[14] This effort built upon a draft procedure first proposed in the Agency's 2015 RFC [15] and incorporated advancements to address current vehicle technologies and real-world crash concerns, as well as comments received from manufacturers. The revised procedure accounts for both stationary and moving pedestrian scenarios, includes defined reversing speeds, and uses robotic steering and pedal controllers to ensure consistency. The revised procedure also considered the procedures established by the 2023 Euro NCAP protocol and sought to harmonize where possible.

Testing was conducted at NHTSA's Vehicle Research and Test Center on four RAB-equipped 2022 model year (MY) vehicles: Cadillac XT4, Ford Mustang Mach-E, Jeep Grand Cherokee L, and Subaru Outback Touring. Each vehicle was evaluated across a structured test matrix that included a wide range of pedestrian and obstacle conditions. In total, the program carried out roughly 24 distinct test conditions, using both adult and child pedestrian test mannequins in stationary pedestrian scenario and moving pedestrian scenario, with overlap of 25, 50, and 75 percent, and reversing speeds of four and eight km/h. The addition of a test object programmable platform for moving pedestrian test mannequins and robotic vehicle controls allowed for repeatable testing of moving pedestrian encounters that more closely reflect real-world backover risks.

The research, presented in a 2026 report titled ''Rear Automatic Braking Feature Confirmation Test Procedure Refinement'' (NHTSA's 2026 Report),[16] found that RAB system performance was not consistent across vehicle models. Though all systems demonstrated the potential to prevent certain backover crash scenarios, none of the vehicles consistently avoided collisions with moving pedestrian test mannequins. Performance was generally better at lower test speeds, with shorter test objects, and with stationary test objects. These findings indicate that while RAB can contribute important safety benefits, especially for vulnerable populations such as children, there is potential for further refinement of the technology.

III. Purpose and Rationale

Establishing an NCAP evaluation program for RAB would encourage manufacturers to equip new vehicles with RAB systems having the ability consistently to detect and avoid pedestrians in the path of a reversing vehicle. Backover crashes, while a small subset of total crashes, disproportionately affect young children and older adults, who are often struck by vehicles reversing. NHTSA's analysis of crash data indicates that these incidents present a significant safety concern due to their severity and the demographics of the victims. Incorporating RAB into NCAP promotes the advancement of technologies that protect these vulnerable road users.

This notice seeks comment on NHTSA's proposal to add RAB evaluations to NCAP's crash avoidance program. NHTSA believes that RAB system performance and test procedures have improved to such an extent that inclusion of such testing in NCAP has the potential to reduce fatalities and injuries associated with backover crashes, not simply to prevent vehicle damage due to impact with inanimate objects. Research conducted by NHTSA has demonstrated that RAB systems are technologically feasible but currently vary widely in their performance, particularly when detecting and responding to pedestrians, including small children. By establishing objective NCAP test procedures, NHTSA will provide consumers with clear, comparable information on RAB performance, while encouraging manufacturers to design more effective systems with pedestrian detection and avoidance capability.

NHTSA notes that the inclusion of RAB in NCAP is consistent with NHTSA's established prerequisites for adding new technologies to the program: (1) the technology addresses a demonstrated safety need; (2) system designs for countermeasures exist to mitigate the safety problem; (3) those designs have safety benefit potential; and (4) a performance-based objective test procedure exists to assess system performance. These four prerequisites are discussed in detail below in the following section. By implementing the inclusion of RAB in NCAP, NHTSA seeks to promote the development and adoption of more robust RAB systems, improve consumer awareness of their function and importance, and reduce injuries and fatalities resulting from backover crashes.

IV. Rear Automatic Braking Testing Program

A. Safety Need

NHTSA analyzed 2017 to 2022 data files from the Fatality Analysis Reporting System (FARS) and the Crash Reporting Sampling System (CRSS). For this time period, there were an average of 5.82 million police-reported crashes involving passenger vehicles (PV) [17] per year, including 31,018 fatal crashes per year.

Backing safety technologies such as RAB are designed to mitigate or prevent only a subset of these crashes. These ''target backing crashes'' encompass cases where a PV backed into (1) pedestrians, (2) cyclists, (3) parked vehicles, (4) fixed objects, and (5)

[12] Reproduced with permission from Euro NCAP Test Protocol—AEB/LSS VRU Systems. Version 4.5.1 February 2024. Figure 7–9. *https://www.euroncap.com/media/80156/euro-ncap-aeb-lss-vru-test-protocol-v451.pdf.*

[13] *See https://www.euroncap.com/media/91777/euro-ncap-protocol-crash-avoidance-low-speed-collisions-v11.pdf.*

[14] Mazzae, E.N., Sun, A.L., & Baldwin, G.H.S., Rear Automatic Braking Feature Confirmation Test Procedure Refinement (2026). A copy of this report is available in the docket for this notice.

[15] *See* 80 FR 78522 (Dec. 16, 2015), available at *https://www.federalregister.gov/documents/2015/12/16/2015-31323/new-car-assessment-program.*

[16] Mazzae, E.N., Sun, A.L., & Baldwin, G.H.S., Rear Automatic Braking Feature Confirmation Test Procedure Refinement (2026). A copy of this report is available in the docket for this notice.

[17] Passenger vehicles (also referred to as light vehicles) include cars, crossovers, sport utility vehicles (SUVs), and light trucks and vans with a gross vehicle weight rating of 10,000 pounds (lbs) or less.

moving vehicles and objects. Annually, between 2017 and 2022, approximately 111,000 target backing crashes occurred, including 66 fatal crashes. These crashes resulted in an annual average of 69 fatalities and 28,034 MAIS [18] 1–5 injuries. Table 3 summarizes key crash statistics for target backing crashes.[19] The values in Table 3 have been annualized and rounded to the nearest whole number, so the listed totals may not match the respective column summations exactly.

TABLE 3—ANNUALIZED TARGET BACKING SAFETY POPULATION BY CRASH SCENARIO [19]

Crash scenario	Total crashes	Fatal crashes	Fatalities	MAIS 1–5 Injuries
PV backed into Pedestrian	1,709	36	36	1,449
PV backed into Cyclist	381	2	2	300
PV backed into Parked Vehicle	14,557	1	1	2,199
PV backed into Fixed Object	943	1	1	84
PV backed into Vehicle/Moving Object	93,486	27	30	24,001
Total	111,075	66	69	28,034

In April 2014, NHTSA published a final rule [20] amending Federal Motor Vehicle Safety Standard (FMVSS) No. 111 ''Rear visibility,'' to expand the required field of view of passenger vehicles when placed into reverse gear. Specifically, NHTSA required that vehicles display a rearview image covering a specific area behind the vehicle. Automakers complied with this final rule by installing rearview cameras and in-vehicle visual displays to aid the driver's visibility when backing. The rear visibility final rule established a phase-in schedule for compliance that allowed manufacturers to implement rear visibility systems from May 2016 through May 2018.[21]

To establish the target population that would benefit from RAB systems, NHTSA analyzed FARS and CRSS data from 2017–2022, which reflects a time period when many older model year (MY) vehicles were not yet equipped with the specified rearview cameras. NHTSA estimated an adjustment factor to account for the full effects of the rear visibility final rule on the target backing safety population for RAB. This adjustment factor was estimated using information on: (1) annual passenger vehicle sales, (2) vehicle survivability, (3) rearview camera equipage rates,[22] and (4) rearview camera system effectiveness.[23] The resulting target population adjustment factor ranges from 76.3–80.3 percent, which accounts for the range of effectiveness (28 percent to 33 percent) of rearview camera systems. The resulting target population for RAB system consideration is summarized in Table 4. The details of NHTSA's analysis for determining the target population for RAB systems is included in the docket of this RFC.

TABLE 4—ANNUAL BACKOVER CRASHES AND RESULTING FATALITIES AND INJURIES AFTER ADJUSTING FOR THE EFFECT OF REARVIEW CAMERA SYSTEMS

Crash scenario	Total crashes	Fatal crashes	Fatalities	MAIS 1–5	MAIS 2–5
PV backed into Pedestrian (76.3 percent adjustment)	1,304	27	27	1,106	223
PV backed into Pedestrian (80.3 percent adjustment)	1,372	29	29	1,163	234

Previous evaluations examining target crashes for different advanced driver assistance systems indicated that rear-end collisions represented only 0.2 percent of fatalities and 1.3 percent of injuries resulting from vehicle crashes.[24] However, as presented in a later section of this notice, a large percentage of the target population of fatalities and injuries associated with RAB include children. NHTSA seeks comment on whether the inclusion of RAB technology in NCAP is appropriate.

B. Countermeasures Exist

Automotive manufacturers began equipping vehicles with rear automatic braking systems voluntarily as early as model year 2013. However, for the two MY 2013 vehicle models examined by NHTSA, neither owner's manual characterized the rearward detection and collision avoidance system as being able to detect pedestrians. Since 2013, RAB systems have been implemented by an increasing number of manufacturers throughout their vehicle fleets. Table 5 below shows the increase in market penetration of RAB systems from MY 2022 to MY 2025 based on data submitted to NCAP by manufacturers. However, of the 18 manufacturers that offered RAB systems for MY 2025 vehicles, only 12 specified that the system was designed to detect pedestrians.

TABLE 5—MARKET PENETRATION RATES OF PROJECTED SALES VOLUME

	MY 2022	MY 2025
Number of Manufacturers that Offered RAB.	14	18.
Percent of Vehicle Fleet with Standard RAB.	14.8 percent.	31.6 percent.

[18] The Abbreviated Injury Scale (AIS) is a classification system for assessing impact injury severity. AIS ranks individual injuries by body region on a scale of 1 to 6 where 1 = minor, 2 = moderate, 3 = serious, 4 = severe, 5 = critical, and 6 = maximum (untreatable). MAIS represents the maximum injury severity, or AIS level, recorded for an occupant (*i.e.,* the highest single AIS for a person with one or more injuries).

[19] The values in Table 3 have been annualized and rounded to the nearest whole number, so the listed totals may not match the respective column summations exactly.

[20] *See* 79 FR 19178, *available at https://www.federalregister.gov/documents/2014/04/07/2014-07469/federal-motor-vehicle-safety-standards-rear-visibility.*

[21] *See* 79 FR 19181, *available at https://www.federalregister.gov/documents/2014/04/07/2014-07469/federal-motor-vehicle-safety-standards-rear-visibility.*

[22] To determine rear-view camera equipage rates, NHTSA used information from the 2022 Ward's Automotive Yearbook for data from 2017–2021, and the 2022 sales data from the National Automobile Dealership Association (NADA) .

[23] Rear-view camera system effectiveness was established as 28–33 percent in the Final Regulatory Impact Analysis (FRIA) for the rear visibility final rule.

[24] 89 FR 95916. See Table 1.

TABLE 5—MARKET PENETRATION RATES OF PROJECTED SALES VOLUME—Continued

	MY 2022	MY 2025
Percent of Vehicle Fleet with Optional RAB.	14.3 percent.	23.3 percent.
Total Percent of Vehicle Fleet with RAB.	29.1 percent.	54.9 percent.

Manufacturers utilize a range of sensor types for their RAB systems, including radar, sonar (ultrasonic), and cameras. Many manufacturers utilize a combination of these technologies to optimize safety system performance. NHTSA has conducted experimental testing with vehicles using each of these sensor types and determined that they have the ability to detect pedestrians, to some extent. This testing is described in detail later in this notice.

C. Potential Safety Benefits

In July 2019, NHTSA published a report [25] on the assessment of a draft test procedure for confirming the presence of an RAB system capable of detecting stationary objects behind a reversing vehicle, warning the driver of the presence of the objects, and automatically engaging the available braking system to stop the vehicle. This draft test procedure, using a stationary and non-articulating child pedestrian test mannequin, was similar to the approach outlined in the 2015 NCAP RFC for RAB systems, The assessment included testing of a 2014 Cadillac ATS, 2014 Infiniti Q50, and a 2015 Chrysler 200C, each of which was equipped with a safety system designed to detect objects rearward of the vehicle and apply the brakes to avoid contact. Results of this testing effort showed that each vehicle had a rear automatic braking feature that could effectively detect the pedestrian test mannequin, provide visual and auditory warnings to the driver, and apply the brakes in response to object detection. However, none of the systems were 100 percent effective at meeting the test procedure's performance criteria, which required that the vehicle stop before reaching the location of the test object such that there would be no physical contact with the test object for each of the three test object locations assessed.

NHTSA's 2026 Report outlined testing done to assess a revised version of the draft test procedure for assessing the performance of vehicle RAB systems.[26] The revised test procedure accounted for multiple factors such as additional test conditions involving moving pedestrians of different sizes and configurations, as well as recommendations received in response to the 2015 RFC relating to accommodating different types of vehicle transmission and propulsion systems, and the use of robotic test equipment. This research assessed the RAB systems equipped on a 2022 Cadillac XT4, 2022 Ford Mustang Mach-E, 2022 Jeep Grand Cherokee L, and a 2022 Subaru Outback Touring. The test results showed inconsistent performance across all RAB systems. None of the RAB systems tested were able to avoid contacting the test objects for all testing speeds when the test object was in motion. However, when the test object was not in motion, one RAB system was able to avoid contact for 100 percent of tests with two test object types. Findings from these test results indicate there is potential to enhance pedestrian safety from technological advancements of RAB systems. Including RAB evaluation in NCAP could incentivize manufacturers to design more effective RAB systems to mitigate backover crashes.

D. Objective Test Procedures Exist

The last guiding principle comprising NHTSA's four prerequisites when considering a new safety technology for inclusion in NCAP is whether there is an objective test procedure to assess system performance. NHTSA has developed a test procedure to confirm the presence of a rear automatic braking feature having the ability to detect and avoid pedestrians. This feature is defined as installed vehicle equipment that has the ability to sense the presence of objects, including stationary and moving pedestrians, behind a reversing vehicle, warn the driver of the presence of the objects, and automatically engage the available braking system(s) to stop the vehicle. NHTSA's draft RAB test procedure is similar to that in the 2023 Euro NCAP protocol, but with several notable differences that will be discussed later in this notice. The most recent draft of the Agency's test procedure, used in NHTSA's 2026 report, is included in the docket of this RFC.

V. NHTSA Research

A. Overview

NHTSA's July 2019 report [27] documented the testing results of a draft test procedure for assessing vehicle rear automatic braking systems. For this test procedure, a rear automatic braking feature was defined as installed vehicle equipment that has the ability to sense the presence of objects behind a reversing vehicle, warn the driver of the presence of the objects, and automatically engage the available braking system(s) to stop the vehicle. The purpose of this research was to evaluate the draft test procedure's repeatability and effectiveness in evaluating an RAB system's ability to warn the driver of the presence of a rear obstacle and automatically engage the vehicle's brake system(s) to avoid striking the object.

NHTSA's 2019 draft RAB test procedure assessed the ability of a test vehicle's RAB system to detect a child mannequin located behind the vehicle while the vehicle was reversing. For this testing, the child mannequin was placed 20 feet rearward of the stationary test vehicle at one of three lateral locations on a grid (along the vehicle centerline and two feet left and right of center). The test driver initiated each test trial by depressing the vehicle's brake pedal, shifting the vehicle's automatic transmission from park to reverse gear, and then quickly fully releasing the brake pedal to allow the vehicle to roll rearward. The vehicle was allowed to roll rearward without accelerator pedal application until either the RAB system intervened by automatically engaging the vehicle's brakes to bring the vehicle to a stop, or until the vehicle struck the test object. Once either of these two outcomes occurred, the driver depressed the vehicle's brake pedal to ensure the vehicle came safely to a stop and the test trial ended. This procedure was repeated for each of the three test object positions (25 percent, 50 percent, and 75 percent overlap). To pass the test, the vehicle was not permitted to contact the test object for any of the three test object locations.

Overall, the test procedure was found to be repeatable and effective in evaluating the ability of a rear automatic braking feature to warn the driver of the presence of a rear obstacle and automatically engage the vehicle brake system(s) to attempt to avoid striking the object. However, some areas for

[25] Mazzae, E.N., Baldwin, G.H.S., & Andrella, A.T., Rear automatic braking feature confirmation test—Draft test procedure assessment (Report No. DOT HS 812 766), Washington, DC: National Highway Traffic Safety Administration (July 2019).

[26] Mazzae, E.N., Sun, A.L., & Baldwin, G.H.S., Rear Automatic Braking Feature Confirmation Test Procedure Refinement (2026). A copy of this report is available in the docket for this notice.

[27] Mazzae, E.N., Baldwin, G.H.S., & Andrella, A.T., Rear automatic braking feature confirmation test—Draft test procedure assessment (Report No. DOT HS 812 766), Washington, DC: National Highway Traffic Safety Administration (July 2019).

improvement were identified. This test procedure did not account for variations in pedestrian size, pedestrians in motion, or manual-transmission vehicles or electric vehicles that may not accelerate when the brake pedal is released. In addition, NHTSA recognized that each vehicle may have a slightly different ''idle'' speed.

In NHTSA's 2026 Report, the Agency outlined its effort further to refine and develop a draft RAB test procedure for use in NCAP.[28] This effort sought to investigate, implement, and confirm through testing of RAB-equipped vehicles ways to revise the rear automatic braking system test procedure to account for the following: (1) vehicles that do not roll backwards when their transmission is in neutral gear and on a level surface, such as electric vehicles, (2) test scenario involving a moving, articulated pedestrian, (3) use of a robotic pedal controller to achieve a specific constant reversing speed for all test vehicles and throughout all test trials for a given vehicle, and (4) use of a robotic steering controller-based mannequin propulsion system.

For this testing, NHTSA conducted two types of test scenarios: Reversing Vehicle—Stationary Test Object and Reversing Vehicle—Moving Test Object. Test procedure improvements were also implemented. These included use of a robotic steering and pedal controller in the test vehicles, which helped to achieve consistent and repeatable reversing speeds and positions. In addition, the use of a robotic steering controller-based mannequin propulsion system for controlling pedestrian test mannequin motion provided increased consistency of motion and speed control. Scenarios were tested with a variety of test objects and test speeds to permit further characterization of system performance.

The test procedure was confirmed through testing of four MY 2022 vehicles equipped with RAB systems. Multiple candidate pedestrian test conditions were found to be viable indicators of system performance. A more in-depth discussion of this research is presented in the next section.

B. NHTSA's 2026 Report

As discussed in NHTSA's 2026 Report, testing was conducted further to improve NHTSA's draft RAB test procedure as well as to characterize the performance of the latest RAB systems.

1. Vehicles Tested

NHTSA's testing evaluated four passenger vehicles equipped with RAB systems: the 2022 Cadillac XT4, 2022 Ford Mustang Mach-E, 2022 Jeep Grand Cherokee L, and 2022 Subaru Outback Touring. These vehicles were selected to represent a broad range of current market offerings, encompassing different propulsion systems, vehicle sizes, and design segments. The Cadillac XT4 and Jeep Grand Cherokee L are conventional sport utility vehicles with internal combustion engine propulsion system, the Mustang Mach-E is a fully electric crossover, and the Subaru Outback Touring is a midsize wagon-style SUV with internal combustion engine propulsion system. The owner's manual for each of these vehicles stated that RAB is operational when the vehicle's transmission is in reverse gear. Together, these vehicles provided a cross-section of the modern fleet, allowing NHTSA to examine how rear automatic braking performance varies across manufacturers and vehicle architectures.

2. RAB Systems Tested

Rear automatic braking systems use a combination of sensing technologies to detect objects or pedestrians behind a vehicle while reversing. The most common sensor types include ultrasonic sensors and cameras. Some vehicles may also utilize radar. Ultrasonic sensors measure distance to nearby objects at very short ranges. Cameras provide visual detection and have the potential for classification of pedestrians or other obstacles. Radar sensors detect larger or moving objects at greater distances. Some modern RAB systems combine these sensor types to improve detection reliability.

Among the vehicles tested, the Cadillac XT4 uses a combination of cameras and ultrasonic sensing as part of its rear automatic braking system. The Ford Mustang Mach-E also utilizes camera and ultrasonic inputs. The Jeep Grand Cherokee L and Subaru Outback Touring utilize only ultrasonic sensors. This range of configurations reflects a sample of the technical approaches manufacturers may use to achieve similar RAB functions. Table 6 provides a summary of the vehicles and RAB systems tested.

TABLE 6—VEHICLES AND RAB SYSTEMS TESTED

Vehicle make/model/trim	RAB system name	RAB sensor technology	RAB operating	Sensor detection	Warning signal modality
2022 Cadillac XT4 Premium Luxury.	Reverse Automatic Braking.	Camera, Ultrasonic	0.5–20 mph (1–32 km/h)	0–8 ft (0–2.5 m)	1. Auditory/Haptic. 2. Haptic.
2022 Ford Mustang Mach-E[29].	Reverse Braking Assist	Camera, Ultrasonic	1–7 mph (1.5–12 km/h)	0–6 ft (0–1.8 m)	1. Auditory. 2. Visual.
2022 Jeep Grand Cherokee L Limited 4x4.	ParkSense Park Assist	Ultrasonic	0–6 mph (0–9 km/h)	1–6.5 ft (0.3 m–2 m)	1. Auditory. 2. Visual.
2022 Subaru Outback Touring.	Reverse Automatic Braking.	Ultrasonic	1–9 mph (1.5–15 km/h)	0–2.3 ft or more (0–0.7 m or more).	1. Auditory. 2. Visual.

As shown in Table 6, most of the tested RAB systems provided both auditory and visual warning signals, while the Cadillac allowed the driver to select from ''alert type'' options consisting of either an auditory signal or a haptic signal presented via the driver's seat pan. The Cadillac's other backing crash avoidance features also could provide visual signals consisting of either a warning triangle symbol or a pedestrian symbol presented in the ''infotainment display.''

The RAB systems for these four vehicles were evaluated in different test scenarios and test conditions, including different reverse speeds, with stationary and moving pedestrian test mannequins of different sizes, different overlap percentages, and pedestrian approach direction. Three trials were conducted for each test condition.

3. Evaluation Criteria

A vehicle had to satisfy all four evaluation criteria listed below to receive a ''pass'' for a particular test

[28] Mazzae, E.N., Sun, A.L., & Baldwin, G.H.S., Rear Automatic Braking Feature Confirmation Test Procedure Refinement (2026). A copy of this report is available in the docket for this notice.

[29] Testing was conducted with the Mach-E in the ''Whisper'' drive mode as it provided the lowest level of brake regeneration.

trial. The evaluation criteria were as follows:

- Auditory warning before braking—The vehicle had to emit a clear auditory warning signal before the RAB system applied the brakes automatically, ensuring the driver was warned to provide the opportunity for manual intervention.
- No contact with the pedestrian test mannequin—The vehicle had to stop fully before impact, indicating the system could successfully detect and respond to pedestrians.
- Brakes remain applied—Once braking began, the system had to keep the brakes engaged until the pedestrian was no longer in the vehicle's path or until the driver deliberately overrode it.
- System default-on behavior—The RAB system had to be configured to be active at the start of every ignition cycle, ensuring it cannot be disabled by default.

4. Vehicle Speeds

In NHTSA's 2019 report, the test speed was determined by each vehicle's idle speed. The idle speed was the speed obtained when the driver's foot was released from the brake pedal while the transmission was in the reverse gear. NHTSA's 2026 Report presents the Agency's testing of vehicles using not only the idle speed, but also a set speed of four and eight km/h. For the four vehicles tested, each had an idle speed between 6.00 and 6.84 km/h, as shown in Table 7.

TABLE 7—AVERAGE BACKING SPEEDS WITHOUT ACCELERATOR APPLICATION

Vehicle	Average idle backing speed
2022 Cadillac XT4	4.25 mph (6.84 km/h).
2022 Ford Mustang Mach-E.	3.73 mph (6.00 km/h).
2022 Jeep Grand Cherokee L.	4.14 mph (6.66 km/h).
2022 Subaru Outback Touring.	4.11 mph (6.61 km/h).

For tests at idle speed, the vehicle was positioned 6.1 meters away from the test object and allowed to roll backwards without brake or accelerator input from the driver. For the tests conducted at a reversing speed of four km/h and eight km/h, the vehicle started at a distance far enough from the test object so that the test speed could be achieved and maintained at a minimum time of two seconds before 6.1 meters from the test object was reached. The vehicle then continued moving rearwards until the RAB system brought the vehicle to a stop, or the vehicle struck the test object.

The test vehicle speeds of four and eight km/h were selected because they correspond to common real-world backing speeds in residential driveways and parking environments [30] [31] and they align with the testing speeds used in the 2023 Euro NCAP protocol for Car-to-Pedestrian Reverse tests. The proposed test vehicle speeds of four and eight km/h also cover a range above and below the typical idle backing speed. Figures 2 and 3 present the percentage of crashes avoided in all the test conditions evaluated for each vehicle model by the vehicle's reversing speed. The test results show that one vehicle's RAB system avoided more crashes at the higher speeds, but most avoided more crashes at the lower speeds.

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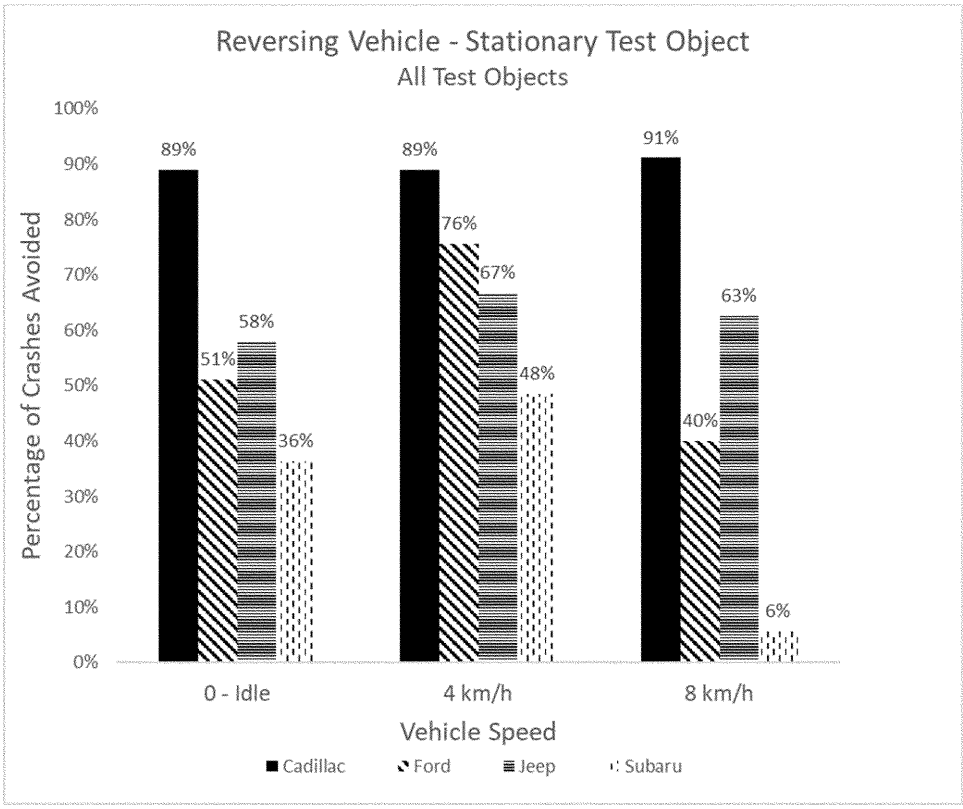

[30] Harpster, H.R. and Lemer, N., Field Measurement of Naturalistic Backing Behavior, DOT HS 808 532 (Dec. 1995), available at: *https://rosap.ntl.bts.gov/view/dot/2194.*

[31] Mazzae, E.N., et al., ''On-Road Study of Drivers' Use of Rearview Video System,'' DOT HS 811 024 (Sept. 2008), available at: *https://rosap.ntl.bts.gov/view/dot/63329.*

Figure 2. Effect of Vehicle Speed in Stationary Test Objects [32]

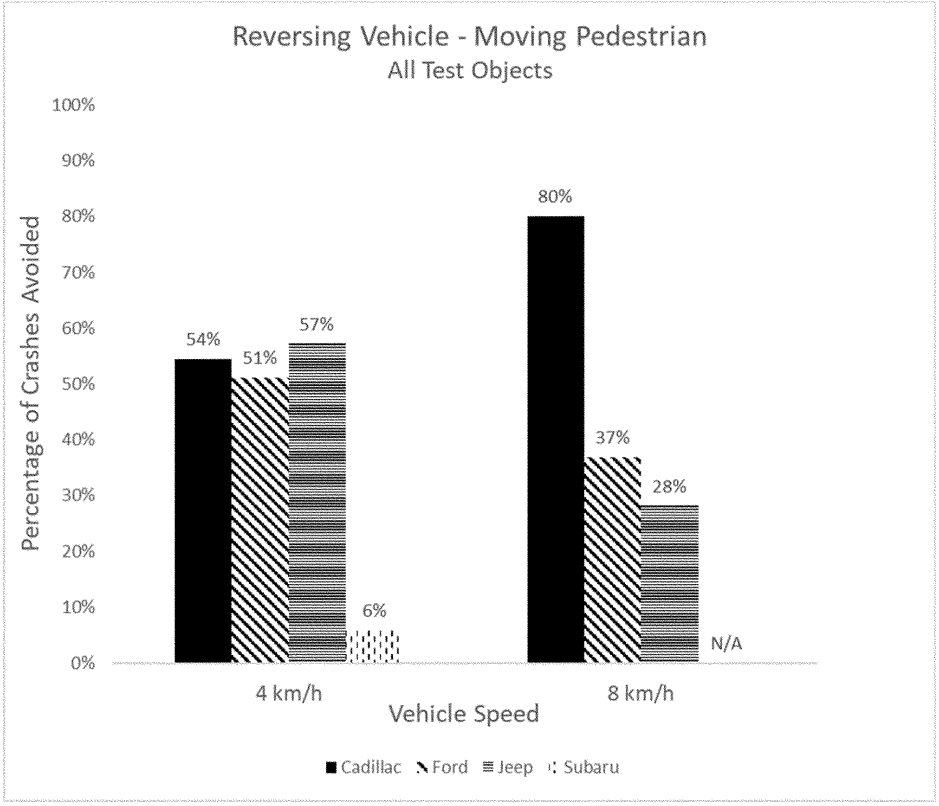

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Figure 3. Effect of Vehicle Speed in Moving Pedestrian Scenario [33]

5. Test Objects

A variety of test objects were selected for the testing presented in NHTSA's 2026 Report to aid in characterizing RAB system performance capability. Test objects represented objects that are typically found in real-world backing scenarios, including pedestrian test mannequins and stationary objects such as a pillar, bollard, and shopping carts. For travel speeds of four to eight km/h in reverse, it is unlikely that occupants in the vehicle will sustain injuries when the vehicle's rear impacts a pillar or bollard. On the other hand, a child or adult impacted and subsequently run over by a vehicle that is backing at speeds four to eight km/h could sustain serious injuries. Since NHTSA's focus on including RAB in NCAP is to enhance safety, only the pedestrian test mannequins and associated test results are further discussed in this document. Details of the tests with stationary inanimate objects are provided in the NHTSA's 2026 Report [34] added in the docket of this request for comment notice.

The following three pedestrian test mannequins were included in the testing of the RAB systems for the four selected vehicles: 4activePA-adult (adult articulated pedestrian),[35] 4activePA-child (six- to seven-year-old child articulated pedestrian),[36] 4activePS-child (two-year-old child static pedestrian) [37] in standing position. Unlike the 4activePA-adult and the 4activePA-child that are articulating, the 4activePS-child is not articulating; however, the arms and legs are posable.

In the stationary pedestrian test scenario, the 4activePA-adult, 4activePA-child, and the 4activePS-child were positioned standing upright with relaxed arms positioned vertically along the sides of the mannequin.

NHTSA also conducted testing with the 4activePS–2YO (two-year-old child sitting on a ''Bobby Car'' toy),[38] the 4activePS–1YO (one-year-old child static pedestrian) [39] positioned in standing, sitting, and crawling positions, and the Messring Playing Child Target (PCT—representing a two-year-old toddler sitting on a ride-on toy car). NHTSA evaluated the RAB system of only the Jeep Grand Cherokee L using these pedestrian test mannequins and conditions for research purposes. Because of the limited testing of these

[32] Test objects included in these tests were as follows. Cadillac, Ford, Subaru: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Bollard, Pillar. Jeep: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Standing 1-year-old mannequin, Playing Child Target, 2-year-old mannequin on Bobby Car, Sitting 2-year-old mannequin, Crawling 1-year-old mannequin, Bollard, Pillar, Plastic shopping cart, Metal shopping cart, Plastic shopping cart with adult mannequin, Metal shopping cart with adult mannequin.

[33] Test objects included in these tests were as follows. Cadillac, Ford, Subaru: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin. Jeep: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Standing 1-year-old mannequin, Playing Child Target, 2-year-old mannequin on Bobby Car.

[34] Mazzae, E.N., Sun, A.L., & Baldwin, G.H.S., Rear Automatic Braking Feature Confirmation Test Procedure Refinement (2026). A copy of this report is available in the docket for this notice.

[35] *See https://www.4activesystems.at/4activepa.*

[36] *See https://www.4activesystems.at/4activepa-child.*

[37] *See https://www.4activesystems.at/-3./.*

[38] *See https://www.big.de/big_en/categories/ride-on-toys/big-bobby-car/classic/big-bobby-car-classic-800001303-en.html;* Dimensions assembled (L x W x H): 58 x 30 x 38 cm.

[39] *See https://www.4activesystems.at/4activeps-1-year.*

pedestrian test mannequins and test conditions, they are not further discussed in this request for comment notice. Details are provided in the report added to the docket for this notice.

For the moving pedestrian test scenario, the 4activePA-adult and the 4activePA-child were moving at a rate of five km/h perpendicular to the backing vehicle. These test object speeds align with the testing outlined in the 2023 Euro NCAP protocol and are representative of real-world pedestrian walking speeds.[40] The 4activePS-child was moving at a rate of 3.2 km/h perpendicular to the reversing path of the vehicle. This test object speed represents a possible real-world walking speed of a two-year-old child.[41] Additional test objects included a two-year-old mannequin seated on a small ride-on ''Bobby Car'' toy, moving laterally across the vehicle path at 3.2 km/h, and a one-year-old child mannequin that simulated a newly mobile toddler walking or crawling at 3.2 km/h. These configurations were selected to represent realistic backover crash scenarios involving very young children who may be playing or moving behind a reversing vehicle.

The test results presented in NHTSA's 2026 Report do not show any clear correlation between test object size and RAB system performance. As shown below in Figure 4 and Figure 5, some vehicle RAB systems avoided more crashes with the adult mannequin while others avoided more crashes with the two-year-old mannequin. Figure 4 shows the results with each mannequin for the stationary pedestrian scenario and Figure 5 shows the results with each mannequin for the moving pedestrian scenario.

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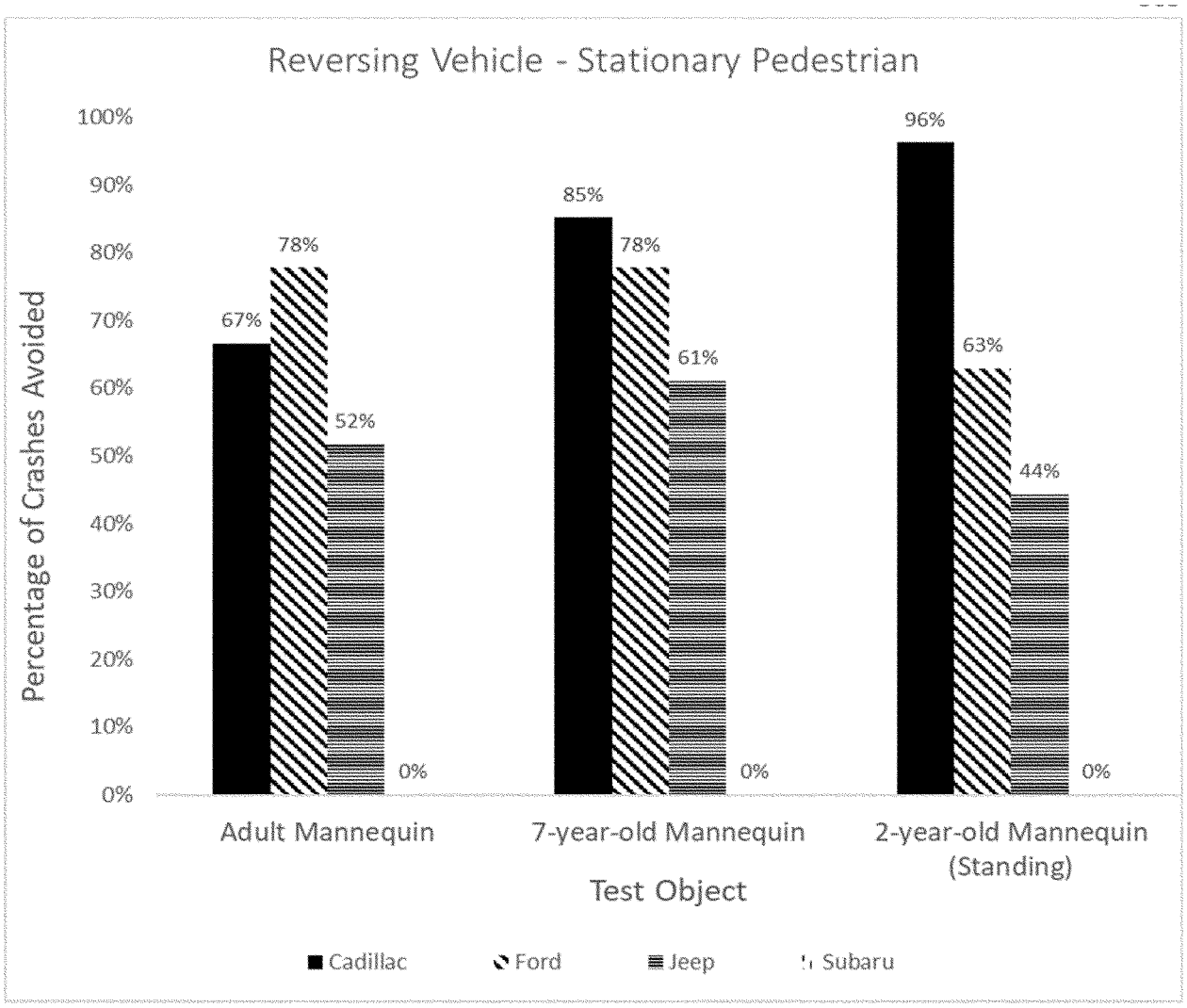

Figure 4. Effect of Mannequin Size in Stationary Pedestrian Scenario

[40] Schimpl, M.; Moore, C.; Lederer, C.; Neuhaus, A.; Sambrook, J.; Danesh, J.; Ouwehand, W.; Daumer, M., Association between walking speed and age in healthy, free-living individuals using mobile accelerometry—A cross-sectional study, PLoS ONE, 2011;6(8):e23299, doi: *10.1371/journal.pone.0023299,* Epub 2011 Aug 10. PMID: 21853107; PMCID: PMC3154324.

[41] Muller, Juliane, Muller, Steffen, Baur, Heiner, Mayer, Frank, Intra-Individual Gait Speed Variability in Healthy Children Aged 1–15 years, Gait &Posture, Vol. 38, Issue 4, pp. 631–36 (Sept. 2013).

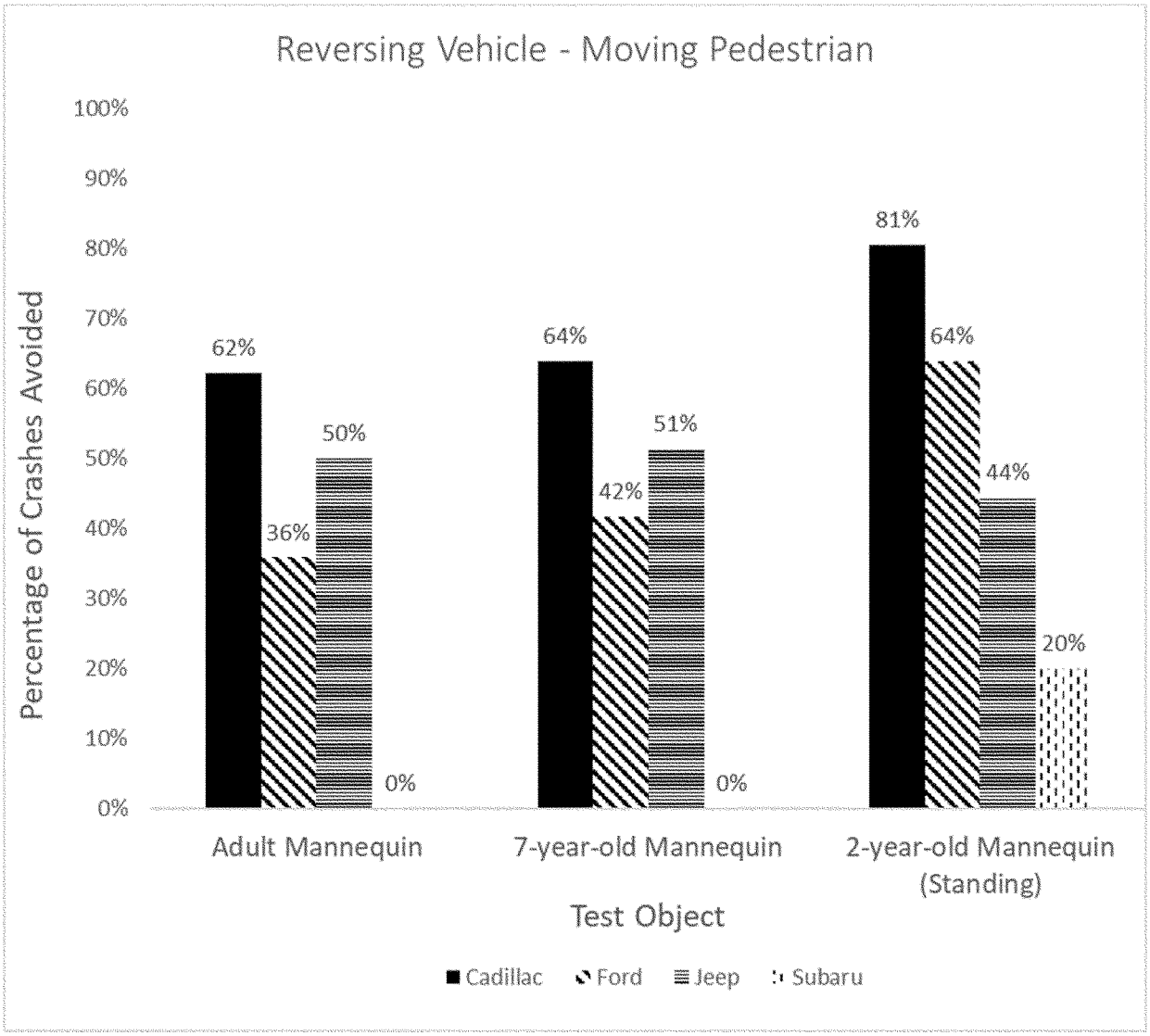

Figure 5. Effect of Mannequin Size in Moving Pedestrian Scenario

6. Test Object Overlap

NHTSA performed the Reversing Vehicle—Stationary Test Object scenario with the test objects located at three overlap percentages: 25 percent, 50 percent, and 75 percent. The percent overlap corresponds to the location on the rear of the vehicle from the outer edge of the vehicle's driver's door as a percentage of the vehicle's overall width. For example, if the vehicle is 72 inches wide, the 25 percent overlap would correspond to a point 18 inches (72×0.25) inboard from the outer edge of the vehicle's driver's side. Figure 6 below shows the overlaps graphically for an example vehicle.

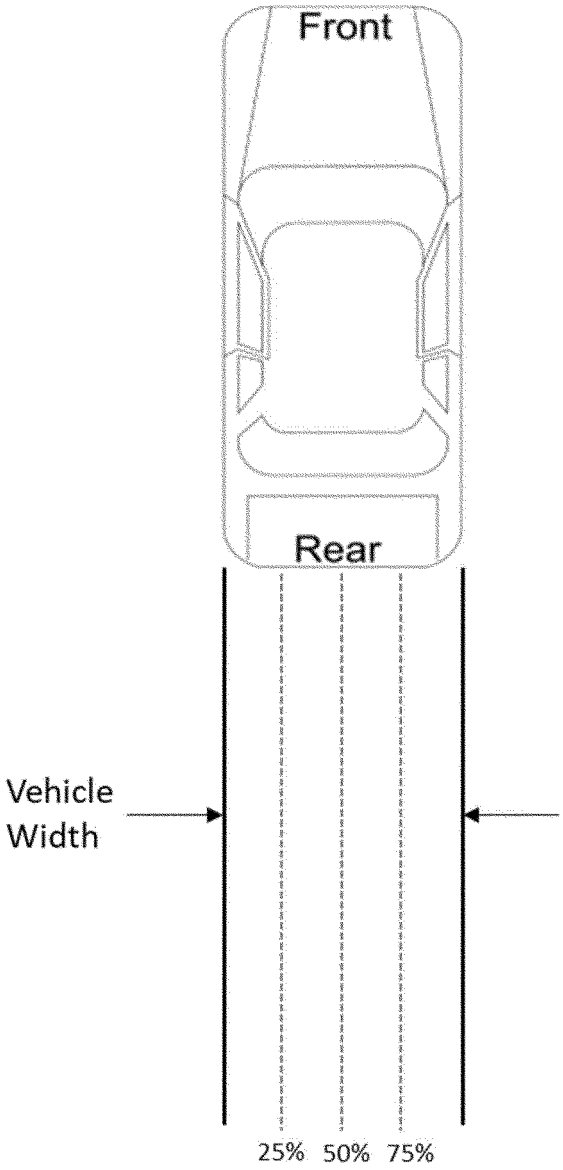

Figure 6. Overlap Percentages

The results of NHTSA's stationary test object testing show that each vehicle's RAB system had varying success at avoiding contact for each overlap percentage, as shown in Figure 7 below.

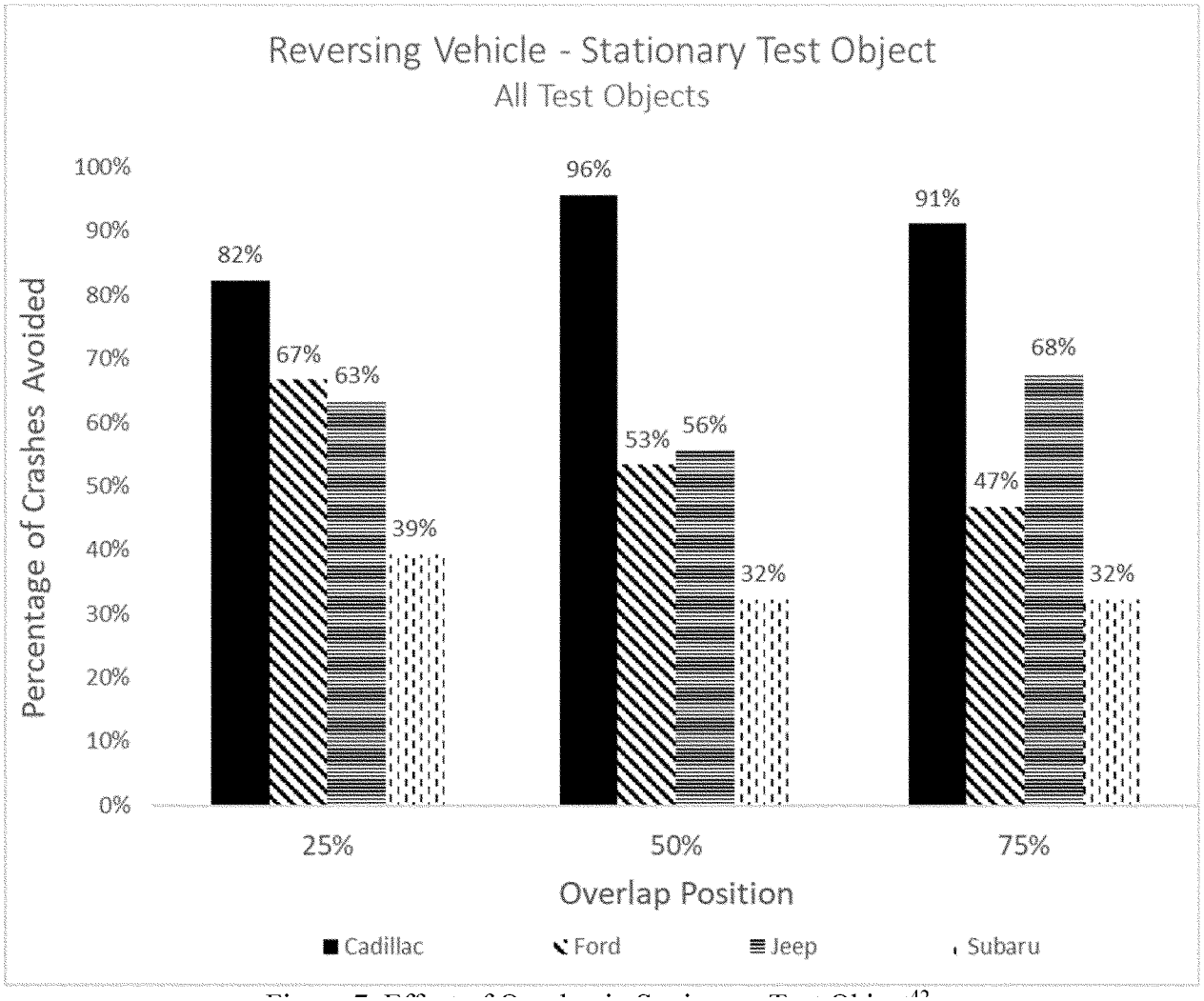

Figure 7. Effect of Overlap in Stationary Test Object [42]

NHTSA also performed the moving pedestrian scenario tests at all three overlap percentages (25 percent, 50 percent, and 75 percent). For the moving pedestrian scenario, the test object motion was set so that if the vehicle's brakes were not applied, the vehicle would contact the test object at the target overlap percentage. The 25 percent overlap represents the ''near-side'' of the vehicle in reference to the direction the pedestrian test mannequin is approaching the vehicle's reversing path. If the pedestrian test object is approaching the vehicle's reversing path from the left, then 25 percent overlap is on the near-side of the driver position. Conversely, if the pedestrian test object is approaching the vehicle's reversing path from the right, then 25 percent overlap is on the far-side of the driver position. As shown below in Figure 8, vehicles' RAB systems avoided contact the most in the 75 percent overlap test trials and avoided contact the least in the 25 percent overlap test trials. The 50 percent overlap test trials showed intermediate stringency, with two of the four vehicles avoiding contact 53 percent of the time.

[42] Test objects included are as follows. Cadillac, Ford, Subaru: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Bollard, Pillar. Jeep: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Standing 1-year-old mannequin, Playing Child Target, 2-year-old mannequin on Bobby Car, Sitting 2-year-old mannequin, Crawling 1-year-old mannequin, Bollard, Pillar, Plastic shopping cart, Metal shopping cart, Plastic shopping cart with adult mannequin, Metal shopping cart with adult mannequin.

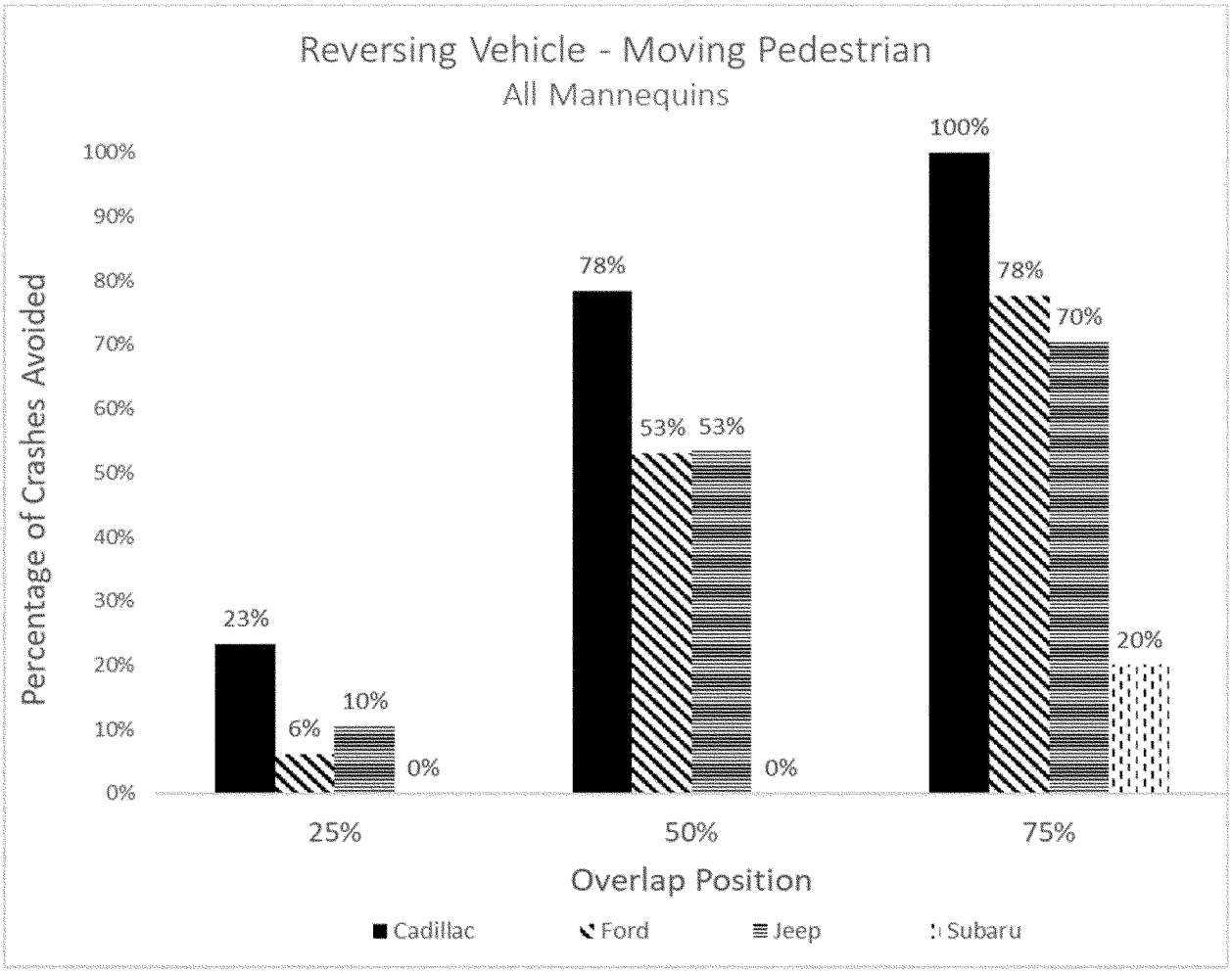

Figure 8. Effect of Overlap in Moving Pedestrian Scenario [43]

7. Direction of Approach

NHTSA's research also examined the effect of the direction of pedestrian approach on RAB system performance. In the moving pedestrian scenario, mannequins approach the vehicle's reverse path from either the right or left, with a 50 percent overlap at the point of potential impact. These test configurations were included to evaluate whether RAB systems respond differently depending on which side of the vehicle a pedestrian enters the vehicle's path.

The results from these test trials are shown in Figure 9 for the adult mannequin and Figure 10 for the two-year-old mannequin. The results indicate that a pedestrian's directional approach can affect significantly RAB system response. For some vehicles, more crashes were avoided when the pedestrian approached the vehicle's reversing path from the right. For other vehicles, performance was better when the pedestrian approached the vehicle's reversing path from the left. The variability was observed across both adult and two-year-old child pedestrian test mannequins. NHTSA seeks comment on whether there are design reasons for performance discrepancies that depend upon the direction of pedestrian approach.

[43] Test objects included in these tests were as follows. Cadillac, Ford, Subaru: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin, Standing 1-year-old mannequin, Playing Child Target, 2-year-old mannequin on Bobby Car. Jeep: Adult mannequin, 7-year-old mannequin, Standing 2-year-old mannequin,

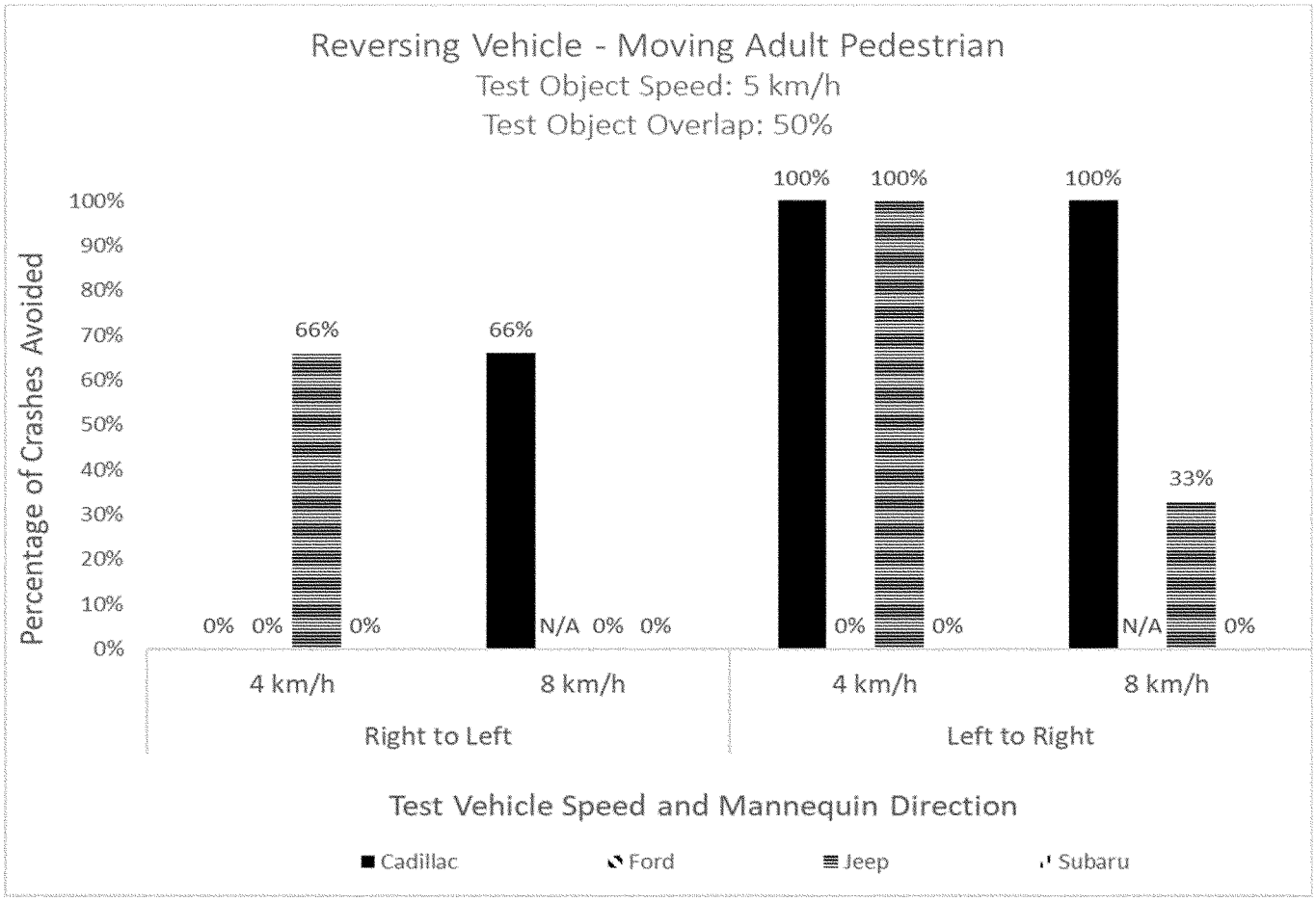

Figure 9. Effect of Approach Direction in Moving Adult Pedestrian Test Mannequin Test Trials

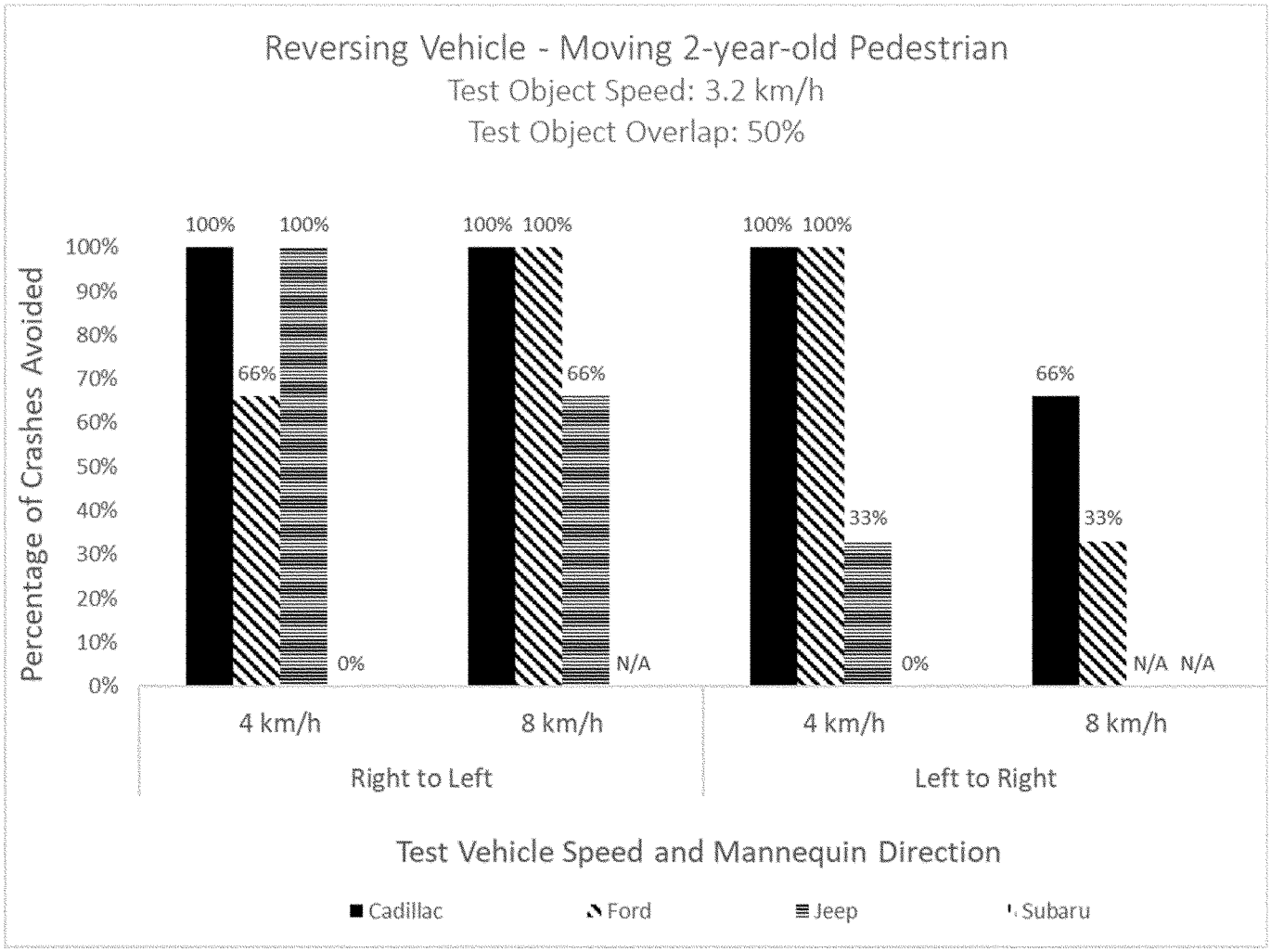

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Figure 10. Effect of Approach Direction in Moving 2-Year-Old Child Mannequin Test Trials

C. Research Conclusions

The results of the research project indicated that while the updated RAB test procedure was effective in providing consistent, objective, and repeatable results, the overall performance of current RAB systems was highly variable across vehicle models and test conditions. The testing showed that the performance of the four RAB-equipped vehicles using both stationary and moving pedestrian test mannequins was inconsistent, with none of the vehicles able reliably to avoid collisions in all moving pedestrian test conditions. Performance also varied with vehicle reversing speeds, mannequin size, mannequin overlap percentage, and mannequin approach direction. These findings demonstrate that though RAB systems can prevent some backover crashes and offer important safety benefits, current implementations do not perform uniformly and repeatably under all conditions. These results highlight the potential for further refinement of RAB system design to ensure consistent pedestrian detection and braking response.

VI. Proposal in Detail

Building upon NHTSA's test results presented in NHTSA's 2026 Report, the proposed NCAP RAB pedestrian avoidance evaluation procedure incorporates the key conditions shown to influence system performance across vehicles. The research identified substantial variability between vehicles when tested at different overlap percentages, reversing speeds, pedestrian sizes, and approach directions. Accordingly, the proposed test matrix (presented in Table 1 of the Executive Summary section of this notice) includes both stationary and moving pedestrian test mannequin test scenarios that systematically vary these parameters to capture the full range of potential system responses. This testing structure ensures that the NCAP test procedure evaluates vehicles comprehensively and reflects real-world conditions under which RAB systems must detect and avoid pedestrians.

A draft NCAP test procedure for evaluating RAB performance in detecting and avoiding pedestrians is provided in the docket for this request for comment notice. The draft test procedure includes use of a robotic pedal controller to achieve a specific constant speed for all test vehicles throughout a test trial and the use of a robotic steering controller-based mannequin propulsion system for the moving pedestrian test mannequin tests. NHTSA seeks comment on the details of this test procedure, and whether any further test procedure clarification or refinement is needed to facilitate objective performance evaluation of RAB pedestrian crash avoidance.

A. Test Objects

The proposed NCAP RAB evaluation would use two pedestrian test mannequin test objects: the 4activePA-

adult articulated pedestrian (adult mannequin) and the 4activePS–2YO two-year-old child pedestrian (two-year-old mannequin).[44] [45] The 4activePA-adult and the 4activePS–2YO conform to the specifications of ISO 19206–2:2018.[46] These two mannequins represent the most common pedestrian populations involved in backover crashes. The adult mannequin corresponds to an articulated, full-scale representation of an average adult. It is designed to replicate the physical dimensions, limb articulation, and radar and optical properties of an adult pedestrian. The adult mannequin may be used in both stationary and moving mannequin test scenarios.

The two-year-old child mannequin is a smaller mannequin that replicates the height, mass distribution, and radar and optical signature of a standing two-year-old toddler. It can be used in both stationary and moving mannequin tests. This mannequin size is consistent with the physical dimensions of young children who are at greatest risk in backover incidents. The child mannequin's standing configuration represents a realistic scenario where a young child is present behind a reversing vehicle, such as in a driveway or parking lot environment.

NHTSA is proposing the use of the two-year-old child mannequin rather than the seven-year-old child mannequin used in the 2023 Euro NCAP protocol. In NHTSA's 2014 rear visibility final rule, NHTSA analyzed data from FARS and CRSS during the years 2007–2011 for fatal backover crashes.[47] The breakdown of fatalities by age of the victim is summarized in Table 8 and Table 9 below.

TABLE 8—ALL BACKOVER FATALITIES AND INJURIES BY AGE OF VICTIM

Age of victim	Fatalities	Percent of fatalities	Estimated injuries	Estimated percent of injuries	Sample count of injuries	Percent of population
All Vehicles						
Under 5	84	31	1,000	6	80	7
5–10	8	3	1,000	4	50	7
10–19	4	1	1,000	9	121	14
20–59	73	27	7,000	49	835	55
60–69	27	10	2,000	11	169	8

TABLE 9—BREAKDOWN OF BACKOVER FATALITIES AND INJURIES INVOLVING PASSENGER VEHICLES FOR VICTIMS UNDER AGE 5 YEARS

Age of victim (years)	Percent of fatalities
0	2
1	59
2	21
3	11
4	7
Total	100

This data indicates that children under age five represent nearly one-third of all backover fatalities, despite making up a small share of the population. Furthermore, the majority of backover fatalities among children occur in the one- to two-year-old age range, while involvement rates for children aged seven are comparatively low.[48] Among victims under age five, approximately 59 percent were one-year-olds and 21 percent were two-year-olds, meaning that about four out of every five child backover fatalities occur between the ages of one and two years. Fatalities among ages three and four were far less common, accounting for only 18 percent combined. These data demonstrate that the greatest risk is concentrated among toddlers, supporting the selection of a two-year-old mannequin rather than a seven-year-old mannequin (currently used in the 2023 Euro NCAP protocol) to represent the most relevant and vulnerable population in RAB testing. NHTSA seeks comment on whether the proposed adult and two-year-old mannequins are appropriate for evaluating RAB system performance.

B. Test Scenarios and Test Conditions

1. Stationary Pedestrian Scenario

The proposed NCAP RAB evaluation includes a series of twelve stationary pedestrian test mannequin tests designed to assess system performance when pedestrians are standing still within the reversing path of the vehicle. Both the adult and two-year-old pedestrian test mannequins will be used in these tests. For each mannequin, three lateral overlap percentages will be used: 25 percent, 50 percent, and 75 percent. As described above, the percent overlap corresponds to the mannequin's location as a percentage of the vehicle's overall width. These different overlap percentages represent the potential impact location of the pedestrian test mannequin along the rear of the vehicle located near the left edge, center, and right edge. NHTSA's testing presented in NHTSA's 2026 Report shows that RAB system performance varied across these overlap percentages, with no consistent trend among vehicles. Figure 11 illustrates this observation with data collected for the adult mannequin and two-year-old mannequins.

[44] *See https://www.4activesystems.at/4activepa.*

[45] *See https://www.4activesystems.at/4activeps-2yo/.*

[46] ''Road vehicles—Test devices for target vehicles, vulnerable road users, and other objects, for assessment of active safety functions—Part 2: Requirements for pedestrian targets.''

[47] *See* 79 FR 19186 (Apr. 7, 2014), *available at https://www.govinfo.gov/content/pkg/FR-2014-04-07/pdf/2014-07469.pdf.*

[48] Victims that fall into the ''1-year-old'' category were 12- to 23-months-old, and the victims in the ''2-year-old'' category were 24- to 35-months-old.

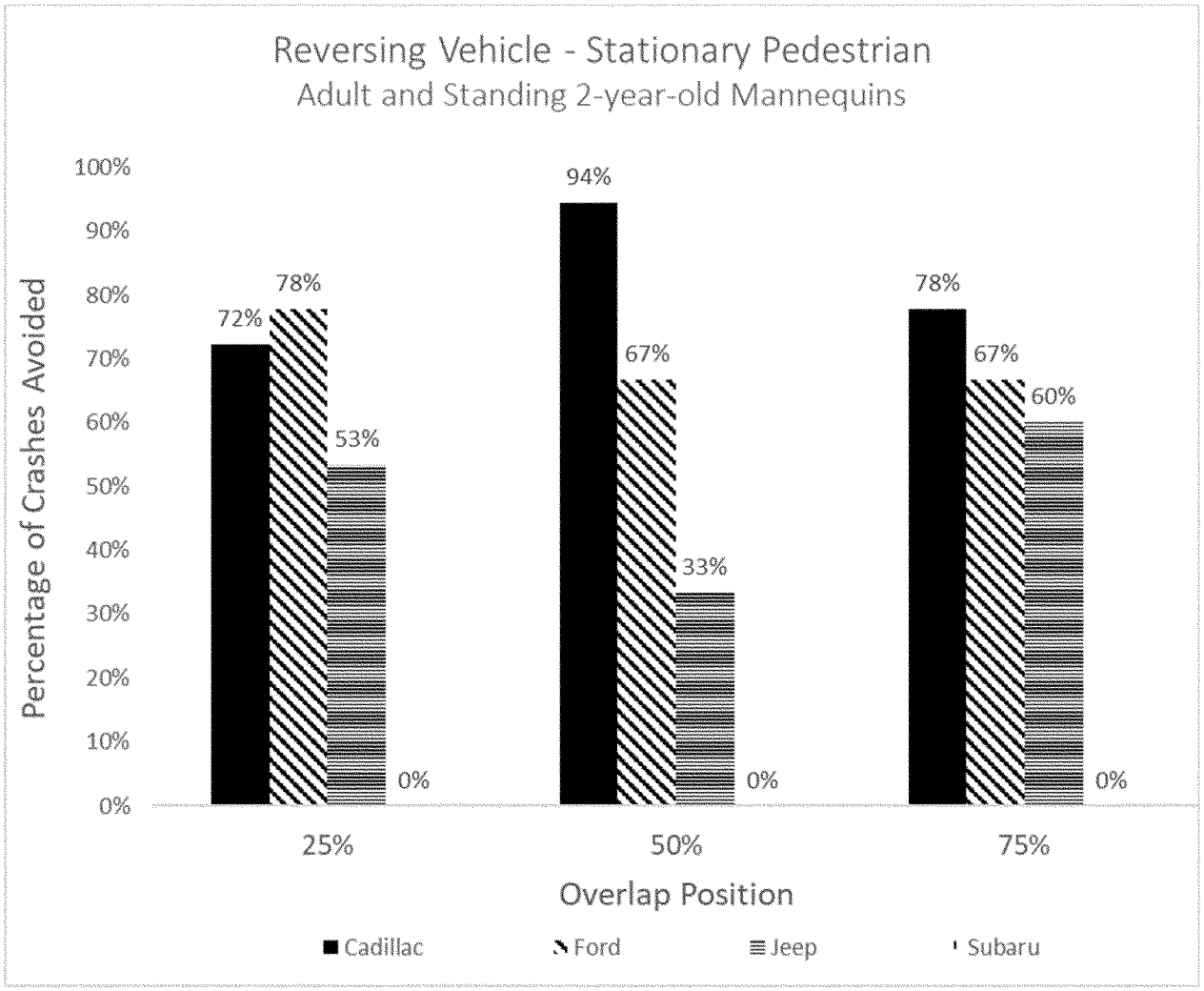


Figure 11. Effect of Overlap Percentage in Test Trials With Adult and Two-Year-Old Mannequins in Stationary Pedestrian Scenario

As shown in Figure 11, some systems performed better at detecting pedestrians near the vehicle's centerline, while others performed better at edge positions. This inconsistency indicates that percentage overlap influences significantly system detection capability and braking response. Therefore, all three overlap percentages are proposed for the stationary mannequin test scenario to ensure symmetrical detection performance and that the NCAP procedure evaluates system performance over the full range of possible pedestrian locations within a vehicle's backing path. This is important because in parking and driveway scenarios, both directions of approach are equally likely.

Each overlap percentage will be tested at two vehicle reverse speeds, four km/h and eight km/h, which correspond to common real-world backing speeds in residential driveways and parking environments.[49] [50] This results in six test conditions for the adult mannequin and six for the two-year-old mannequin, for a total of twelve stationary test conditions per vehicle. The four km/h test speed represents slow, cautious reversing such as when a driver backs out of a driveway, while the eight km/h speed represents situations where a driver reverses more quickly, as backing speeds have been documented to vary.[51] As noted in NHTSA's 2026 Report, RAB performance also varied by reversing speed. This variation is shown below in Figure 12 for the adult and two-year-old mannequins.

[49] Harpster, H.R. and Lemer, N., Field Measurement of Naturalistic Backing Behavior, December 1995, DOT HS 808 532, *https://rosap.ntl.bts.gov/view/dot/2194.*

[50] Mazzae, E.N., et al., ''On-Road Study of Drivers' Use of Rearview Video System,'' September 2008, DOT HS 811 024, *https://rosap.ntl.bts.gov/view/dot/63329.*

[51] Mazzae, E.N., et al., ''On-Road Study of Drivers' Use of Rearview Video System,'' September 2008, DOT HS 811 024, *https://rosap.ntl.bts.gov/view/dot/63329.*

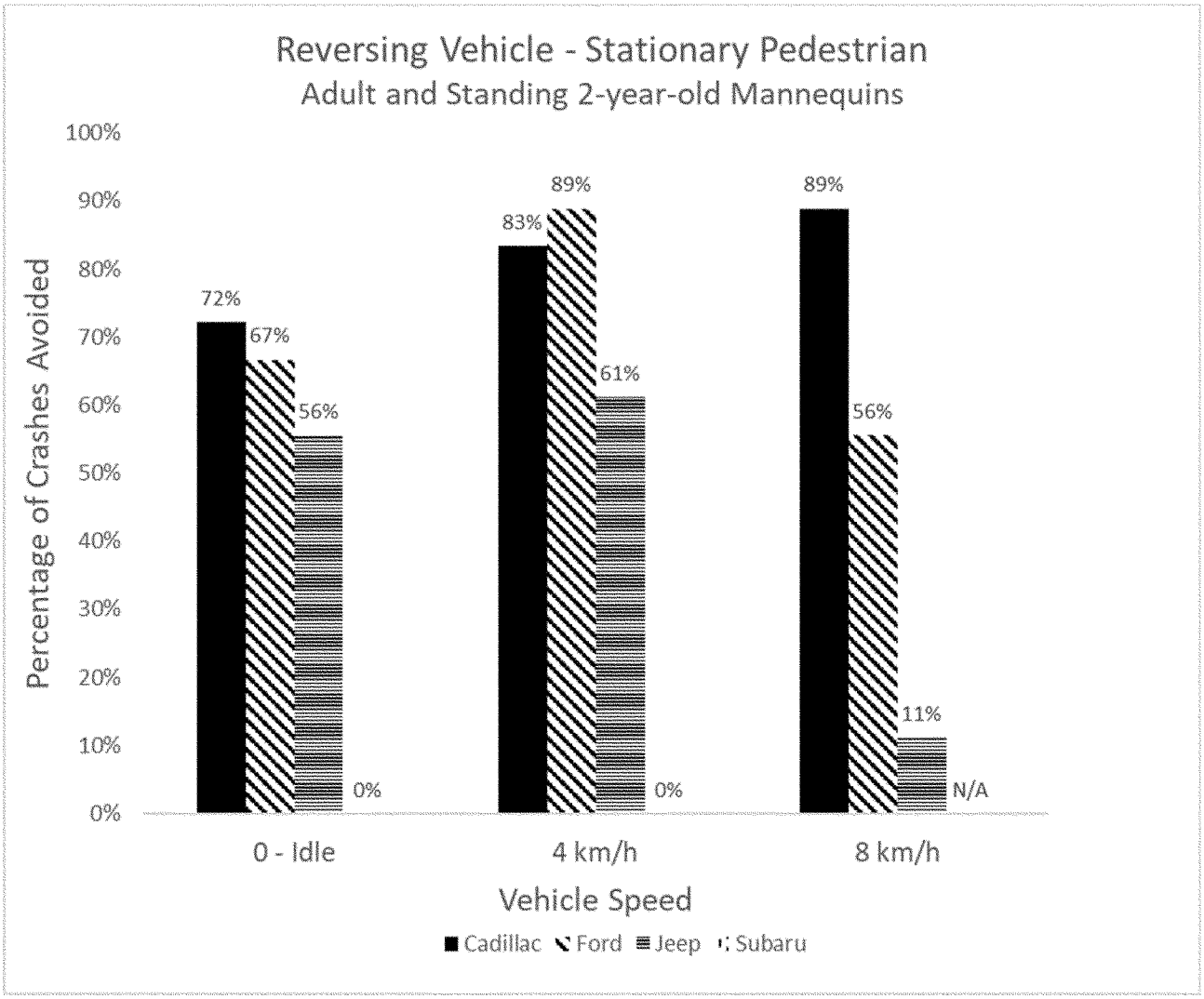


Figure 12. Effect of Vehicle Speed for Adult and Two-Year-Old Mannequins in Stationary Pedestrian Scenario

As shown in Figure 12, most systems avoided more collisions at four km/h, but one vehicle demonstrated better performance at eight km/h. As a result of this observed variability, both reversing speeds are included in the proposed NCAP evaluation procedure. The multiple test condition combinations of overlap percentages, reversing speeds, and adult and two-year-old child pedestrian test mannequins provide a comprehensive assessment of RAB system capability to detect stationary adult pedestrians and small children. NHTSA seeks comment on whether the proposed vehicle test speeds (four km/h and eight km/h) and the three overlap percentages (25 percent, 50 percent, and 75 percent) for the stationary adult and two-year-old mannequins are appropriate for evaluating RAB system performance.

2. Moving Pedestrian Scenario

In addition to the twelve stationary pedestrian test mannequin test conditions, the proposed NCAP RAB evaluation includes eight test conditions designed to measure system performance when a pedestrian moves laterally into the vehicle's reversing path. These test conditions simulate a more complex real-world situation in which an adult or child suddenly walks behind a vehicle that is already in motion. For these test conditions, both the adult and two-year-old mannequins will be used, each crossing at a perpendicular angle to the vehicle's reversing path.

In the moving pedestrian scenario, all test conditions are with 50 percent overlap at the moment of potential impact. As shown in the test results presented in NHTSA's 2026 Report (Figure 8), in the tests with moving pedestrians, vehicles were least likely to meet the performance criteria in the 25 percent overlap tests and more likely to meet the performance criteria in the 75 percent overlap tests. The 50 percent overlap is selected as an intermediate position between the 25 percent and 75 percent overlap positions. The 50 percent overlap is also consistent with the overlap in the 2023 Euro NCAP protocol for the moving pedestrian test scenario.

In the moving pedestrian scenario, each mannequin starts the test at a distance four meters from the reversing vehicle's longitudinal centerline. Starting the mannequins at a consistent distance away from the vehicle's centerline provides a control for how soon the vehicle's sensors have the opportunity to detect the mannequin.

As with the stationary pedestrian scenario, each mannequin will be tested at both vehicle reversing speeds of four km/h and eight km/h. Figure 13 shows RAB performance variation based on reversing speed with a moving adult and two-year-old mannequins. Two vehicle models performed better at the

higher vehicle reversing speed while the other two vehicles performed better at the lower reversing speed. This RAB performance variation indicates the need to test at both reversing speeds of four and eight km/h to assess system performance fully.

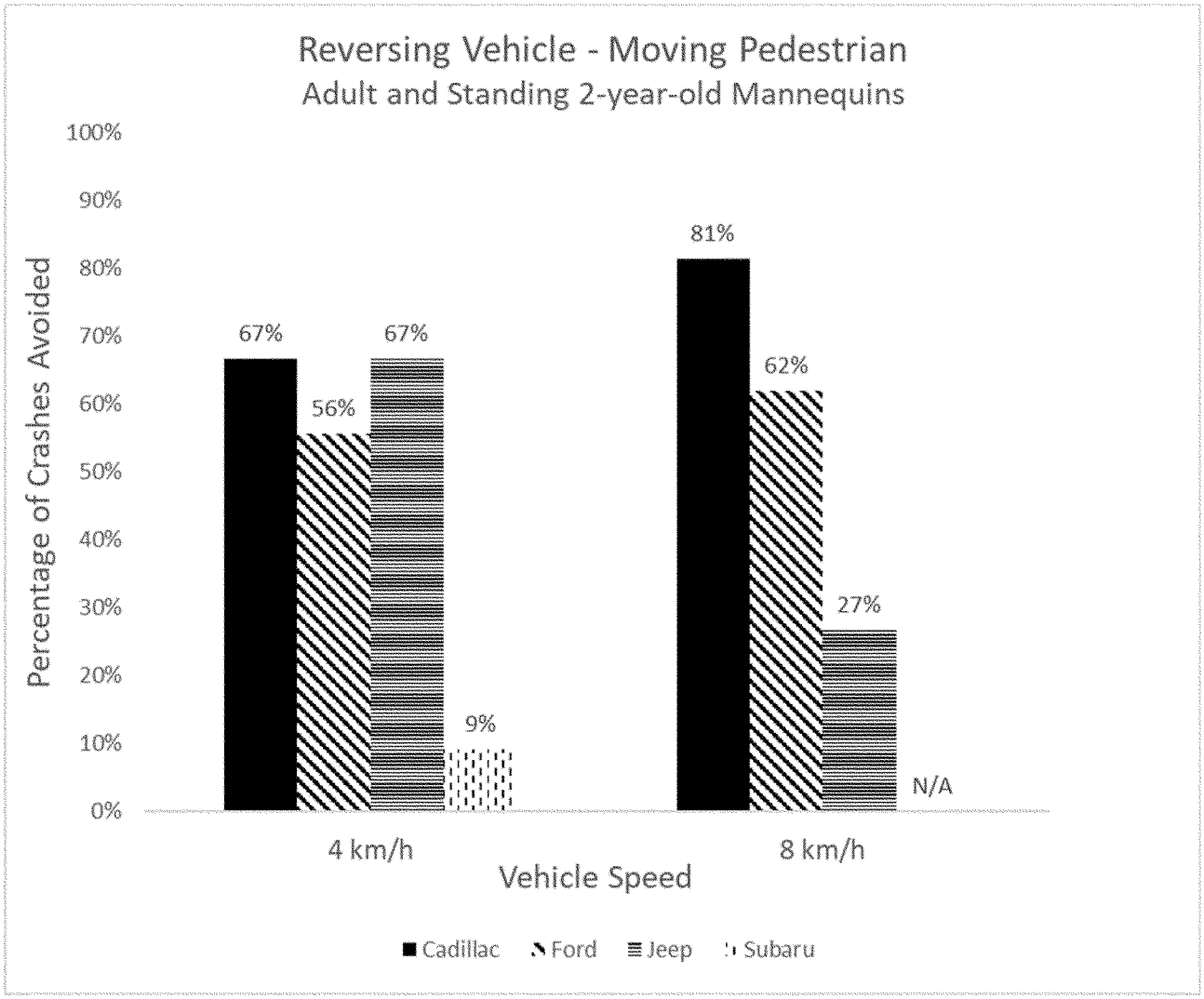


Figure 13. Effect of Vehicle Speed for Adult and Two-Year-Old Mannequins in Moving Pedestrian Scenario

In the moving pedestrian scenario, the mannequins will also move at a prescribed lateral speed perpendicular to the reversing path of the vehicle. The adult mannequin moves at a speed of five km/h which represents a brisk walking pace of an average adult,[52] [53] and is consistent with the established test procedure in the 2023 Euro NCAP protocol. The two-year-old mannequin moves at 3.2 km/h. This introduces a new speed not found in the 2023 Euro NCAP protocol, but the use of 3.2 km/h is necessary to correspond accurately to a toddler's slower walking speed [54] [55] compared to an adult. The testing results presented in NHTSA's 2026 Report demonstrate that RAB systems often responded differently to moving adult and child mannequins (see Figure 5). This inconsistency in performance across vehicle models and crossing conditions supports the need to evaluate both pedestrian sizes for the moving pedestrian scenario to ensure the testing evaluates potential limitations in system sensitivity and recognition.

Two separate tests will be conducted for each combination of mannequin size (two-year-old or adult) and vehicle reversing speed (four km/h or eight km/h). One test will be conducted with the mannequin approaching from the right with respect to the vehicle's reversing path, and another test will be conducted with the mannequin approaching from the left. This will allow NHTSA to evaluate system performance for situations where a pedestrian is approaching either from the right or

[52] Oberg T., Karsznia A., Oberg K. Basic gait parameters: reference data for normal subjects, 10–79 years of age. J Rehabil Res Dev. 30(2):210–23 (1993)' PMID: 8035350.

[53] Schimpl, M.; Moore, C.; Lederer, C.; Neuhaus, A.; Sambrook, J.; Danesh, J.; Ouwehand, W.; Daumer, M. Association between walking speed and age in healthy, free-living individuals using mobile accelerometry—A cross-sectional study. PLoS ONE, 6(8):e23299 (2011); doi: 10.1371/journal.pone.0023299; Epub 2011 Aug 10; PMID: 21853107; PMCID: PMC3154324.

[54] Cavagna GA., Franzetti P., Fuchimoto T. The mechanics of walking in children, J Physiol343:323–39 (Oct. 1983); doi: 10.1113/jphysiol.1983.sp014895; PMID: 6644619; PMCID: PMC1193922.

[55] Muller, Juliane, Muller, Steffen, Baur, Heiner, Mayer, Frank, Intra-Individual Gait Speed Variability in Healthy Children Aged 1–15 years, Gait &Posture, Vol. 38, Issue 4, pp. 631–636 (Sept. 2013).

from the left, which are equal possibilities in a parking lot or driveway scenario. The test results presented in NHTSA's 2026 Report also indicate that vehicle performance can differ depending on the approach direction of the mannequin, with some systems responding earlier or more effectively when the mannequin entered from one side compared to the other (see Figure 9 and Figure 10). Therefore, it is important to assess both pedestrian approach directions to provide a complete evaluation of RAB system performance.

NHTSA seeks comment on the proposed moving pedestrian test mannequin test scenario for evaluating RAB system performance. Specifically, NHTSA seeks comment on the proposed vehicle speed (four km/h and eight km/h), lower speed of 3.2 km/h for the two-year-old mannequin compared to the five km/h for the adult mannequin, and mannequin approach directions (left and right) with respect to the vehicle's reversing path. NHTSA also seeks comment on whether to add the 25 percent overlap location to the moving pedestrian scenario, which is more stringent than the 50 percent overlap location as shown in Figure 8 for the tests conducted on four MY 2022 vehicles.

The proposed stationary and moving pedestrian test mannequin test scenarios for evaluating RAB system performance are to be conducted exclusively in daylight. While RAB system performance differed across lighting conditions in recent research tests, vehicles generally avoided more collisions with the pedestrian test mannequins in daylight than in darkness. NHTSA seeks comment on whether the proposed RAB evaluation protocol should include testing in darkness, or whether darkness testing should be considered for inclusion in NCAP at a later date.

C. Pass-Fail Criteria

A vehicle will be considered to have met the NCAP RAB performance requirement only if it satisfies all performance criteria for every one of the 20 test conditions described above (12 stationary pedestrian test mannequin test conditions and eight moving pedestrian test mannequin test conditions). Vehicles that meet the criteria in full will receive a check mark indicating successful RAB system performance under NCAP. The performance criteria are as follows:

First, an auditory warning must sound prior to the onset of the vehicle's RAB system providing automatic braking. This requirement ensures that the RAB system provides the driver with a clear and timely warning to the presence of a pedestrian, providing situational awareness and allowing for potential manual intervention by the driver.

Second, the vehicle must not make physical contact with any test object during any test trial. Successful avoidance of contact demonstrates that the RAB system effectively detects the pedestrian test mannequin and applies sufficient braking force to bring the vehicle to a stop before impact.

Third, once automatic braking has been initiated and the vehicle comes to a complete stop, the vehicle's brakes must remain engaged until either: (1) the pedestrian test mannequin is no longer in the vehicle's path, or (2) the driver performs a deliberate override action. Some RAB systems bring the vehicle to a stop but then release the brakes. This provision addresses premature brake release that could otherwise result in secondary contact or incomplete system intervention. NHTSA has not defined ''deliberate override action'' at this time to provide system design flexibility. NHTSA seeks comment on whether permitted override action(s) should be defined and if so, what would be the definition(s).

Finally, the RAB system must be configured such that it defaults to ''ON'' at the start of each ignition or key cycle. This requirement aligns with the 2023 Euro NCAP protocol requirements and ensures that the system cannot be disabled by default, thereby providing continuous protection each time the vehicle is used.

NHTSA seeks comment on the four proposed performance criteria for evaluating RAB system performance: (1) an auditory warning shall be provided prior to RAB system brake application onset; (2) the vehicle shall not contact the pedestrian test mannequin; (3) after the vehicle comes to a complete stop, its brakes shall not be released unless the pedestrian test mannequin is no longer in the vehicle's path or the driver performs a deliberate override action; and (4) the RAB system shall default to ''ON'' after each ignition/key cycle. NHTSA also seeks comment on the effectiveness of different RAB system warning strategies, whether a haptic warning signal should be permitted in lieu of an auditory warning, and whether a visual warning should also be required.

D. Number of Trials per Test Condition

NHTSA proposes to perform one trial per RAB test condition. In the stationary mannequin scenario, there are 12 test conditions (two vehicle speeds (four and eight km/h) × two mannequins (adult and two-year-old) × three overlap percentages (25 percent, 50 percent, and 75 percent)). For the moving mannequin scenario, there are eight test conditions (two vehicle speeds (four and eight km/h) × two mannequins (adult and two-year-old) × two approach directions (left and right of vehicle). Conducting one trial per test condition results in a total of 20 tests for evaluating RAB performance, as shown in Table 1. Conducting one trial per test condition is similar to the approach NHTSA is using to assess other ADAS technologies added to NCAP in 2024.[56]

NHTSA also proposes that, in the process of conducting the RAB tests, if the test vehicle does not meet all four proposed performance criteria in a test, then any remaining tests (of the 20 proposed scenarios) with the vehicle will not be conducted because the vehicle would not be receiving NCAP credit for RAB.

NHTSA seeks comment on the proposal to conduct only one trial per test condition and to not conduct any remaining tests if the vehicle fails to meet all four performance criteria during a test trial.

E. Awarding Credit for RAB Systems

NHTSA proposes to denote vehicles that are equipped with RAB and that meet the proposed performance criteria for all 20 proposed RAB test conditions with a check mark on NHTSA's website. This is similar to the approach the Agency is using to notify consumers on available ADAS technologies that meet NHTSA's performance criteria.[57] Until a crash avoidance rating system is developed and implemented, the check mark on the NHTSA website will remain the primary way of notifying consumers of available ADAS technologies meeting NHTSA's system performance criteria.[58]

Among the four MY 2022 vehicles tested (2022 Cadillac XT4, 2022 Ford Mustang Mach-E, 2022 Jeep Grand Cherokee L, and 2022 Subaru Outback Touring), results suggest that while some RAB systems performed

[56] 89 FR 95916. The December 3, 2024 final decision notice added four new ADAS technologies—blind spot warning, blind spot intervention, lane keeping assist, and pedestrian automatic emergency braking to NCAP.

[57] 89 FR 95916.

[58] Euro NCAP currently assesses RAB performance as part of its Vulnerable Road User Protection program. See *https://www.euroncap.com/media/79885/euro-ncap-assessment-protocol-vru-v114.pdf*. Euro NCAP allocates points for daytime testing in each pedestrian automatic emergency braking (PAEB) test scenario which includes potential frontal and rear impact scenarios involving pedestrians. The total points for RAB credits represent 33 percent of daytime PAEB points allocated in Euro NCAP.

significantly better than others, none of the vehicle models tested would obtain credit for RAB as proposed in this RFC.

NHTSA requests comment on the proposal to give credit for RAB systems only when the vehicle meets the performance criteria for all 20 test conditions.

VII. Conclusion

This RFC proposes to implement an RAB testing program in NHTSA's NCAP. In doing so, it responds to the need for improved protection of vulnerable road users such as small children in backover crash scenarios. This RFC seeks public comment on a proposed program that would evaluate RAB system performance using standardized, objective test procedures. If implemented, the changes to NCAP proposed in this document would advance NHTSA's efforts to provide consumers with important safety information regarding technologies designed to prevent backover crashes and reduce injuries and fatalities to pedestrians.

VIII. Economic Analysis

The changes to NCAP proposed in this RFC ultimately would enable a rating system that improves consumer awareness of pedestrian protection systems and the improvements to safety that stem from those systems. It would also encourage manufacturers to accelerate RAB adoption. The accelerated adoption of pedestrian protection systems would drive any economic and societal impacts that result from these changes and are thus the focus of this discussion of economic analysis. Hence, NHTSA has considered the potential economic effects for rear automatic braking pedestrian protection system proposed for inclusion in NCAP and the potential benefit of eventually developing a new rating system that would include this information.

RAB systems have the potential to reduce crashes with pedestrians when the vehicle is traveling in reverse. While NHTSA's research on RAB systems has been limited to only certain vehicle models, it illustrates how these systems can provide safety benefits. Though NHTSA does not have sufficient data to determine the monetized safety impacts resulting from RAB systems, NHTSA expects that the proposed inclusion of RAB systems in NCAP would likely have positive safety effects by promoting earlier and more widespread deployment of these technologies as well as encouraging manufacturers to design RAB systems with the ability to detect and avoid pedestrians consistently when the vehicle is reversing.

NCAP helps address the issue of asymmetric information (*i.e.,* when one party in a transaction is in possession of more information than the other), which can be considered a market failure. Regarding consumer information, the introduction of a potential new component to the NCAP rating system is anticipated to provide consumers additional vehicle safety information regarding the safety of vulnerable road users to help them make more informed purchasing decisions by presenting the relative safety benefits of systems designed to protect not only occupants inside the vehicle but also persons outside the vehicle. While NHTSA knows that consumers value information about the protection of vehicle occupants when making purchasing decisions, NHTSA believes that, as a society, most consumers are also interested in protecting people that share their roads. Hence, there is an unquantifiable value to consumers and to society as a whole for NHTSA to provide accurate and comparable vehicle safety information about protecting all lives. At this time, NHTSA does not have sufficient data, such as unit cost and information on how soon the full adoption of RAB systems designed to detect and avoid pedestrians would be reached, to predict the net increase in cost to consumers with a high degree of certainty.

IX. Public Participation

Interested parties are encouraged to submit thorough and detailed comments relating to each of the relevant areas discussed in this notice. Please see Appendix A for a summarized list of specific questions that have been posed in this notice. Comments submitted will help NHTSA make informed decisions as it strives to advance NCAP by encouraging continuous safety improvements for new vehicles and enhancing consumer information.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number indicated in this document in your comments.

Your comments must not be more than 15 pages long (49 CFR 553.21). NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

If you are submitting comments electronically as a PDF (Adobe) file, NHTSA asks that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the Agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *https://www.transportation.gov/regulations/dot-information-dissemination-quality-guidelines.*

How do I submit confidential business information?

You should submit a redacted ''public version'' of your comment (including redacted versions of any additional documents or attachments) to the docket using any of the methods identified under **ADDRESSES**. This ''public version'' of your comment should contain only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted. See below for further instructions on how to do this.

You also need to submit a request for confidential treatment directly to the Office of Chief Counsel. Requests for confidential treatment are governed by 49 CFR part 512. Your request must set forth the information specified in part 512. This includes the materials for which confidentiality is being requested (as explained in more detail below); supporting information, pursuant to section 512.8; and a certificate, pursuant to section 512.4(b) and part 512, Appendix A.

You are required to submit to the Office of the Chief Counsel one unredacted ''confidential version'' of the information for which you are seeking confidential treatment. Pursuant to section 512.6, the words ''ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION'' or ''CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS'' (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for

which confidentiality is requested within brackets: ''[].''

You are also required to submit to the Office of the Chief Counsel one redacted ''public version'' of the information for which you are seeking confidential treatment. Pursuant to section 512.5(a)(2), the redacted ''public version'' should include redactions of any information for which you are seeking confidential treatment (*i.e.,* the only information that should be unredacted is information for which you are not seeking confidential treatment).

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the Agency under part 512. Please do not send a hard copy of a request for confidential treatment to NHTSA's headquarters. The request should be sent to Dan Rabinovitz in the Office of the Chief Counsel at *Daniel.Rabinovitz@dot.gov* or you may contact him for a secure file transfer link. Manufacturers or any companies that already have a Confidential Business Information (CBI) Portal account or an Enterprise Account with NHTSA should use the CBI Portal for their submission. If you are submitting a CBI request, please also email a courtesy copy of the request to John Piazza at *john.piazza@dot.gov.*

Will the Agency consider late comments?

NHTSA will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, NHTSA will also consider comments that the docket receives after that date. If the docket receives a comment too late for us to consider in developing a final decision (assuming that one is issued), NHTSA will consider that comment as an informal suggestion for future NCAP updates.

X. Appendices

A. Requests for Comment

[1] NHTSA seeks comment on whether the inclusion of RAB technology in NCAP is appropriate.

[2] NHTSA seeks information regarding the motivation for the changes in RAB test scenarios between the 2023 Euro NCAP Protocol (Test Protocol—AEB/LSS VRU Systems; Implementation 2023, Version 4.5.1, February 2024) and the October 2025 Euro NCAP Protocol, ''Crash Avoidance Low Speed Conditions Protocol, Version 1.1 October 2025, Implementation January 2026.''

[3] A draft NCAP test procedure for evaluating RAB is provided in the docket for this request for comment notice. NHTSA seeks comment on the details of this test procedure, and whether any further test procedure clarification or refinement is needed to facilitate objective performance evaluation of RAB pedestrian crash avoidance.

[4] NHTSA seeks comment on whether the proposed adult and two-year-old mannequins are appropriate for evaluating RAB system performance.

[5] NHTSA seeks comment on whether the proposed vehicle test speeds (four km/h and eight km/h) and the three overlap percentages (25 percent, 50 percent, and 75 percent) for the stationary adult and two-year-old mannequins are appropriate for evaluating RAB system performance.

[6] NHTSA seeks comment on the proposed moving mannequin test scenario for evaluating RAB system performance. Specifically, NHTSA seeks comment on the proposed vehicle speed (four km/h and eight km/h), lower speed of 3.2 km/h for the two-year-old mannequin compared to the five km/h for the adult mannequin, and mannequin approach directions (left and right) with respect to the vehicle's reversing path.

[7] NHTSA also seeks comment on whether to add the 25 percent overlap location to the moving pedestrian scenario, which is more stringent than the 50 percent overlap location as shown in Figure 8 for the tests conducted on four MY 2022 vehicles.

[8] The proposed stationary and moving pedestrian test mannequin test scenarios for evaluating RAB system performance are to be conducted exclusively in daylight. While RAB system performance differed across lighting conditions in recent research tests, vehicles generally avoided more collisions with the pedestrian test mannequins in daylight than in darkness. NHTSA seeks comment on whether the proposed RAB evaluation protocol should include testing in darkness, or whether darkness testing should be considered for inclusion in NCAP at a later date.

[9] NHTSA has not defined ''deliberate override action'' at this time to provide system design flexibility. NHTSA seeks comment on whether permitted override action(s) should be defined and if so, what would be the definition(s).

[10] NHTSA seeks comment on the four proposed performance criteria for evaluating RAB system performance: (1) an auditory warning shall be provided prior to RAB system brake application onset; (2) the vehicle shall not contact the pedestrian test mannequin; (3) after the vehicle comes to a complete stop, its brakes shall not be released unless the pedestrian test mannequin is no longer in the vehicle's path or the driver performs a deliberate override action; and (4) the RAB system shall default to ''ON'' after each ignition/key cycle. NHTSA also seeks comment on the effectiveness of different RAB system warning strategies, whether a haptic warning signal should be permitted in lieu of an auditory warning, and whether a visual warning should also be required.

[11] NHTSA seeks comment on the proposal to conduct only one trial per test condition and to not conduct any remaining tests if the vehicle fails to meet all four performance criteria during a test trial.

[12] NHTSA requests comment on the proposal to give credit for RAB systems only when the vehicle meets the performance criteria for all 20 test conditions.

Issued under authority delegated in 49 CFR 1.95.

Jonathan Morrison,

Administrator.

[FR Doc. 2026–10611 Filed 5–27–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS) Treasury

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions to improve customer service at the Internal Revenue Service. This meeting will be held as a virtual video conference via the Microsoft Teams platform.

DATES: The meeting will be held on Wednesday, June 17, 2026, at 2:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Fred N. Smith, Jr. by email at *taxpayer.advocacy.panel@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that an open meeting of the Taxpayer Advocacy Panel's Joint Committee will be held on Wednesday, June 17, 2026, at 2:00 p.m. Eastern Time.

The public is invited to attend the meeting virtually, or by phone, and may provide oral comments or submit written statements for consideration. Due to meeting structure and time limitations, advance registration is required to attend or make public comments during the meeting. To register and receive meeting access information, please contact Fred N. Smith, Jr. at the contact information above no later than Friday, June 12, 2026.

Meeting materials, including the agenda and any handouts, will be made available prior to the meeting at *www.improveirs.org.*

The agenda will include a committee discussion of new and continuing issues and other activities related to the new TAP year.

Dated: May 24, 2026.

Saul M. Hernandez,

Designated Federal Official, Taxpayer Advocacy Panel.

[FR Doc. 2026–10572 Filed 5–27–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Alcohol and Tobacco Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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 these requests.

DATES: Comments should be received on or before June 29, 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 *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection notice 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 *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

1. Title: Personnel Questionnaire—Alcohol and Tobacco Products.

OMB Control Number: 1513–0002.

Type of Request: Extension without change of a currently approved collection.

Description: Provisions of chapters 51 and 52 of the Internal Revenue Code (IRC, 26 U.S.C. chapters 51 and 52) and the Federal Alcohol Administration Act (FAA Act; 27 U.S.C. 201 *et seq.*) require all persons who desire to engage in certain alcohol and tobacco activities to obtain a permit or registration from, or file a notice with, the Secretary of the Treasury (the Secretary) before beginning operations. Those statutes also provide that an applicant is not eligible for such approvals if the Secretary finds that the applicant (including company officers, directors, or principal investors), has certain criminal convictions or is not likely to lawfully operate. Under those IRC and FAA Act authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR chapter I authorize the collection of information from applicants using form TTB F 5000.9 regarding their identity, business history, and any criminal record so that TTB can determine if they meet the statutory qualifications to hold an alcohol and tobacco permit, registration, or notice.

Form: TTB F 5000.9.

Affected Public: Individuals or households.

Estimated Number of Respondents: 8,400.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 8,400.

Estimated Time per Response: 51 minutes.

Estimated Total Annual Burden Hours: 7,167 hours.

2. Title: Drawback on Wines Exported.

OMB Control Number: 1513–0016.

Type of Request: Extension without change of a currently approved collection.

Description: The IRC at 26 U.S.C. 5041 generally imposes Federal excise tax on wine produced or imported into the United States, while section 5362(c) allows domestic wine to be exported, transferred to a foreign trade zone, or used on certain vessels and aircraft without payment of that tax. In the case of domestic wine that is subsequently exported, the IRC at 26 U.S.C. 5062(b) provides that the exporter may claim drawback (refund) of the tax paid or determined on such wine. Under the TTB regulations in 27 CFR part 28, exporters use form TTB F 5120.24 to document export of a tax-paid or -determined wine and to submit drawback claims for the excise tax paid or determined on the wine. To protect the revenue, TTB uses the provided information to verify that the exported wine is eligible for drawback and the refund amount claimed by the exporter.

Form: TTB F 5120.24.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 25.

Estimated Time per Response: 67 minutes.

Estimated Total Annual Burden Hours: 28 hours.

3. Title: Specific and Continuing Transportation Bonds—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse, Class Six.

OMB Control Number: 1513–0031.

Type of Request: Extension without change of a currently approved collection.

Description: Under United States customs law at 19 U.S.C. 1311 and the IRC at 26 U.S.C. 5175, 5214(a), and 5362(c), distilled spirits and wines subject to excise tax may be transferred tax-free to a manufacturing bonded warehouse for use in the production of products for export if a bond is provided to protect the revenue and ensure compliance with statutory and regulatory requirements. Under those authorities, the TTB regulations in 27 CFR part 28 require manufacturing bonded warehouse proprietors to file a bond to cover the tax-free transfer of distilled spirits or wine from a distilled spirits plant or wine premises to their bonded warehouse. Such proprietors may file either a specific transportation bond using form TTB F 5100.12 to cover a single tax-free transfer, or a continuing transportation bond using form TTB F 5110.67 to cover multiple tax-free transfers made over a period of time. This information collection request is necessary to meet statutory requirements and protect the revenue while providing operational flexibility to manufacturing warehouse proprietors.

Forms: TTB F 5100.12 and TTB F 5110.67.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 50.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50 hours.

4. Title: Distilled Spirits Plants—Transaction and Supporting Records (TTB REC 5110/05).

OMB Control Number: 1513–0056.

Type of Request: Extension without change of a currently approved collection.

Description: The IRC at 26 U.S.C. 5001 generally imposes an excise tax on distilled spirits produced or imported into the United States, and section 5207 requires distilled spirits plant (DSP) proprietors to maintain records and provide reports related to their production, storage, denaturing, and processing activities as prescribed by regulation. Under those authorities, the TTB regulations in 27 CFR parts 19, 26, 27, and 28 require DSP proprietors to keep certain usual and customary transaction and supporting records that are common to their distilled spirits production, storage, denaturing, and processing activities. Proprietors use the records required under this collection and those required under each DSP activity to document the data provided on their monthly DSP operations reports. To protect the revenue, TTB personnel may examine the records required under this collection to verify the data provided by DSP proprietors in those reports and determine their Federal excise tax liability.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5,800.

Frequency of Response: Once annually.

Estimated Total Number of Annual Responses: 5,800.

Estimated Time per Response and Total Annual Burden Hours: None. Per the OMB regulations at 5 CFR 1320(b)(2), regulatory requirements to keep usual and customary business records impose no additional burden on respondents.

5. Title: Letterhead Applications and Notices Relating to Denatured Spirits (TTB REC 5150/2).

OMB Control Number: 1513–0061.

Type of Request: Extension without change of a currently approved collection.

Description: Under the IRC at 26 U.S.C. 5214, denatured spirits (distilled spirits with added denaturants rendering them unfit for beverage purposes) may be withdrawn from DSPs free of tax for the manufacture of certain nonbeverage personal and household products. Since it is possible to recover potable alcohol from denatured spirits and articles made with denatured spirits, the IRC at 26 U.S.C. 5271–5275 sets forth provisions regarding such spirits and articles. Under those IRC authorities, the TTB regulations in 27 CFR part 20 require specially denatured spirits (SDS) dealers and nonbeverage product manufacturers that use or recover SDS to apply for and obtain a permit. Those regulations also require such permit holders, and non-permit holders that traffic in large quantities of completely denatured spirits (CDS), to submit letterhead applications or notices to TTB regarding certain changes to their permit information (if applicable), use of alternate methods and emergency variations, adoption or use of certain formulas, losses in transit, and other specified matters. The collected information is necessary to implement the IRC's statutory provisions regarding denatured spirits and protect the revenue.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,800.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 3,800.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,900 hours.

6. Title: COLAs Online Access Request.

OMB Control Number: 1513–0111.

Type of Request: Extension without change of a currently approved collection.

Description: To provide consumers with adequate information as to the identity of alcohol beverages and prohibit consumer deception, the FAA Act at 26 U.S.C. 205, and the related TTB regulations in 27 CFR chapter I require alcohol beverage bottlers and importers to apply for Certificates of Label Approval (COLAs) for such products introduced into interstate commerce or released from customs custody. Additionally, those regulations require domestic bottlers of distilled spirits and wines to apply for COLA exemptions for certain products sold only in intra-State commerce and require domestic bottlers and importers of distilled spirits to apply for approval of distinctive bottles. Most bottlers and importers complete and submit such applications electronically using TTB's web-based COLAs Online system, and to protect that system from cyber threats and misuse, persons desiring to use it must first submit and receive TTB approval of a COLAs Online Access Request using form TTB F 5013.2 or its electronic equivalent. The collected information identifies the COLAs Online access applicant and confirms their authority to act on behalf of a specific alcohol beverage industry member.

Form: TTB F 5013.2.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,100.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 5,100.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 1,530 hours.

7. Title: Customer Satisfaction Surveys for Permits Online (PONL), Formulas Online (FONL), and COLAs Online.

OMB Control Number: 1513–0124.

Type of Request: Extension without change of a currently approved collection.

Description: As part of TTB's efforts to improve customer service, we survey respondents who complete and submit applications electronically using our online systems—Permits Online (PONL) for original or amended alcohol or tobacco permits, Formulas Online (FONL) for approval of certain alcohol product formulas, and COLAs Online for submission of certificates of label approval (COLAs) for alcohol beverages sold in interstate commerce. These customer satisfaction surveys assist TTB in identifying potential customer needs and problems, along with opportunities for improvements in our PONL, FONL, COLAs Online electronic application systems.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 18,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 18,000.

Estimated Time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 3,600 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–10618 Filed 5–27–26; 8:45 am]

BLLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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 these requests.

DATES: Comments should be received on or before June 29, 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 *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 *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Dividends and Distributions

OMB Control Number: 1545–0110.

Type of Request: Extension of a currently approved collection.

Description: Form 1099–DIV is used by the IRS to ensure that dividends are properly reported as required by Internal Revenue Code section 6402, that liquidation distributions are correctly reported as required by Internal Revenue Code section 6403, and to determine whether payees are correctly reporting their income.

Affected Public: Business or other for-profit.

Estimated Number of Responses: 110,115,626.

Estimated Time per Response: 28 minutes.

Estimated Total Annual Burden Hours: 51,754,344.

2. Title: U.S. Departing Alien Income Tax Statement

OMB Control Number: 1545–0138.

Type of Request: Extension of a currently approved collection.

Description: Form 2063 is used by a departing resident alien against whom a termination assessment has not been made, or a departing nonresident alien who has no taxable income from United States sources, to certify that they have satisfied all U.S. income tax obligations. The data is used by the IRS to certify that departing aliens have complied with U.S. income tax laws.

Form Number: Form 2063.

Affected Public: Individuals or households.

Estimated Number of Respondents: 20,540.

Estimated Time per Response: 50 minutes.

Estimated Total Annual Burden Hours: 17,049.

3. Title: Occupational Tax and Registration Return for Wagering

OMB Control Number: 1545–0236.

Type of Request: Extension of a currently approved collection.

Description: Form 11–C is used to register people accepting wagers (IRC section 4412). IRS uses this form to register the respondent, collect the annual stamp tax (IRC section 4411), and to verify that the tax on wagers is reported on Form 730.

Form Number: 11–C.

Affected Public: Business or other for-profit organizations, and Individuals and households.

Estimated Number of Respondents: 3,900.

Estimated Time per Response: 7 hours, 2 minutes.

Estimated Total Annual Burden Hours: 27,534.

4. Title: Return of Excise Taxes Related to Employee Benefit Plans

OMB Control Number: 1545–0575.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code sections 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A, and 4980 impose excise taxes on certain employers with employee benefit plans. Form 5330 is used to report and pay the excise taxes related to employee benefit plans. Form 8868 is used to request an extension of time to file an exempt organization return, or excise taxes return related to employee benefit plans.

Form Number: Form 5330 and Form 8868.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 26,460.

Estimated Time per Response: 47 hours, 26 minutes.

Estimated Total Annual Burden Hours: 1,255,149.

5. Title: Creditability of Foreign Taxes

OMB Control Number: 1545–0746.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code (IRC) section 901 allows a taxpayer to pay a tax credit for the amount of any income, war profits, or excess profits taxes it has paid or accrued during the taxable year. Treasury Regulations section 1.901–2A(e) allows a dual capacity taxpayer to apply the safe harbor formula to qualifying levies when determining the credit. Section 1.901–2A(d) requires the taxpayer to provide a statement electing to use the safe harbor formula.

Affected Public: Individuals or households, business or other for-profit organizations, and trust and estates.

Estimated Number of Respondents: 120.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 41.

6. Title: Interest Charge on DISC-Related Deferred Tax Liability

OMB Control Number: 1545–0939.

Type of Request: Extension of a currently approved collection.

Description: Shareholders of Interest Charge Domestic International Sales Corporations (IC–DISCs) use Form 8404 to figure and report an interest charge on their DISC-related deferred tax liability. The interest charge is required by Internal Revenue Code section 995(f). IRS uses Form 8404 to determine whether the shareholder has correctly figured and paid the interest charge on a timely basis.

Form Number: Form 8404.

Affected Public: Businesses or other for-profit organizations; and individuals or households.

Estimated Number of Respondents: 2,500.

Estimated Time per Response: 7 hours, 47 minutes.

Estimated Total Annual Burden Hours: 19,475.

7. Title: Debt Instruments With Original Instrument Discount (OID); Contingent Payments; Anti-Abuse Rule

OMB Control Number: 1545–1450.

Type of Request: Extension of a currently approved collection.

Description: TD 8674 relates to the tax treatment of debt instruments that

provide for one or more contingent payments. The regulation also treats a debt instrument and a related hedge as an integrated transaction. The regulation provides general rules, definitions, and reporting and recordkeeping requirements for contingent payment debt instruments and for integrated debt instruments.

Regulatory Project Number: TD 8674.

Affected Public: Businesses or other for-profit organizations; Individuals or Households; State, Local, and Tribal governments.

Estimated Number of Respondents: 180,000.

Estimated Time per Response: 29 minutes.

Estimated Total Annual Burden Hours: 89,000.

8. Title: TD 8649, Netting Rule for Certain Conversion Transactions

OMB Control Number: 1545–1452.

Type of Request: Extension of a currently approved collection.

Description: Internal Revenue Code (IRC) section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. Treasury Regulations section 1.1258–1 provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction before the close of the day on which the positions become part of the conversion transaction.

Regulatory Project Number: TD 8649.

Affected Public: Individuals or Households; Businesses or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

9. Title: Annual Return/Report of Employee Benefit Plan

OMB Control Number: 1545–1610.

Type of Request: Extension of a currently approved collection.

Description: The Annual Return/Report of Employee Benefit Plan is an annual information return filed by employee benefit plans. The IRS uses this information for a variety of matters, including ascertainment whether a qualified retirement plan appears to conform to requirements under the Internal Revenue Code or whether the plan should be audited for compliance. Form 5500 including all required schedules and attachments is an annual return filed to report information concerning employee benefit plans and Direct Filing Entities. Form 5500–SF is a simplified annual reporting form for use by certain small pension and welfare benefit plans. Form 5500–EZ is an annual return filed by a one participant plans and foreign plans that are not subject to the requirements of section 104 (a) of the Employee Retirement Income Security Act of 1974 (ERISA). Form 5558 is used to apply for a one-time extension of time to file the Form 5500 series and the Form 8955–SSA.

Form Number: 5500 and associated schedules.

Affected Public: Individuals or Households; Businesses or other for-profit organizations.

Estimated Number of Respondents: 1,694,075.

Estimated Time per Response: 1 hour, 34 minutes.

Estimated Total Annual Burden Hours: 4,019,260.

10. Title: Fines, Penalties, and Other Amounts

OMB Control Number: 1545–2284.

Type of Request: Extension of a currently approved collection.

Description: Public Law 115–97, Tax Cuts and Jobs Act of 2017 (TCJA), amended Internal Revenue Code (IRC) section 162(f) regarding allowable deductions of fines, penalties, and other amounts paid to, or at the direction of, a government or governmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law. The TCJA also added IRC section 6050X, requiring the official of any government or entity described in IRC section 162(f)(5) to file an information return with respect to certain fines, penalties, and other amounts paid. Treasury Decision (TD) 9946 contains final regulations providing guidance on IRC sections 162(f) and 6050X. Treasury Regulations section 1.6050X–1 provides guidance on the information reporting requirements of IRC section 6050X and names Form 1098–F as the return to report the information. Form 1098–F is used to report the amounts paid as required by IRC section 6050X to the IRS and provide a statement to the payer.

Form Number: 1098–F.

Affected Public: Individuals or Households; Businesses or other for-profit organizations.

Estimated Number of Respondents: 41,300.

Estimated Time per Response: 33 minutes.

Estimated Total Annual Burden Hours: 22,715.

11. Title: Application for Reduced Rate of Withholding on Whistleblower Award Payment

OMB Control Number: 1545–2273.

Type of Request: Extension of a currently approved collection.

Description The Application for Reduced Rate of Withholding on Whistleblower Award Payment will be used by the whistleblower to apply for a reduction in withholding to minimize the likelihood of the IRS over withholding tax from award payments providing whistleblowers with a pre-award payment opportunity to substantiate their relevant attorney fees and court costs. The Whistleblower Office will review and evaluate the form and calculate the rate.

Form Number: 14693.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 10.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 8.

12. Title: Revenue Procedure 2026–6 and Form 15714, Advance Election To Participate Under Section 25F

OMB Control Number: 1545–2335.

Type of Request: Extension of a currently approved collection.

Description: Section 25F of the Internal Revenue Code (IRC) allows for State to voluntarily elect to participate in advance of providing to the Internal Revenue Service (IRS) a list of the scholarship granting organizations (SGOs) that meet the requirements of IRC section 25F(c)(5) and are located in the State. Form 15714 provides an authorized State representative an easy method to elect participation under IRC section 25F. Revenue Procedure 2026–6 provides guidance regarding a procedure for a State to voluntarily elect to participate under IRC section 25F.

Form Number: 15714.

Regulatory Project Number: Revenue Procedure 2026–6.

Affected Public: State, Local, and Tribal governments.

Estimated Number of Respondents: 51.

Estimated Time per Response: 43 minutes.

Estimated Total Annual Burden Hours: 37.

13. Title: Application To Participate in the Income Verification Express Service (IVES) Program

OMB Control Number: 1545–2032.

Type of Request: Extension of a currently approved collection.

Description: Application to Participate in the Income Verification Express Service (IVES) Program is used to submit the required information necessary to complete the eservices enrollment process for IVES users and to identify delegates receiving transcripts on behalf of the principal account user.

Form Number: 13803.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 400.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 200.

14. Title: Rev. Proc. 2022–26, Superfund; Imported Substances; Procedures for Filing a Petition; Section 4662(e) Proof of Export and Related Superfund Tax Certificates

OMB Control Number: 1545–2304.

Type of Request: Extension of a currently approved collection.

Description: This revenue procedure and associated statute provides the exclusive procedures for importers, exporters, and interested persons to request a determination under § 4672(a)(2) of the Internal Revenue Code (Code) that a substance be added to or removed from the list of taxable substances under § 4672(a) of the Code.

Regulatory Project Number: Rev. Proc. 2022–26, as modified by Rev. Proc 2023–20.

Affected Public: Businesses or other for-profit organizations; not-for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 75 hours.

Estimated Total Annual Burden Hours: 75,000.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–10639 Filed 5–27–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Cash Management Improvement Act Annual Report and Direct Cost Claims

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

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: Comments should be received on or before June 29, 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 *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 *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (BFS)

1. Title: Cash Management Improvement Act (CMIA) Annual Report and Direct Cost Claims.

OMB Control Number: 1530–0066.

Type of Request: Extension of a currently approved collection.

Description: States and Territories must report interest owed to and from the Federal government for major Federal assistance programs on an annual basis. The data is used by Treasury and other Federal agencies to verify State and Federal interest claims, to assess State and Federal cash management practices and to exchange amounts of interest owed.

Forms: None.

Affected Public: State or Territorial Governments.

Estimated Number of Respondents: 56.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 56.

Estimated Time per Response: 393.5 hours (on average).

Estimated Total Annual Burden Hours: 22,036 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–10613 Filed 5–27–26; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0559]

Agency Information Collection Activity: Grant Funded Cemetery Data Sheet and Cemetery Grant Documents

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: 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 July 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: Grant Funded Cemetery Data Sheet and Cemetery Grant Documents.

OMB Control Number: 2900–0559.

https://www.reginfo.gov/public/do/

PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 40–0241 and Cemetery Grant Documents, 40–0895 Series, are required to provide data regarding the number of interments conducted at VA Grant Funded Veterans cemeteries and support grant preapplication each year. This data is necessary for budget, oversight and compliance purposes associated with exiting and establishment of new State and Tribal government Veteran cemeteries.

Affected Public: State, Local and Tribal Governments.

Estimated Annual Burden: 237 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annual.

Estimated Number of Respondents: 289.

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. 2026–10599 Filed 5–27–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Thursday,
No. 102 May 28, 2026

Part II

The President

Proclamation 11031—Memorial Day, 2026

Federal Register
Vol. 91, No. 102
Thursday, May 28, 2026

Presidential Documents

Title 3—

The President

Proclamation 11031 of May 22, 2026

Memorial Day, 2026

By the President of the United States of America

A Proclamation

The greatest fighting force the world has ever known is built upon the extraordinary service of selfless men and women who safeguard our liberty and preserve our way of life. Since the birth of our Nation nearly 250 years ago, countless souls have lost their lives in this noble and righteous pursuit. On Memorial Day, we honor these American heroes.

America endures in strength, power, and prosperity because of the awe-inspiring selflessness and valor of those in uniform willing to lay down their lives in its defense. From the frozen fields of Valley Forge and the beaches of Normandy to the jungles of Vietnam and the mountains of Afghanistan, the sacrifice across our Armed Forces is the foundation upon which our Republic stands. Today, we especially remember the 13 members of the Joint Force who have fallen in support of Operation Epic Fury to defend our national security and preserve the blessings of liberty for future generations. These warfighters lost their lives for freedom's cause and we will never forget the cost.

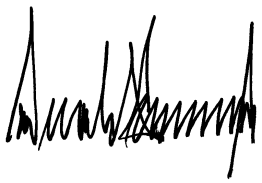
All Americans inherit the glorious gift of liberty that has been purchased with the spilled blood of brave warriors and the tears and heartache of those they left behind. It is fitting and necessary for our Nation to pause for an annual reminder of the enduring and perilously high cost of freedom, but the immeasurable gravity of what has been sacrificed for the greater good deserves our eternal reverence and unwavering gratitude every day.

On this solemn day, the First Lady and I ask you to join us in prayer for lasting peace in this volatile world, for the protection of those in harm's way, and for the grace of Almighty God to comfort all who grieve.

In honor of all of our fallen heroes, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 25, 2026, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer. I ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day. I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that on Memorial Day the flag be flown at half-staff until noon on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request citizens to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.



[FR Doc. 2026–10733
Filed 5–27–26; 11:15 am]
Billing code 3395–F4–P

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Federal Register

Vol. 91, No. 102

Thursday, May 28, 2026

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General Information, indexes and other finding aids **202–741–6000**
Laws **741–6000**

Presidential Documents
Executive orders and proclamations **741–6000**
The United States Government Manual **741–6000**

Other Services
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Privacy Act Compilation **741–6050**

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FEDERAL REGISTER PAGES AND DATE, MAY

23355–23902 1
23903–24114 4
24115–24336 5
24337–24704 6
24705–25072 7
25073–25478 8
25478–25782 11
25783–26892 12
26893–27182 13
27183–27830 14
27831–28406 15
28407–29036 18
29037–29358 19
29359–29878 20
29879–30190 21
30191–30482 22
30483–31334 26
31335–31646 27
31647–31868 28

CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
11023 24321
11024 24323
11025 25067
11026 25477
11027 26889
11028 26891
11029 27829
11030 30469
11031 31867

Executive Orders:
14402 24325
14403 24329
14404 25061
14405 30475
14406 30479

Administrative Orders:
Notices:
Notice of May 4, 2026 25069
Notice of May 4, 2026 25071
Notice of May 7, 2026 25781
Notice of May 11, 2026 27181
Notice of May 21, 2026 31333
Presidential Determinations:
No. 2026–13 27177
No. 2026–14 31645
Presidential Permits:
Permit of April 30, 2026 24333

5 CFR

2419 25073

Proposed Rules:
300 31669
315 31669
316 31669
352 31669
410 31669

6 CFR

Proposed Rules:
226 30498

7 CFR

210 25073
215 25073
220 25073
226 25073
271 25082
278 25082
959 30483
985 24705
987 26893

Proposed Rules:
330 27868
340 27868
920 25521
1218 26949

8 CFR

103 25479

Proposed Rules:
103 ..... 24739, 29380

9 CFR

310 29879
319 23903

10 CFR

150 23355
451 29359

Proposed Rules:
30 29922
31 29922
32 29922
34 29922
39 29922
40 29922
70 29922
150 29922

Proposed Rules:
1 ..... 23628, 27870
2 ..... 23628, 27870
10 ..... 23628, 27870
11 ..... 23628, 27870
19 ..... 23628, 27870
20 ..... 23628, 27870
21 ..... 23628, 27870
25 ..... 23628, 27870
26 ..... 23628, 27870
30 ..... 23628, 27870, 28916
31 28916
32 28916
34 28916
39 28916
40 ..... 23628, 27870, 28916
50 ..... 23628, 27870
51 ..... 23628, 27870
57 ..... 23628, 27870
70 ..... 23628, 27870, 28916
72 ..... 23628, 27870
73 ..... 23628, 27870
74 ..... 23628, 27870
75 ..... 23628, 27870
95 ..... 23628, 27870
140 ..... 23628, 27870
150 ..... 23628, 27870, 28916

12 CFR

34 ..... 29340, 29350
160 29340
1002 23530

Proposed Rules:
201 30498
204 30503
701 24745
702 28956

704.....28956
706.....28956
711.....24748
713.....24745
741.....24745
745.....28956
747.....28956

14 CFR

25.....24337
27.....24339
39 .....25092, 25096, 25098, 25102, 26895, 26897, 26899, 26901, 26906, 27183, 27185, 27187, 27189, 27193, 27195, 29888, 29890, 30191, 30197, 30199, 30201, 31335, 31338, 31341, 31345, 31349, 31353, 31647, 31649
71 .....23356, 23904, 24711, 24712, 25105, 25106, 27198, 27831, 27832
91.....25108
97.....26909, 26910
125.....25108
135.....25108

Proposed Rules:

1.....24650, 30249
39 .....23377, 23919, 23922, 24752, 24754, 24757, 25809, 26949, 26952, 27871, 27873, 27876, 27878, 29389, 29391, 30257, 30511, 30514, 30515, 31673, 31675
71 .....24760, 25155, 25156, 27223, 28459, 29923, 30260, 30261, 31678
74.....24650
91.....24650, 30249
107.....24650
121.....30249, 30264
135.....30249

15 CFR

3.....23906
30.....30485

16 CFR

1217.....27199
1219.....23908

17 CFR

Ch. I.....27792
2.....25489
200.....24115
202.....29892
242.....24115

Proposed Rules:

50.....25812
146.....24377
200.....24968
210 .....24968, 30086, 31022
229 .....24968, 30086, 31022
230 .....24968, 30086, 31022
232 .....24968, 30086, 31022
239 .....24968, 30086, 31022
240 .....24968, 30086, 31022
249 .....24968, 30086, 31022
260.....24968

18 CFR

284.....31651
401.....31356
420.....31356

Proposed Rules:

157.....31371
380.....31371

19 CFR

Ch. I.....29896
12.....26912

20 CFR

218.....29362
655.....31358
702.....31358
725.....31358
726.....31358

21 CFR

866 .....24341, 24343, 25783
876.....31660
878.....23357
884.....25109
886.....24346
1308 .....23359, 23913, 26913, 30204, 30519, 30527

Proposed Rules:

10.....24380
56.....24380
73.....31680
106.....24380
172.....31681
173.....31681
201.....24380
251.....24380
310.....24380
312.....24380
314.....24380
329.....24380
600.....24380
803.....24380
862.....24380
866.....24380
870.....24380
882.....24380
1114.....24380
1303.....29394
1315.....29394

23 CFR

633.....25492

24 CFR

1.....23915, 29362
48.....23363
50.....30209

Proposed Rules:

1.....25158, 28460
48.....23380, 25158
54.....27140

27 CFR

447.....24348, 24352
478.....24348, 24357
479 .....24348, 24352, 24362, 25112, 30486
555.....24364
646.....25118

Proposed Rules:

447 .....24387, 24392, 25159
478 .....24395, 24400, 24408, 24413, 24424, 24436, 24441, 24448, 24453, 24462, 25159, 25166, 25187, 25192, 25201, 25210, 25216, 25229, 25237, 25432
479 .....24453, 24462, 24466, 24471, 24478, 24485, 25237, 25243
555.....24462

28 CFR

0.....29897

29 CFR

5.....31358
500.....31358
501.....31358
503.....31358
530.....31358
570.....31358
578.....31358
579.....31358
801.....31358
810.....31358
825.....31358
1903.....31358

Proposed Rules:

541.....27833
2590.....27140

30 CFR

100.....31358
917.....29898

Proposed Rules:

550.....25255
556.....25255
590.....25255
944.....24761

31 CFR

337.....24366
345.....24366
Ch. V.....24722
547.....24714
548.....24714
587.....24715
591.....24716, 24719
594.....24722
599.....24722

33 CFR

100 .....24116, 24117, 24118, 24120, 24368, 24724, 25133, 26917, 26919, 27837, 28407, 29365, 29902, 29904, 29905, 30486, 31662
110.....28407, 30486
165 .....24117, 24118, 24120, 24121, 24124, 24125, 24126 24130, 24131, 24370, 24372, 24373, 24375, 24726, 25135, 25137, 25139, 25493, 25495, 25785, 25786, 26921, 27204, 28407, 29366, 29368, 29370, 29910, 30212, 30213, 30214, 30486, 30491, 30492, 30493, 30495, 30496, 31358, 31360, 31664, 31666

Proposed Rules:

100 .....24138, 24140, 24142, 24143, 24146, 24490, 24492, 27881
165 .....24147, 24149, 24151, 25840, 26955, 31392, 31398
166.....24152
167.....24152

34 CFR

600.....29254
668.....29254
674.....23768
682.....23768
685.....23768
690.....29254

Proposed Rules:

75.....24763
Ch. III.....31682

36 CFR

Proposed Rules:

13.....28461
251.....24494

37 CFR

Proposed Rules:

202.....31684

38 CFR

Proposed Rules:

1.....29407
17.....25256
21.....24497

39 CFR

111.....23369, 27837
3055.....26922

40 CFR

52 .....27205, 27207, 27209, 27211, 27214, 27217, 30214
62.....24728, 27219
84.....30532
180.....26924, 30217
716.....30222
721.....30226
751.....24133

Proposed Rules:

22.....31684
49.....26958
51.....26958
52 .....24765, 24768, 25257, 26958, 27224, 29924, 31686, 31688, 31694
63.....23382
81.....27224
84.....31284
85.....28463
86.....28463
124.....31684
141.....29413
142.....29413, 29425
257.....23924, 31684
260.....25266
261.....25266
270.....25266
271.....27229
423.....28487
721.....29926
1066.....28463

41 CFR

50–201.....31358
51–3.5.....31697
51–4.4.....31697

42 CFR

71.....31362
600.....29526

Proposed Rules:

405.....30269
412.....30269
413.....30269
415.....30269
419.....30269
438.....30400
447.....30400
495.....30269
512.....30269

43 CFR

4.....29911

17.....30239
1600.....25787
3100.....29920
6100.....25787

Proposed Rules:

4.....26852
1700.....26852
4100.....26852

45 CFR

84.....25496
98.....25796
150.....29526
155.....29526
156.....29526

Proposed Rules:

146.....27140
201.....30538
204.....30538
205.....30538
225.....30538
233.....30538
234.....30538
235.....30538
237.....30538
260.....30538
261.....30538
262.....30538
263.....30538
264.....30538
265.....30538
270.....30538
283.....30538
284.....30538
286.....30538
287.....30538
1302.....25842

46 CFR

Proposed Rules:

162.....30557
502.....26926

47 CFR

1.....24731, 29037
2.....27843
25.....26928
54.....29051
73.....29037
74.....29037
76.....29037

Proposed Rules:

1 .....25268, 27884. 27887, 30596
2.....27884
25.....31697
52.....25312
63.....25325
73.....27887
79.....27895

48 CFR

223.....24735

Proposed Rules:

212.....24783
217.....24783
240.....24783
252.....24783

49 CFR

40.....25507
243.....27849
563.....28432, 31368
585.....28432, 31368
1022.....24135
1241.....25141
1251.....25141

Proposed Rules:

191.....24154
195.....24154
245.....27901
246.....27905
367.....23383
384.....28514
1104.....28520

50 CFR

2.....31368
17.....29070
217.....28443
300.....23369
622 .....24375, 29091, 29920
635.....29371, 30247
648.....23918, 24737
660 .....23374, 25511, 29092
679.....27222, 29379

Proposed Rules:

17.....23934
18.....28521
32.....31580
71.....31580
622 .....24500, 29927, 30604
635.....24789
648.....23385, 27234
665.....23387

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List May 21, 2026

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